GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2005

S SENATE DRS65171-RW-27A* (3/7)

Short Title: HOV Lane Penalties.-AB (Public)

Sponsors: Senator Jenkins.

Referred to:

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A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

- 7 HOV Lanes. – The Department of Transportation may designate one or more 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 occupancy vehicle (HOV) lanes on streets on the Municipal Street System. HOV lanes 10 shall be reserved for vehicles with a specified number of passengers as determined by 11 the Department of Transportation or the city having jurisdiction over the street or 12 highway. When HOV lanes have been designated, and have been appropriately marked 13 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 Where access restrictions are applied on HOV lanes through designated signing and 16 pavement markings, vehicles shall only cross into or out of an HOV lane at designated 17 openings. A motor vehicle shall not travel in a designated HOV lane if the motor 18 vehicle has more than three axles, regardless of the number of occupants. HOV lane 19 restrictions shall not apply to motorcycles or vehicles designed to transport 15 or more 20 passengers, regardless of the actual number of occupants. HOV lane restrictions shall 21 22 not apply to emergency vehicles. As used in this subsection, the term "emergency vehicle" means any law enforcement, fire, police, or other government vehicle, and any 23 public and privately owned ambulance or emergency service vehicle, when responding 24 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 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.
 - (b) Temporary Peak Traffic Shoulder Lanes. The Department of Transportation may modify, upgrade, and designate shoulders of controlled access facilities and partially controlled access facilities as temporary travel lanes during peak traffic periods. When these shoulders have been appropriately marked, it shall be unlawful to use these shoulders for stopping or emergency parking. Emergency parking areas shall be designated at other appropriate areas, off these shoulders, when available.
 - (c) Directional Flow Peak Traffic Lanes. The Department of Transportation may designate travel lanes for the directional flow of peak traffic on streets and highways on the State Highway System and cities may designate travel lanes for the directional flow of peak traffic on streets on the Municipal Street System. These travel lanes may be designated for time periods by the agency controlling the streets and highways.
 - (d) <u>Violation of designated HOV and transitway lane restrictions as provided in 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."</u>
 - **SECTION 2.** This act becomes effective December 1, 2005, and applies to offenses committed on or after that date.

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