

SENATE BILL REPORT

SB 5695

As Reported by Senate Committee On:
Transportation, February 28, 2019

Title: An act relating to high occupancy vehicle lane penalties.

Brief Description: Concerning high occupancy vehicle lane penalties.

Sponsors: Senators Liias, King, Zeiger, Saldaña and Kuderer; by request of Department of Transportation.

Brief History:

Committee Activity: Transportation: 2/05/19, 2/28/19 [DPS, DNP].

Brief Summary of First Substitute Bill

- Creates an additional penalty that must be assessed to a person who commits a traffic infraction violating the high occupancy vehicle (HOV) passenger requirements.
- Provides that the penalty increases based on how many times a person violates the HOV passenger requirements within a two year period.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5695 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland, Das, Lovelett, Nguyen, Randall, Takko and Wilson, C..

Minority Report: Do not pass.

Signed by Senators Fortunato, O'Ban and Padden.

Staff: Kim Johnson (786-7472)

Background: Current law allows the Washington State Department of Transportation (DOT) and local authorities to reserve portions of any highways under their jurisdiction as limited access facilities, or HOV lanes. DOT and local authorities are currently authorized to give access to these limited access facilities to the following users:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- public transportation vehicles;
- motorcycles;
- private motor vehicles carrying a minimum of a specified number of passengers; and
- certain private transportation provider vehicles with the capacity to carry eight or more passengers if such use does not interfere with the efficiency, reliability, and safety of public transportation operations.

DOT has various types of HOV lanes on Interstate 5, Interstate 90, Interstate 405, State Route 16, State Route 167 and State Route 520. Standard HOV lanes are generally the inside, left lanes and are identified by signs along the highway and diamond symbols painted on the pavement. They are typically separated from the other lanes on the highway by a solid white line. The HOV lane requirement is either two or more, or three or more persons per vehicle, depending on the highway and time of day, or both. Motorcycles are allowed to use all standard HOV lanes.

The penalty for violating the passenger requirement is a traffic infraction with a total penalty of \$136.

Summary of Bill (First Substitute): A person who violates the HOV passenger requirement must be assessed an additional penalty, dependent on how many times the person has violated the HOV passenger requirement within the past two years.

Number of Violations	Standard Infraction	Graduated Additional Penalty (committed w/in 2 years)	Total Fine
First offense	\$136	\$50	\$186
Second offense	\$136	\$200	\$336
Third offense	\$136	\$550	\$686

The additional graduated penalty is distributed as follows:

- 25 percent to a newly created Congestion Relief and Traffic Safety Account, administered by the Traffic Safety Commission. It is an appropriated account and can only be spent on purposes related to congestion relief and traffic safety; and
- 75 percent to the motor vehicle account.

A separate penalty is created for anyone with a doll, dummy, or other human facsimile used to violate the HOV passenger requirements, and deposits the penalty into the Congestion Relief and Traffic Safety Account.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (First Substitute): A person who violates the HOV passenger requirement must be assessed an additional penalty, dependent on how many times the person has violated the HOV passenger requirement within the past two years.

The amount of the additional penalty is as follows:

- first offense, \$50;
- second offense, \$200; and

- third offense, \$550.

The additional graduated penalty is distributed as follows:

- 25 percent to a newly created Congestion Relief and Traffic Safety Account, administered by the Traffic Safety Commission. It is an appropriated account and can only be spent on purposes related to congestion relief and traffic safety; and
- 75 percent to the motor vehicle account.

An additional penalty is created for anyone with a doll, dummy, or other human facsimile used to violate the HOV passenger requirements, and deposits the penalty into the Congestion Relief and Traffic Safety Account.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: I saw the news reports on the emphasis patrols for the HOV lanes. Just during the short time of the emphasis patrol, there were 17 people who got two tickets and one person who got three tickets. People who break the passenger restriction law on I-405 and SR 167 actually cause the toll rates to go up because of dynamic pricing. There should be an increasing fine if you try to cheat buy using a dummy to deceive law enforcement.

The current penalty provides little disincentive for violators. Only one in ten of our monitored HOV lanes met the performance standard in 2017. The goal of this bill is to deter violators and improve performance of the HOV lanes. We took a look at the ticket data to try to find repeat offenders. 208 people had four tickets, and 50 had five tickets. It is very difficult to catch repeat offenders. Enforcement is difficult when congestion is at its worse during commute times when violations are occurring at the highest rate.

Persons Testifying: PRO: Senator Marko Liias, Prime Sponsor; Travis Snell, Washington State DOT - Government Relations Liaison; Monica Alexander, Washington State Patrol.

Persons Signed In To Testify But Not Testifying: No one.