

2023 Regular Session

SENATE BILL NO. 44

BY SENATOR POPE

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

ROADS/HIGHWAYS. Provides relative to high-occupancy vehicle (HOV) lanes. (gov sig)

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.

* * *

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

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

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

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

* * *

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

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

A. The secretary or his designee may designate high-occupancy vehicle (HOV) lanes on any highway in the state highway system where adequate shoulders exist and may restrict the use thereof to vehicular traffic classified as a "high-occupancy vehicle (HOV)" to the extent he thinks it expedient ~~that, in his judgment,~~ ~~is appropriate to provide travel time savings and to increase the total number of~~

1 ~~people moved through a highway corridor with high levels of travel demand and~~
2 ~~traffic congestion.~~ Nothing in this Section authorizes the secretary or his designee
3 to designate an existing roadway or travel lane as a high-occupancy vehicle (HOV)
4 lane.

5 B. ~~For the purpose of this Section, the following words and phrases shall~~
6 ~~have the meaning respectively ascribed to them:~~ **Terms as defined in R.S. 32:1 and**
7 **R.S. 47:820.5.9 shall retain their definitions, unless the term or terms are**
8 **specifically defined in this Subsection. Unless the context dictates otherwise,**
9 **when used in this Section the following terms shall have the following meanings:**

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

17 **(a) A bus or school bus.**

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

22 **(c) A truck or tandem truck, tractor, truck-tractor, combination of**
23 **vehicles, or commercial motor vehicle, carrying or transporting freight,**
24 **merchandise, or other property shall not be a high-occupancy vehicle.**

25 (2) "High-occupancy vehicle (HOV) lane" means one or more lanes of a
26 highway or an entire highway designated by traffic control devices where high-
27 occupancy vehicles are given at all times, or at regularly scheduled times, a priority
28 or preference over some or all other vehicles moving in the general stream of all
29 highway traffic. **This shall include shoulders that have been designated for use**

1 **as HOV lanes during designated hours.**

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

9 D. The department shall **have the authority to** promulgate rules and
10 regulations related to enforcement, **authorized use**, and penalties of the high-
11 occupancy vehicle lanes. Notwithstanding any other law to the contrary, the rules
12 and regulations shall be in accordance with the selected implementation method of
13 the high-occupancy vehicle lanes.

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

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Archana D. Cadge.

DIGEST

SB 44 Original

2023 Regular Session

Pope

Present law allows for the secretary or his designee, when they believe expedient, to designate adequate shoulders on any highway in the state highway system as high-occupancy vehicle (HOV) lanes.

Proposed law provides for the removal of the requirement of the secretary to factor in appropriate travel time savings and increase in the total number of people moved through a highway corridor with high levels of travel demand and traffic congestion, when designating a shoulder as an HOV lane.

Present law provides for the definition of HOV. Proposed law retains present law and removes the term ridesharing from the definition. Proposed law further makes technical changes.

Present law defines HOV lane. Proposed law further defines HOV lane to include adequate shoulders of lanes designated for use as HOV lanes by the secretary or designee. Proposed

law further makes technical changes. Proposed law adds to the definition of vehicles able to use an HOV lane to include an authorized emergency vehicle, or any other vehicle operated by the department or its agents as authorized by the secretary through promulgated rules and regulations.

Present law provides the department shall promulgate rules and regulations related to enforcement and penalties of the HOV lanes. Proposed law adds authorized use to the scope of rulemaking authority granted to the department.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 47:820.5.9(B)(intro para), 820.5.9(B)(1), (D), and (E) and R.S. 48:345)