

SENATE BILL NO. 44

BY SENATOR POPE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 47:820.5.9(B), 820.5.9(B)(1), (D),
3 and (E) and R.S. 48:345, relative to DOTD; to provide for the designation of
4 high-occupancy vehicle (HOV) lanes on highways in the state highway system; to
5 provide relative to high-occupancy vehicle (HOV) lane violations; to provide for an
6 effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. The introductory paragraph of R.S. 47:820.5.9(B), 820.5.9(B)(1),(D), and
9 (E) are hereby amended and reenacted to read as follows:

10 §820.5.9. High-occupancy vehicle (HOV) lane violations

11 * * *

12 B. Terms as defined in R.S. 48:345 and R.S. 32:1 shall retain their
13 definitions, unless ~~such~~ **the term** or terms are specifically defined in this Subsection:
14 ~~As used in this Section, unless the context~~ **or the context of this Section** indicates
15 otherwise, ~~the following~~ **The** terms **listed** shall have the following meanings:

16 (1) "Department" means the Department of Transportation and Development
17 **or its designated agent.**

18 * * *

19 D. The department may establish ~~permitting~~ requirements for ~~motor~~ vehicles
20 ~~on~~ **to use** one or more designated HOV lanes, including **but not limited to**
21 registration of the HOV ~~with the department~~, prior to using an HOV lane. A ~~motor~~
22 vehicle that has not fulfilled the ~~applicable permitting~~ requirements established by
23 the department shall not be considered a qualified HOV.

1 E. Where a record generated by an HOV monitoring system shows an HOV
 2 violation by a motor vehicle, the vehicle's registered owner shall be liable to make
 3 payment to the department of the applicable penalty and administrative fee of
 4 twenty-five dollars to recover the cost of collecting the penalty subject to the
 5 provisions of this Section. In the event a record is generated by an HOV
 6 monitoring system showing an HOV violation by a vehicle, the vehicle's
 7 registered owner is subject to the following:

8 (1) The vehicle's owner shall be liable to make payment to the
 9 department of the applicable penalty, unless the violation clerk waives the
 10 penalty pursuant to Subsection H of this Section.

11 (2) The vehicle's owner shall be liable to make payment to the
 12 department of an administrative fee up to twenty-five dollars to recover all costs
 13 associated with mailing, provided that a notice, as specified in Subsection I(1)
 14 of this Section, has been mailed.

15 * * *

16 Section 2. R.S. 48:345 is hereby amended and reacted to read as follows:

17 §345. Designation of a high-occupancy vehicle (HOV) lane on highways in the state
 18 highway system; penalty

19 A. The secretary or his designee may designate high-occupancy vehicle
 20 (HOV) lanes on any highway in the state highway system where adequate shoulders
 21 exist and may restrict the use thereof to vehicular traffic classified as a "high-
 22 occupancy vehicle (HOV)" to the extent he thinks it expedient ~~that, in his judgment,~~
 23 ~~is appropriate to provide travel time savings and to increase the total number of~~
 24 ~~people moved through a highway corridor with high levels of travel demand and~~
 25 ~~traffic congestion.~~ Nothing in this Section authorizes the secretary or his designee
 26 to designate an existing roadway or travel lane as a high-occupancy vehicle (HOV)
 27 lane.

28 B. For the purpose of this Section, the following words and phrases shall
 29 have the meaning respectively ascribed to them: Terms as defined in R.S. 32:1 and
 30 R.S. 47:820.5.9 shall retain their definitions, unless the term or terms are

1 specifically defined in this Subsection. Unless the context dictates otherwise,
 2 when used in this Section the following terms shall have the following meanings:

3 (1)(a) "High-occupancy vehicle (**HOV**)" ~~means a passenger car, pickup~~
 4 ~~truck, van, recreational vehicle, or a bus or other motorized passenger vehicle used~~
 5 ~~for transporting persons such as a carpool or a vanpool vehicle used for ridesharing~~
 6 ~~purposes and occupied by a driver and one or more passengers. A truck, tandem~~
 7 ~~truck, tractor, truck-tractor, combination of vehicles, or commercial motor vehicle~~
 8 ~~carrying or transporting freight, merchandise, or other property shall not be a high-~~
 9 ~~occupancy vehicle. is defined as follows:~~

10 (i) A bus or school bus.

11 (ii) A passenger car, pickup truck, van, recreational vehicle, or other
 12 motorized passenger vehicle, provided the vehicle has a driver and at least one
 13 passenger or more, if so provided by rule for the HOV lane being utilized, and
 14 is a qualified HOV as defined in R.S. 47:820.5.9(B)(6).

15 (b) A truck or tandem truck, tractor, truck-tractor, combination of
 16 vehicles, or commercial motor vehicle, carrying or transporting freight,
 17 merchandise, or other property shall not be a high-occupancy vehicle.

18 (2) "High-occupancy vehicle (HOV) lane" means one or more lanes of a
 19 highway or an entire highway designated by traffic control devices where high-
 20 occupancy vehicles are given at all times, or at regularly scheduled times, a priority
 21 or preference over some or all other vehicles moving in the general stream of all
 22 highway traffic. This shall include shoulders that have been designated for use
 23 as HOV lanes during designated hours.

24 C. Any high-occupancy vehicle (HOV) lane designated pursuant to
 25 Subsection A of this Section may be used by a motorcycle or an authorized
 26 emergency vehicle, as defined in R.S. 32:1, or by any other vehicle operated by
 27 the department or its agents when designated by the secretary of the
 28 department through the promulgation of rules and regulations, without regard
 29 to the number of riders or passengers, provided the vehicle fulfills any applicable
 30 registration requirements of R.S. 47:820.5.9(D).

1 D. The department shall have the authority to promulgate rules and
 2 regulations related to enforcement, authorized use, and penalties of the high-
 3 occupancy vehicle lanes. Notwithstanding any other law to the contrary, the rules
 4 and regulations shall be in accordance with the selected implementation method of
 5 the high-occupancy vehicle lanes.

6 Section 3. This Act shall become effective upon signature by the governor or, if not
 7 signed by the governor, upon expiration of the time for bills to become law without signature
 8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 9 vetoed by the governor and subsequently approved by the legislature, this act shall become
 10 effective upon the day following approval.

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____