

HB 2426 -- High Occupancy Vehicle Lanes and High Occupancy Toll Lanes

Sponsor: Faith

This bill authorizes the Highways and Transportation Commission to create high occupancy vehicle (HOV) lanes by designating an existing general-use lane or building new lanes on the state highway system. The commission will determine and indicate on traffic control devices the occupancy levels of vehicles that may use the HOV lanes and the time of day when the lanes may be restricted to high occupancy vehicle usage. Anyone using an HOV lane in violation of the requirements for the lane will be guilty of an infraction and subject to a fine of up to \$200 plus court costs.

The commission, after approval from the Federal Highway Administration, may convert a HOV lane to a high occupancy toll lane if it has excess vehicle capacity. Vehicles other than high occupancy vehicles may use high occupancy toll lanes for a toll as determined by the commission. The administration of the tolls and their collection by the commission must be consistent with federal regulations. The commission must develop, manage, and maintain a collection system that will automatically collect tolls. If using a recording or identification device, the display of the device will not be in violation of any state law or rule unless it obstructs the operator's clear view of the lane. Notices must be posted in the plain view of operators using the toll lane that notify the public that failure to pay the toll is a traffic violation and that describe the minimum requirements for high occupancy vehicles that do not have to pay the toll to use the HOV lane. The owner of a vehicle issued a summons for failure to pay the required toll will be guilty of an infraction; required to pay, upon conviction, the amount of the toll, which must be remitted to the commission; and subject to a fine of up to \$200 plus court costs.

If a summons is issued to a vehicle that has multiple owners, it will be issued against only one of the owners and, upon conviction, the toll payment, fine, and court costs may only be assessed against the one owner. An owner may furnish an affidavit containing specified information as evidence that another person was in control of the vehicle at the time of the violation which will be admissible in a court proceeding to adjudicate the alleged violation. The court is authorized to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified as operating the vehicle at the time of the violation. If the owner alleges that the vehicle had been stolen at the time of the violation, the owner must submit proof to the court that he or she filed a police

report. If the vehicle is registered to a rental or leasing company, the company may provide a copy of the rental or lease agreement to law enforcement as proof that someone else was in control of the vehicle at the time of the violation. No legal action can be taken against the company unless previous written notice of the violation was provided by registered mail and the company failed to provide the proof within 15 days of receiving the notice.

Any evidence, including a law enforcement officer's written report, telephone call, or other record or photographic evidence from a photo monitoring system, which indicates a required toll was not paid is admissible in any enforcement proceeding. A summons issued through the use of a photo monitoring system must be sent by first class mail to the most recent address of the vehicle owner within 21 days of the violation and must include the date, time, and location of the violation with instructions on how to dispose of the violation through court appearance or payment of the fine and costs.

The bill specifies the procedures for the enforcement of toll collections and the issuance of a traffic citation through the use of a photo monitoring system.

Nothing in the bill prohibits a law enforcement officer from issuing a citation for a violation of any other traffic law or regulation that occurs in an HOV or high occupancy toll lane, except that a photo monitoring system cannot be used to enforce the other traffic laws and regulations.