

1 **RESTRICTIONS ON HIGH OCCUPANCY**

2 **VEHICLE LANE**

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Karen W. Morgan**

6 House Sponsor: Bradley M. Daw

7

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Traffic Code by amending provisions relating to a high
11 occupancy vehicle lane.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ provides that if a highway authority establishes an HOV lane, the highway
15 authority shall annually report to the Transportation Interim Committee no later
16 than November 30 of each year regarding:

- 17 • the types of vehicles that may access the lane;
- 18 • where, when, and how a vehicle may access the lane;
- 19 • how a tax, fee, or charge is assessed for a vehicle carrying less than the number
20 of persons specified for the lane;

- 21 • the usage of the HOV lane as compared to the usage of the general purpose
22 lanes along the same stretch of highway; and

- 23 • the compliance issues, safety risks, and impacts of certain lane parameters; and

24 ▶ makes technical changes.

25 **Monies Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **41-6a-702**, as last amended by Laws of Utah 2008, Chapter 382

32

33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **41-6a-702** is amended to read:

35 **41-6a-702. Left lane restrictions -- Exceptions -- Other lane restrictions --**
36 **Penalties.**

37 (1) As used in this section and Section 41-6a-704, "general purpose lane" means a
38 highway lane open to vehicular traffic but does not include a designated:

- 39 (a) high occupancy vehicle (HOV) lane; or
- 40 (b) auxiliary lane that begins as a freeway on-ramp and ends as part of the next
41 freeway off-ramp.

42 (2) On a freeway or section of a freeway which has three or more general purpose
43 lanes in the same direction, a person may not operate a vehicle in the left most general purpose
44 lane if the person's:

- 45 (a) vehicle is drawing a trailer or semitrailer regardless of size; or
- 46 (b) vehicle or combination of vehicles has a gross vehicle weight of 12,001 or more
47 pounds.

48 (3) Subsection (2) does not apply to a person operating a vehicle who is:

- 49 (a) preparing to turn left or taking a different highway split or an exit on the left;
- 50 (b) responding to emergency conditions;

51 (c) avoiding actual or potential traffic moving onto the highway from an acceleration
52 or merging lane; or

53 (d) following direction signs that direct use of a designated lane.

54 (4) (a) A highway authority may designate a specific lane or lanes of travel for any
55 type of vehicle on a highway or portion of a highway under its jurisdiction for the:

- 56 (i) safety of the public;
- 57 (ii) efficient maintenance of a highway; or

58 (iii) use of high occupancy vehicles.

59 (b) The lane designation under Subsection (4)(a) is effective when appropriate signs
60 giving notice are erected on the highway or portion of the highway.

61 (c) If a highway authority establishes an HOV lane, the highway authority shall
62 annually report to the Transportation Interim Committee no later than November 30 of each
63 year regarding:

64 (i) the types of vehicles that may access the lane;

65 (ii) where, when, and how a vehicle may access the lane;

66 (iii) how a tax, fee, or charge is assessed for a vehicle carrying less than the number of
67 persons specified for the lane;

68 (iv) the usage of the HOV lane as compared to the usage of the general purpose lanes
69 along the same stretch of highway; and

70 (v) the compliance issues, safety risks, and impacts of the lane parameters described
71 under Subsections (4)(c)(i), (ii), and (iii).

72 (5) (a) Subject to Subsection (5)(b), the lane designation under Subsection (4)(a) shall
73 allow a vehicle with clean fuel special group license plates issued in accordance with Section
74 41-1a-418 to travel in lanes designated for the use of high occupancy vehicles regardless of the
75 number of occupants to the extent authorized or permitted by federal law or federal regulation.

76 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
77 the Department of Transportation may make rules to allow a vehicle with clean fuel special
78 group license plates issued in accordance with Section 41-1a-418 to travel in lanes designated
79 for the use of high occupancy vehicles regardless of the number of occupants to the extent
80 authorized or permitted by federal law or federal regulation.

81 (6) A person who operates a vehicle in violation of Subsection (2) or in violation of
82 the restrictions made under Subsection (4) is guilty of a class C misdemeanor.