

IN THE SENATE

SENATE BILL NO. 1312, As Amended

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO HIGH-OCCUPANCY VEHICLE LANES; AMENDING SECTION 49-1421A, IDAHO CODE, TO REVISE A DEFINITION, TO REMOVE A PROVISION REGARDING APPLICABILITY, AND TO MAKE TECHNICAL CORRECTIONS.

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 -- DEFINITIONS. (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, including 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-occupancy vehicle lane at any time regardless of the number of passengers, without penalty.

(4) A person may drive an emergency vehicle in a high-occupancy vehicle lane regardless of the number of passengers, without penalty, when responding to an emergency call, or when in the pursuit of an actual or suspected violator 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-occupancy 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 infraction punishable by a fixed penalty of one hundred dollars (\$100).

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

(a) "High-occupancy vehicle lane" means a designated lane of ~~laned roadway~~ the interstate highway as defined in section 40-110, Idaho Code, or the state highway system as defined in section 40-120, Idaho Code, where studies demonstrate that such a lane would ease congestion and 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 traffic-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-

1 vides public school transportation (that is, to and from public or
2 private primary, secondary or tertiary schools); and

3 (ii) Is owned or operated by a public entity, or is operated un-
4 der a contract with a public entity, or is operated pursuant to a
5 license by the secretary of the United States department of trans-
6 portation or an agency of the state of Idaho, to provide motorbus
7 or school vehicle transportation services to the public.

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