

HOUSE BILL REPORT

ESHB 2272

*As Passed House
February 17, 1992*

Title: An act relating to enforcement of high-occupancy vehicle lane violations.

Brief Description: Establishing procedures for charging and reporting high-occupancy vehicle lane violations.

Sponsor(s): By House Committee on Transportation (originally sponsored by Representatives R. Fisher, R. Meyers, Betrozoff, Wang, Winsley and May; by request of Washington State Patrol).

Brief History:

Reported by House Committee on:
Transportation, January 30, 1992, DPS;
Passed House, February 17, 1992, 51-46.

**HOUSE COMMITTEE ON
TRANSPORTATION**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 21 members: Representatives R. Fisher, Chair; R. Meyers, Vice Chair; Betrozoff, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Basich; Brough; Cantwell; Cooper; G. Fisher; Forner; Haugen; Heavey; Jones; Kremen; Nelson; Orr; Prentice; Schmidt; Wilson; Wood; and Zellinsky.

Minority Report: *Do not pass.* Signed by 5 members: Representatives Horn; P. Johnson; R. Johnson; Mitchell; and Prince.

Staff: Mary McLaughlin (786-7309).

Background: Under current law a person who violates a high occupancy vehicle (HOV) lane restriction must be physically stopped by a law enforcement officer and issued a traffic infraction. Because most violations occur during peak driving hours, pulling a vehicle over to the shoulder can be unsafe and creates further traffic congestion. In areas where the HOV shoulder widths are narrower than normal, the officer must follow the offender off the freeway before issuing a ticket. This procedure is time consuming and minimizes enforcement efforts.

One alternative is to handle HOV violations in a manner similar to parking tickets, i.e., the person is cited for the violation without actually being contacted by a law enforcement officer at the time of the infraction. Parking infractions are not included in the driver's abstract available to an insurance company.

Currently, the fine for an HOV violation is \$47.50 (\$25 base penalty plus 90 percent assessment of \$22.50), regardless of the number of violations. In some states the fine is graduated and a higher penalty is imposed as a deterrent. For example, in the state of California the fine ranges from a maximum of \$300 for a first offense to \$650 for the third offense.

Summary of Bill: A rebuttable presumption is made that the registered owner of the vehicle described in the complaint is the person who was driving the vehicle at the time of the HOV violation. The law enforcement officer issuing the citation must have a plain view of the interior of the vehicle from a distance not farther than the adjoining lane.

A graduated fine structure for violation of the occupancy requirements or for impeding traffic in an HOV lane is established ranging from \$47.50 for a first offense to \$475 for the third offense within five years. Citations may not be issued for violations that occur within one-half mile of a freeway entrance or exit. HOV infractions (1) are not included in the driver's abstract available to an insurance company, and (2) may not be "counted as points" in defining a habitual offender.

Fiscal Note: Not requested.

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

Testimony For: Enforcement efforts will be enhanced by establishment of a new citation procedure. A graduated fine will act as a deterrent to improper lane usage.

Testimony Against: None.

Witnesses: Captain Tim Erickson, Washington State Patrol.