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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **1761**

March 16, 2009

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The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division

1.1 A bill for an act
1.2 relating to transportation; allowing single-occupant hybrid vehicles to operate in
1.3 high-occupancy vehicle lanes and dynamic shoulder lanes; amending Minnesota
1.4 Statutes 2008, section 160.93, subdivisions 4, 5, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2008, section 160.93, subdivision 4, is amended to read:

1.7 Subd. 4. **Prohibition.** No person may operate a single-occupant vehicle in a
1.8 designated high-occupancy vehicle lane or dynamic shoulder lane except in compliance
1.9 with this section and the requirements of the commissioner. A person who violates
1.10 this subdivision is guilty of a petty misdemeanor and is subject to sections 169.89,
1.11 subdivisions 1, 2, and 4, and 169.891 and any other provision of chapter 169 applicable
1.12 to the commission of a petty misdemeanor traffic offense.

1.13 Sec. 2. Minnesota Statutes 2008, section 160.93, subdivision 5, is amended to read:

1.14 Subd. 5. **Dynamic shoulder lanes.** (a) The commissioner may designate dynamic
1.15 shoulder lanes on freeways. The commissioner may operate dynamic shoulder lanes
1.16 as priced lanes, general purpose lanes, high-occupancy vehicle lanes, or as shoulders
1.17 as defined in section 169.011, subdivision 74. The commissioner may prescribe the
1.18 conditions under which the lanes may be used.

1.19 (b) The commissioner may not operate a dynamic shoulder lane on marked Trunk
1.20 Highway 35W from its intersection with marked Trunk Highway 94 to its intersection
1.21 with marked Trunk Highway 62 as a general purpose lane. A dynamic shoulder lane along
1.22 this portion of marked Trunk Highway 35W may only be used by:

1.23 (1) a vehicle with more than one occupant;

- 2.1 (2) a single-occupant vehicle if (i) the fee under subdivision 1 is paid, or (ii) the
2.2 vehicle is a hybrid vehicle and the requirements under subdivision 6 have been met;
2.3 (3) a transit bus providing public transit, as defined in section 174.22, subdivision
2.4 7; and
2.5 (4) an authorized emergency vehicle, as defined in section 169.011, subdivision 3.
2.6 (c) The commissioner shall erect signs to indicate when the lanes may be used.

2.7 Sec. 3. Minnesota Statutes 2008, section 160.93, is amended by adding a subdivision
2.8 to read:

2.9 Subd. 6. **Hybrid vehicle exemption.** (a) For purposes of this section, "hybrid
2.10 vehicle" means a passenger automobile as defined in section 168.002, subdivision 24, that
2.11 is able to be powered by (1) a liquid fuel, internal combustion engine, and (2) an electric
2.12 motor drawing current from rechargeable storage batteries, fuel cells, or other portable
2.13 sources of electrical current.

2.14 (b) Notwithstanding subdivisions 1 and 5, the commissioner shall allow an operator
2.15 of a single-occupant, hybrid vehicle to use any high-occupancy vehicle lane or dynamic
2.16 shoulder lane on the trunk highway system, regardless of occupancy requirements
2.17 established for other types of vehicles. The commissioner shall provide, upon request
2.18 and without charge, a user fee collection device as required for single-occupant vehicle
2.19 operators under subdivision 1, except that the commissioner may require a refundable
2.20 deposit that does not exceed the cost of replacement of the device.

2.21 (c) If a hybrid vehicle is equipped with a properly functioning user fee collection
2.22 device as required for single-occupant vehicle operators under subdivision 1, a
2.23 single-occupant hybrid vehicle operator may use (1) a high-occupancy vehicle lane, and
2.24 (2) a dynamic shoulder lane, when the commissioner makes the lane available for travel
2.25 by motor vehicles.

2.26 (d) This subdivision applies (1) unless otherwise prohibited by federal law or
2.27 regulation, and (2) subject to the approval of the Federal Highway Administration.