

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 666*
Committee Substitute Favorable 4/13/05
Senate Judiciary I Committee Substitute Adopted 6/15/05

Short Title: HOV Lane Penalties.-AB

(Public)

Sponsors:

Referred to:

March 16, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE PENALTIES FOR VIOLATION OF HIGH
3 OCCUPANCY VEHICLE LANE RESTRICTIONS.

4 The General Assembly of North Carolina enacts:

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

6 "§ 20-146.2. Rush hour traffic lanes authorized.

7 (a) 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
10 occupancy vehicle (HOV) lanes on streets on the Municipal Street System. HOV lanes
11 shall be reserved for vehicles with a specified number of passengers as determined by
12 the Department of Transportation or the city having jurisdiction over the street or
13 highway. When HOV lanes have been designated, and have been appropriately marked
14 with signs or other markers, they shall be reserved for privately or publicly operated
15 buses, and automobiles or other vehicles containing the specified number of persons.
16 Where access restrictions are applied on HOV lanes through designated signing and
17 pavement markings, vehicles shall only cross into or out of an HOV lane at designated
18 openings. A motor vehicle shall not travel in a designated HOV lane if the motor
19 vehicle has more than three axles, regardless of the number of occupants. HOV lane
20 restrictions shall not apply to motorcycles or vehicles designed to transport 15 or more
21 passengers, regardless of the actual number of occupants. HOV lane restrictions shall
22 not apply to emergency vehicles. As used in this subsection, the term "emergency
23 vehicle" means any law enforcement, fire, police, or other government vehicle, and any
24 public and privately owned ambulance or emergency service vehicle, when responding
25 to an emergency.

26 (a1) Transitway Lanes. – The Department of Transportation may designate one or
27 more travel lanes as a transitway on streets and highways on the State Highway System
28 and cities may designate one or more travel lanes as a transitway on streets on the

1 Municipal Street System. Transitways shall be reserved for public transportation
2 vehicles as determined by the Department of Transportation or the city having
3 jurisdiction over the street or highway. When transitways have been designated, and
4 they have been appropriately marked with signs or other markers, they shall be reserved
5 for privately or publicly operated transportation vehicles as determined by the
6 Department or the city having jurisdiction.

7 (b) Temporary Peak Traffic Shoulder Lanes. – The Department of Transportation
8 may modify, upgrade, and designate shoulders of controlled access facilities and
9 partially controlled access facilities as temporary travel lanes during peak traffic
10 periods. When these shoulders have been appropriately marked, it shall be unlawful to
11 use these shoulders for stopping or emergency parking. Emergency parking areas shall
12 be designated at other appropriate areas, off these shoulders, when available.

13 (c) Directional Flow Peak Traffic Lanes. – The Department of Transportation
14 may designate travel lanes for the directional flow of peak traffic on streets and
15 highways on the State Highway System and cities may designate travel lanes for the
16 directional flow of peak traffic on streets on the Municipal Street System. These travel
17 lanes may be designated for time periods by the agency controlling the streets and
18 highways.

19 (d) Violation of designated HOV and transitway lane restrictions as provided in
20 subsection (a) or (a1) of this section is an infraction punishable by a penalty of one
21 hundred dollars (\$100.00) and two drivers license points."

22 SECTION 2. G.S. 20-16 reads as rewritten:

23 "...

24 Schedule of Point Values

25 ...

| | | |
|----|--|----------|
| 26 | Speeding in a school zone in excess of the posted school | |
| 27 | zone speed limit | 3 |
| 28 | Failure to properly restrain a child in a restraint or seat belt | 2 |
| 29 | <u>Violation of designated HOV and transitway lanes</u> | |
| 30 | <u>pursuant to G.S. 20-146.2(a), (a1).....</u> | <u>2</u> |
| 31 | All other moving violations | 2 |
| 32 | Littering pursuant to G.S. 14-399 when the littering | |
| 33 | involves the use of a motor vehicle | 1 |

34 ..."

35 SECTION 3. This act becomes effective December 1, 2005, and applies to
36 offenses committed on or after that date.