

# HOUSE BILL REPORT

## EHB 1128

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*As Passed House  
February 20, 1991*

**Title:** An act relating to high occupancy vehicles.

**Brief Description:** Concerning high occupancy vehicle violations.

**Sponsor(s):** Representatives R. Fisher, Schmidt, R. Meyers, Betrozoff, Wood and Zellinsky.

**Brief History:**

Reported by House Committee on:  
Transportation, February 7, 1991, DPA;  
Passed House February 20, 1991, 94-3.

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**HOUSE COMMITTEE ON  
TRANSPORTATION**

**Majority Report:** *Do pass as amended.* Signed by 25 members: Representatives R. Fisher, Chair; R. Meyers, Vice Chair; Betrozoff, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Basich; Cantwell; Cooper; Day; G. Fisher; Forner; Haugen; Horn; P. Johnson; R. Johnson; Jones; Kremen; Mitchell; Nelson; Orr; Prentice; Prince; Schmidt; Wilson; Wood; and Zellinsky.

**Minority Report:** *Do not pass.* Signed by 1 member: Representative Brough.

**Staff:** Louise Bray Sandison (786-7322).

**Background:** High Occupancy Vehicle (HOV) lanes may be used by buses, motorcycles, and automobiles containing three or more persons. These restrictions are in effect twenty-four hours per day.

HOVs increase the people-carrying capacity of the highway system. An HOV running at one-quarter capacity carries 2,700 people during peak hours while regular lanes carry only 2,200.

Enforcement of HOV restrictions requires a Washington State Patrol (WSP) trooper to follow an offender off the freeway because 1) shoulder widths of HOVs are narrower than regular

lanes; and 2) most violations occur during peak hours when traffic volumes are high, thereby making stops on the shoulder unsafe and the cause of further congestion. In 1989 WSP issued 3,425 citations and made 5,036 stops.

To assist in enforcing these restrictions, citizens are encouraged to report violators through the "HERO" program. This program involves the Department of Transportation, Washington State Patrol and METRO. The first time a violator is reported, an educational brochure is sent to the owner of the vehicle. A second report generates a letter from DOT, and on the third reported violation, a letter from WSP is sent to the owner. In 1989, 12,018 violation reports were processed. Second-time violators constituted just over 5 percent of the total, and third-time (or more) violators were less than 1 percent of the total violations processed.

It is thought that greater enforcement of HOV restrictions will result if troopers are able to presume that the person driving the vehicle is one and the same as the registered owner. This presumption eliminates the need for the trooper to stop the vehicle and allows mailing of the citation.

**Summary of Bill:** A rebuttable presumption is established that the registered owner of a particular vehicle described is the person who was operating the vehicle at the time the HOV violation occurred. HOV violations are no longer moving violations and are not made a part of the offender's driving record.

**Fiscal Note:** Not requested.

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

**Testimony For:** Increased enforcement of HOV lane restrictions will contribute to reduced congestion on the state highway system.

**Testimony Against:** None.

**Witnesses:** Tim Erickson, Washington State Patrol; Andrea Maillet, METRO; David Peach, Department of Transportation; and Dick Goldsmith, Washington State Transit Association.