

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 215

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO HIGH OCCUPANCY VEHICLE LANES; AMENDING SECTION 49-1421A, IDAHO
CODE, TO REMOVE LANGUAGE RELATING TO THE APPLICATION OF LAW.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-1421A, Idaho Code, be, and the same is hereby
amended to read as follows:

49-1421A. HIGH OCCUPANCY VEHICLE LANES -- PENALTIES -- DEFINI-
TIONS. (1) Except as provided in subsections (2) and (3) of this section,
a person shall not drive a vehicle carrying fewer than two (2) persons, in-
cluding the driver, in a high occupancy vehicle lane at any time the use of
the high occupancy vehicle lane is restricted to vehicles carrying two (2)
or more persons, including the driver.

(2) A person may drive a motorcycle in a high occupancy vehicle lane at
any time regardless of the number of passengers, without penalty.

(3) A person may drive a public transportation vehicle in a high occu-
pancy vehicle lane at any time regardless of the number of passengers, with-
out penalty.

(4) A person may drive an emergency vehicle in a high occupancy vehicle
lane regardless of the number of passengers, without penalty, when respond-
ing to an emergency call, or when in the pursuit of an actual or suspected vi-
olator of the law, or when responding to but not upon returning from a fire
alarm or when performing normal patrol duties.

(5) A person may drive an authorized maintenance vehicle in a high occu-
pancy vehicle lane regardless of the number of passengers, without penalty,
when necessary to perform maintenance of that lane.

(6) Any violation of the provisions of this section shall be an infrac-
tion punishable by a fixed penalty of one hundred dollars (\$100).

(7) For the purposes of this section, the following terms have the fol-
lowing meanings:

(a) "High occupancy vehicle lane" means a designated lane of laned
roadway where the use of such designated lane is restricted to vehicles
carrying at least the minimum number of persons as provided for in this
section and as designated by the director of the Idaho transportation
department as indicated on official signs and other official traf-
fic-control devices.

(b) "Public transportation vehicle" means a vehicle that:

(i) Provides a designated public transportation as defined in
section 221 of the Americans with disabilities act of 1990 or pro-
vides public school transportation (that is, to and from public or
private primary, secondary or tertiary schools); and

(ii) Is owned or operated by a public entity, or is operated un-
der a contract with a public entity, or is operated pursuant to a

1 license by the secretary of the United States department of trans-
2 portation or an agency of the state of Idaho, to provide motorbus
3 or school vehicle transportation services to the public.

4 ~~(8) The provisions of this section shall apply only in counties with a~~
5 ~~population less than twenty-five thousand (25,000), according to the most~~
6 ~~recent census within the state of Idaho, and where such county includes a re-~~
7 ~~sort city authorized to approve certain nonproperty taxes pursuant to sec-~~
8 ~~tion 50-1044, Idaho Code.~~