
SENATE BILL 5695

State of Washington

66th Legislature

2019 Regular Session

By Senators Llias, King, Zeiger, Saldaña, and Kuderer; by request of Department of Transportation

Read first time 01/28/19. Referred to Committee on Transportation.

1 AN ACT Relating to high occupancy vehicle lane penalties;
2 amending RCW 46.61.165 and 47.52.025; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.61.165 and 2013 c 26 s 2 are each amended to read
5 as follows:

6 (1) The state department of transportation and the local
7 authorities are authorized to reserve all or any portion of any
8 highway under their respective jurisdictions, including any
9 designated lane or ramp, for the exclusive or preferential use of one
10 or more of the following: (a) Public transportation vehicles; (b)
11 motorcycles; (c) private motor vehicles carrying no fewer than a
12 specified number of passengers; or (d) the following private
13 transportation provider vehicles if the vehicle has the capacity to
14 carry eight or more passengers, regardless of the number of
15 passengers in the vehicle, and if such use does not interfere with
16 the efficiency, reliability, and safety of public transportation
17 operations: (i) Auto transportation company vehicles regulated under
18 chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated
19 under chapter 81.70 RCW, except marked or unmarked stretch limousines
20 and stretch sport utility vehicles as defined under department of
21 licensing rules; (iii) private nonprofit transportation provider

1 vehicles regulated under chapter 81.66 RCW; and (iv) private employer
2 transportation service vehicles, when such limitation will increase
3 the efficient utilization of the highway or will aid in the
4 conservation of energy resources.

5 (2) Any transit-only lanes that allow other vehicles to access
6 abutting businesses that are authorized pursuant to subsection (1) of
7 this section may not be authorized for the use of private
8 transportation provider vehicles as described under subsection (1) of
9 this section.

10 (3) The state department of transportation and the local
11 authorities authorized to reserve all or any portion of any highway
12 under their respective jurisdictions, for exclusive or preferential
13 use, may prohibit the use of a high occupancy vehicle lane by the
14 following private transportation provider vehicles: (a) Auto
15 transportation company vehicles regulated under chapter 81.68 RCW;
16 (b) passenger charter carrier vehicles regulated under chapter 81.70
17 RCW, and marked or unmarked limousines and stretch sport utility
18 vehicles as defined under department of licensing rules; (c) private
19 nonprofit transportation provider vehicles regulated under chapter
20 81.66 RCW; and (d) private employer transportation service vehicles,
21 when the average transit speed in the high occupancy vehicle lane
22 fails to meet department of transportation standards and falls below
23 forty-five miles per hour at least ninety percent of the time during
24 the peak hours, as determined by the department of transportation or
25 the local authority, whichever operates the facility.

26 (4) Regulations authorizing such exclusive or preferential use of
27 a highway facility may be declared to be effective at all times or at
28 specified times of day or on specified days. Violation of a
29 restriction of highway usage prescribed by the appropriate authority
30 under this section is a traffic infraction. The monetary penalty for
31 a traffic infraction issued under this section is: (a) A one hundred
32 dollar base penalty plus statutory assessments for the first offense;
33 (b) a two hundred twenty-five dollar base penalty plus statutory
34 assessments for the second offense; and (c) a three hundred fifty
35 dollar base penalty plus statutory assessments for each violation
36 thereafter.

37 (5) Local authorities are encouraged to establish a process for
38 private transportation providers, as described under subsections (1)
39 and (3) of this section, to apply for the use of public
40 transportation facilities reserved for the exclusive or preferential

1 use of public transportation vehicles. The application and review
2 processes should be uniform and should provide for an expeditious
3 response by the local authority. Whenever practicable, local
4 authorities should enter into agreements with such private
5 transportation providers to allow for the reasonable use of these
6 facilities.

7 (6) For the purposes of this section, "private employer
8 transportation service" means regularly scheduled, fixed-route
9 transportation service that is similarly marked or identified to
10 display the business name or logo on the driver and passenger sides
11 of the vehicle, meets the annual certification requirements of the
12 department of transportation, and is offered by an employer for the
13 benefit of its employees.

14 **Sec. 2.** RCW 47.52.025 and 2013 c 26 s 3 are each amended to read
15 as follows:

16 (1) Highway authorities of the state, counties, and incorporated
17 cities and towns, in addition to the specific powers granted in this
18 chapter, shall also have, and may exercise, relative to limited
19 access facilities, any and all additional authority, now or hereafter
20 vested in them relative to highways or streets within their
21 respective jurisdictions, and may regulate, restrict, or prohibit the
22 use of such limited access facilities by various classes of vehicles
23 or traffic. Such highway authorities may reserve any limited access
24 facility or portions thereof, including designated lanes or ramps for
25 the exclusive or preferential use of (a) public transportation
26 vehicles, (b) privately owned buses, (c) motorcycles, (d) private
27 motor vehicles carrying not less than a specified number of
28 passengers, or (e) the following private transportation provider
29 vehicles if the vehicle has the capacity to carry eight or more
30 passengers, regardless of the number of passengers in the vehicle,
31 and if such use does not interfere with the efficiency, reliability,
32 and safety of public transportation operations: (i) Auto
33 transportation company vehicles regulated under chapter 81.68 RCW;
34 (ii) passenger charter carrier vehicles regulated under chapter 81.70
35 RCW, except marked or unmarked stretch limousines and stretch sport
36 utility vehicles as defined under department of licensing rules;
37 (iii) private nonprofit transportation provider vehicles regulated
38 under chapter 81.66 RCW; and (iv) private employer transportation
39 service vehicles, when such limitation will increase the efficient

1 utilization of the highway facility or will aid in the conservation
2 of energy resources. Regulations authorizing such exclusive or
3 preferential use of a highway facility may be declared to be
4 effective at all time or at specified times of day or on specified
5 days.

6 (2) Any transit-only lanes that allow other vehicles to access
7 abutting businesses that are reserved pursuant to subsection (1) of
8 this section may not be authorized for the use of private
9 transportation provider vehicles as described under subsection (1) of
10 this section.

11 (3) Highway authorities of the state, counties, or incorporated
12 cities and towns may prohibit the use of limited access facilities by
13 the following private transportation provider vehicles: (a) Auto
14 transportation company vehicles regulated under chapter 81.68 RCW;
15 (b) passenger charter carrier vehicles regulated under chapter 81.70
16 RCW, and marked or unmarked limousines and stretch sport utility
17 vehicles as defined under department of licensing rules; (c) private
18 nonprofit transportation provider vehicles regulated under chapter
19 81.66 RCW; and (d) private employer transportation service vehicles,
20 when the average transit speed in the high occupancy vehicle travel
21 lane fails to meet department standards and falls below forty-five
22 miles per hour at least ninety percent of the time during the peak
23 hours for two consecutive months.

24 (4) (a) Local authorities are encouraged to establish a process
25 for private transportation providers, described under subsections (1)
26 and (3) of this section, to apply for the use of limited access
27 facilities that are reserved for the exclusive or preferential use of
28 public transportation vehicles.

29 (b) The process must provide a list of facilities that the local
30 authority determines to be unavailable for use by the private
31 transportation provider and must provide the criteria used to reach
32 that determination.

33 (c) The application and review processes must be uniform and
34 should provide for an expeditious response by the authority.

35 (5) A violation of this section is subject to the penalties in
36 RCW 46.61.165.

37 (6) For the purposes of this section, "private employer
38 transportation service" means regularly scheduled, fixed-route
39 transportation service that is similarly marked or identified to
40 display the business name or logo on the driver and passenger sides

1 of the vehicle, meets the annual certification requirements of the
2 department, and is offered by an employer for the benefit of its
3 employees.

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