

HOUSE BILL REPORT

SSB 5695

As Passed House - Amended:

April 27, 2019

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

Brief Description: Concerning high occupancy vehicle lane penalties.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Liias, King, Zeiger, Saldaña and Kuderer; by request of Department of Transportation).

Brief History:

Committee Activity:

Transportation: 3/20/19, 4/8/19 [DPA].

Floor Activity:

Passed House - Amended: 4/27/19, 59-39.

Brief Summary of Substitute Bill (As Amended by House)

- Increases high-occupancy vehicle (HOV) lane usage traffic infraction fines (from \$136) to \$186 for all HOV lane usage violations and to \$336 for the second and subsequent infractions within a two-year period.
- Establishes an additional \$200 penalty for HOV lane usage traffic infractions where a dummy, doll, or other human facsimile is used.
- Exempts HOV lane usage traffic infractions from establishing grounds for driver's license suspension for failure to respond, failure to appear, violation of a written promise to appear, or failure to comply with the terms of a notice of traffic infraction.
- Creates the Congestion Relief and Traffic Safety Account as an appropriated account, and directs that expenditures from the Congestion Relief and Traffic Safety Account may only be used for the purposes of congestion relief and traffic safety.
- Directs one-quarter of the increase in the HOV lane usage traffic infraction fine and all of the additional \$200 penalty collected to the Congestion Relief and Traffic Safety Account, and three-quarters of the increase in the HOV lane-usage traffic infraction fine to the Motor Vehicle Fund.

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.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended. Signed by 18 members: Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Chapman, Doglio, Entenman, Gregerson, Irwin, Kloba, Lovick, Mead, Ortiz-Self, Paul, Pellicciotti, Ramos, Riccelli and Shewmake.

Minority Report: Do not pass. Signed by 11 members: Representatives Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke, Chambers, Eslick, Goehner, McCaslin, Orcutt, Shea and Van Werven.

Minority Report: Without recommendation. Signed by 2 members: Representatives Dent and Dufault.

Staff: Jennifer Harris (786-7143).

Background:

High-Occupancy Vehicle Lanes.

The Washington State Department of Transportation (WSDOT) and local authorities are authorized to designate any portion of a highway under their respective jurisdictions for the exclusive or preferential use of: (1) public transportation vehicles; (2) motorcycles; (3) private motor vehicles carrying a specified minimum number of passengers; and (4) certain categories of private transportation provider vehicles if the vehicle has a carrying capacity of at least eight passengers. The portion of highways with these restricted usage rules are known as high-occupancy vehicle (HOV) lanes.

The WSDOT and local authorities have the ability to specify certain times of days or certain specified days during which the HOV restrictions are in effect. The WSDOT and local authorities are also authorized to prohibit the use of an HOV lane by private transportation provider vehicles when the average transit speed in the HOV lane fails to meet United States Department of Transportation standards (falling below 45 miles per hour at least 90 percent of the time during peak hours).

Under current state administrative rule, the following motor vehicles are authorized to use the HOV lanes on interstate highways, state highways, and ramps: (1) municipal transit vehicles; (2) buses with a carrying capacity of 16 or more people; (3) motorcycles; (4) all vehicles meeting specified HOV-lane occupancy requirements (except for trucks with more than a 10,000 pounds maximum operating weight rating); and (5) officially marked law enforcement and fire department vehicles equipped with emergency lights and sirens that are operated by on-duty state patrol or local law enforcement or local or special district fire department personnel.

High-Occupancy Toll Lanes.

High-occupancy toll (HOT) lanes and express toll lanes (ETLs) are types of HOV lanes. The Washington State Transportation Commission (Commission) sets toll rates, establishes exemptions from them, and makes adjustments as required by conditions. These exemptions can vary by tolled facility. With limited exceptions, exemptions that apply to HOT lanes and ETLs typically apply to vehicles permitted to use HOV lanes.

Unlawful Use of a Highway Lane.

Violation of a restriction on vehicle usage placed on an HOV lane, HOT lane, or ETL by a driver is a traffic infraction. The base penalty for this traffic infraction is \$48, as set by the Washington State Supreme Court by rule. The total amount assessed for this infraction, including fees and assessments, is \$136.

Summary of Amended Bill:

Congestion Relief and Traffic Safety Account.

The Congestion Relief and Traffic Safety Account is created in the State Treasury and is an appropriated account. Expenditures from the Congestion Relief and Traffic Safety Account may only be used for purposes related to congestion relief and traffic safety.

Unlawful Use of a Highway Lane.

The traffic infraction for the violation by a driver of a restriction on vehicle usage placed on an HOV lane, HOT lane, or ETL is subject to an additional monetary penalty of \$50. The traffic violation is also subject to an additional penalty of \$150 if it is the second or subsequent such offense committed within a two-year period. One-quarter of the additional monetary penalty collected must be deposited in the Congestion Relief and Traffic Safety Account. Three-quarters of the additional monetary penalty collected must be deposited in the Motor Vehicle Fund.

The current fine of \$136 for all unlawful use of a highway lane offenses committed remains in place, with the additional penalties above added to it. The additional monetary penalties for this traffic infraction are not subject to any other additional fees or assessments.

If a person commits the traffic infraction of unlawful use of a highway lane and is using a dummy, doll, or other human facsimile to do so, the person must be assessed an additional \$200 penalty. The additional penalty collected must be deposited in the Congestion Relief and Traffic Safety Account.

High-occupancy vehicle lane usage traffic infractions are exempted from establishing grounds for driver's license suspension for failure to respond, failure to appear, violation of a written promise to appear, or failure to comply with the terms of a notice of traffic infraction.

Intent Section.

The Legislature finds that individuals who engage in violations of the state's HOV lane restrictions frustrate congestion management efforts and incite anger in other transportation

system users. As a result, the Legislature intends the escalating penalties for this traffic infraction to serve as a rebuke and to discourage this conduct.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The goal of the bill as the WSDOT agency-request legislation is to deter single-occupancy vehicles from entering the HOV lanes and to thereby improve travel times for vehicles that meet the occupancy requirements of the HOV lanes. This bill has some differences from the bill heard last month in the House Transportation Committee. The substitute Senate bill lowers the agency-proposed penalty amounts for each fined tier and establishes a two-year time limit on the fine escalation.

Washington State Patrol (WSP) troopers stop a lot of repeat offenders, and these stops are not easy to do during times of high traffic when troopers are busy. If a driver is getting pulled over multiple times, it probably means the driver is improperly using HOV lanes frequently. There have been complaints from people who follow the HOV laws and ask why the WSP is not doing anything about it. In King County, the WSP troopers have seen a lot of dummies, blow-up dolls, and sticks with hats. People may feel this is a steep penalty, but if they do not violate the law, they will not have to pay it.

(Opposed) None.

Persons Testifying: Travis Snell, Washington State Department of Transportation; and Monica Alexander, Washington State Patrol.

Persons Signed In To Testify But Not Testifying: None.