

2019 Regular Session

SENATE BILL NO. 84

BY SENATORS ERDEY, APPEL, CARTER, CLAITOR, COLOMB, GATTI, HEWITT,  
JOHNS, RISER, GARY SMITH AND THOMPSON

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

TRANSPORTATION/DEV DEPT. Authorizes designation of a high occupancy vehicle (HOV) lane on state highways. (8/1/19)

1 AN ACT

2 To enact R.S. 48:345, relative to traffic control and regulation; to authorize the designation

3 of a high occupancy vehicle (HOV) lane on highways in the state highway system;

4 to provide a definition of a "high occupancy vehicle (HOV) lane"; to provide with

5 respect to penalties for violation of unauthorized use of an HOV lane; and to provide

6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 48:345 is hereby enacted to read as follows:

9 **§345. Designation of a high occupancy vehicle (HOV) lane on highways in the**

10 **state highway system; penalty**

11 **A. The secretary or his designee may designate high occupancy vehicle**

12 **(HOV) lanes on any highway in the state highway system where adequate**

13 **shoulders exist and may restrict the use thereof to vehicular traffic classified as**

14 **a "high occupancy vehicle (HOV)" to the extent he thinks it expedient that, in**

15 **his judgment, is appropriate to provide travel time savings and to increase the**

16 **total number of people moved through a highway corridor with high levels of**

17 **travel demand and traffic congestion. Nothing in this Section authorizes the**

1 secretary or his designee to designate an existing roadway or travel lane as a  
 2 high occupancy vehicle (HOV) lane.

3 B. For the purpose of this Section, the following words and phrases shall  
 4 have the meaning respectively ascribed to them:

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

12 (2) "High occupancy vehicle (HOV) lane" means one or more lanes of a  
 13 highway or an entire highway designated by traffic control devices where high  
 14 occupancy vehicles are given at all times, or at regularly scheduled times, a  
 15 priority or preference over some or all other vehicles moving in the general  
 16 stream of all highway traffic.

17 C. Any high occupancy vehicle (HOV) lane designated pursuant to  
 18 Subsection A of this Section may be used by a motorcycle, as defined in R.S.  
 19 32:1, without regard to the number of riders or passengers.

20 D. The department shall promulgate rules and regulations related to  
 21 enforcement and penalties of the high occupancy vehicle lanes. Notwithstanding  
 22 any other law to the contrary, the rules and regulations shall be in accordance  
 23 with the selected implementation method of the high occupancy vehicle lanes.

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The original instrument was prepared by Sharon F. Lyles. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

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Proposed law authorizes the secretary of DOTD or his designee to designate a high occupancy vehicle (HOV) lane 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 people moved through a highway corridor with high levels of travel demand and traffic congestion.

Proposed law specifies that the secretary or his designee is not authorized to designate an existing roadway or travel lane as a high occupancy vehicle (HOV) lane.

Proposed law defines a "high occupancy vehicle" to mean a passenger car, pickup truck, van, recreational vehicle, or a bus or other motorized passenger vehicle used for transporting persons such as a carpool or a vanpool vehicle used for ridesharing purposes and occupied by a driver and one or more passengers and to exclude a truck, tandem truck, tractor, truck-tractor, combination of vehicles, or commercial motor vehicle carrying or transporting freight, merchandise, or other property from its meaning; and defines a "high occupancy vehicle (HOV) lane" to mean one or more lanes of a highway or an entire highway where designated by traffic control devices high occupancy vehicles are given at all times, or at regularly scheduled times, a priority or preference over some or all other vehicles moving in the general stream of all highway traffic.

Proposed law provides that HOV lanes may be used by a motorcycle regardless of the number of riders or passengers.

Proposed law requires DOTD to promulgate rules and regulations related to enforcement and penalties of the HOV lanes. Proposed law provides further that notwithstanding any other law to the contrary, the rules and regulations shall be in accordance with the selected implementation method of HOV lanes.

Effective August 1, 2019.

(Adds R.S. 48:345)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

1. Changes authority to designate HOV lanes from the assistant secretary of the office of operations or the chief engineer to the secretary of DOTD or his designee.
2. Adds to definition of "high occupancy vehicle (HOV) lane" that HOV lanes are designated by traffic control devices.
3. Requires DOTD to promulgate rules and regulations related to enforcement and penalties of HOV lanes and that notwithstanding any other law to the contrary, the rules and regulations shall be in accordance with the selected implementation method of HOV lanes.

##### Senate Floor Amendments to engrossed bill

1. Adds the provision that "adequate shoulders must exist" for a lane to be designated as a high occupancy vehicle (HOV) lane.
2. Specifies that nothing in proposed law authorizes the secretary or his designee to designate an existing roadway or travel lane as a HOV lane.
3. Adds a provision that allows motorcycles, regardless of the number of riders or passengers, to use HOV lanes.
4. Makes technical corrections.