

REFERENCE TITLE: HOV lanes; restricted hours

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1039

Introduced by
Senator Harper

AN ACT

AMENDING SECTION 28-737, ARIZONA REVISED STATUTES; RELATING TO HIGH OCCUPANCY
VEHICLE LANES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-737, Arizona Revised Statutes, is amended to
3 read:

4 28-737. High occupancy vehicle lanes: civil penalty:
5 definitions

6 A. Except as provided in section 28-2416 and subsections B, C, D and E
7 of this section, a person shall not drive a vehicle carrying fewer than two
8 persons, including the driver, in a high occupancy vehicle lane ~~at any time~~
9 ~~the use of the high occupancy vehicle lane is restricted to vehicles carrying~~
10 ~~two or more persons, including the driver~~ MONDAY THROUGH FRIDAY BETWEEN
11 5:00 A.M. AND 9:00 A.M. AND BETWEEN 3:00 P.M. AND 7:00 P.M.

12 B. If the department receives approval from the federal government
13 allowing the use of high occupancy vehicle lanes by hybrid vehicles, a person
14 may drive a hybrid vehicle with alternative fuel vehicle special plates, or
15 an alternative fuel vehicle sticker, and a hybrid vehicle sticker issued
16 pursuant to section 28-2416 in high occupancy vehicle lanes at any time,
17 regardless of occupancy level, without penalty.

18 C. During the performance of a tow truck operator's duties, a tow
19 truck operator may drive a tow truck in a high occupancy vehicle lane,
20 regardless of occupancy level, without penalty.

21 D. A person may drive a motorcycle in a high occupancy vehicle lane at
22 any time regardless of the number of passengers, without penalty.

23 E. A person may drive a public transportation vehicle in a high
24 occupancy vehicle lane at any time regardless of the number of passengers,
25 without penalty.

26 F. A person who violates subsection A of this section is subject to a
27 civil penalty of two hundred dollars.

28 G. Notwithstanding section 28-1554, one hundred dollars of each civil
29 penalty collected pursuant to subsection F of this section shall be deposited
30 in the state general fund.

31 H. For the purposes of this section:

32 1. "Hybrid vehicle" means a factory-manufactured vehicle that
33 satisfies all of the following:

34 (a) Combines two or more power train technologies to produce a vehicle
35 with significantly lower fuel consumption than the average of its class.

36 (b) Exhibits the storage of kinetic energy by use of regenerative
37 braking and batteries or capacitors, and the stored energy is used to assist
38 or provide full acceleration of the vehicle.

39 (c) Allows a portion of the energy to be supplied from an internal
40 combustion engine or fuel cell for vehicle acceleration and to store
41 electrical energy on board.

42 (d) Obtains all energy required to operate from storage fuel tanks
43 placed on board the vehicle.

1 (e) Has been approved by the United States environmental protection
2 agency as meeting, at a minimum, the United States environmental protection
3 agency ultralow emission vehicle standard pursuant to 40 Code of Federal
4 Regulations section 88.104-94.

5 2. "Public transportation vehicle" means any vehicle that provides a
6 public entity's public transportation service and either:

7 (a) Is owned or operated by the public entity.

8 (b) Is operated under a contract with the public entity.