## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2005

## **SENATE BILL 610\***

Short Title: HOV Lane Penalties.-AB

Sponsors: Senator Jenkins.

Referred to: Judiciary I.

## March 16, 2005

## A BILL TO BE ENTITLED

2 AN ACT TO AMEND THE PENALTIES FOR VIOLATION OF HIGH 3 OCCUPANCY VEHICLE LANE RESTRICTIONS.

4 The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-146.2 reads as rewritten:

6 "§ 20-146.2. Rush hour traffic lanes authorized.

7 HOV Lanes. - The Department of Transportation may designate one or more (a) 8 travel lanes as high occupancy vehicle (HOV) lanes on streets and highways on the 9 State Highway System and cities may designate one or more travel lanes as high 10 occupancy vehicle (HOV) lanes on streets on the Municipal Street System. HOV lanes 11 shall be reserved for vehicles with a specified number of passengers as determined by the Department of Transportation or the city having jurisdiction over the street or 12 13 highway. When HOV lanes have been designated, and have been appropriately marked 14 with signs or other markers, they shall be reserved for privately or publicly operated buses, and automobiles or other vehicles containing the specified number of persons. 15 16 Where access restrictions are applied on HOV lanes through designated signing and 17 pavement markings, vehicles shall only cross into or out of an HOV lane at designated 18 openings. A motor vehicle shall not travel in a designated HOV lane if the motor vehicle has more than three axles, regardless of the number of occupants. HOV lane 19 20 restrictions shall not apply to motorcycles or vehicles designed to transport 15 or more 21 passengers, regardless of the actual number of occupants. HOV lane restrictions shall 22 not apply to emergency vehicles. As used in this subsection, the term "emergency 23 vehicle" means any law enforcement, fire, police, or other government vehicle, and any 24 public and privately owned ambulance or emergency service vehicle, when responding 25 to an emergency.

(a1) Transitway Lanes. – The Department of Transportation may designate one or
more travel lanes as a transitway on streets and highways on the State Highway System
and cities may designate one or more travel lanes as a transitway on streets on the
Municipal Street System. Transitways shall be reserved for public transportation

S

1

5

(Public)

1

vehicles as determined by the Department of Transportation or the city having jurisdiction over the street or highway. When transitways have been designated, and they have been appropriately marked with signs or other markers, they shall be reserved for privately or publicly operated transportation vehicles as determined by the Department or the city having jurisdiction.

6 (b) Temporary Peak Traffic Shoulder Lanes. – The Department of Transportation 7 may modify, upgrade, and designate shoulders of controlled access facilities and 8 partially controlled access facilities as temporary travel lanes during peak traffic 9 periods. When these shoulders have been appropriately marked, it shall be unlawful to 10 use these shoulders for stopping or emergency parking. Emergency parking areas shall 11 be designated at other appropriate areas, off these shoulders, when available.

12 (c) Directional Flow Peak Traffic Lanes. – The Department of Transportation 13 may designate travel lanes for the directional flow of peak traffic on streets and 14 highways on the State Highway System and cities may designate travel lanes for the 15 directional flow of peak traffic on streets on the Municipal Street System. These travel 16 lanes may be designated for time periods by the agency controlling the streets and 17 highways.

(d) <u>Violation of designated HOV and transitway lane restrictions as provided in</u>
subsection (a) or (a1) of this section is an infraction punishable by a penalty of one
hundred dollars (\$100.00) and two drivers license points."

21 **SECTION 2.** This act becomes effective December 1, 2005, and applies to 22 offenses committed on or after that date.