

**CARPOOL LANE USAGE MODIFICATIONS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael S. Kennedy**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions related to high occupancy vehicle lanes on a highway to consider a vehicle with a pregnant individual as containing two occupants for purposes of high occupancy vehicle lane purposes.

**Highlighted Provisions:**

This bill:

- ▶ amends provisions related to high occupancy vehicle lanes on a highway to count a pregnant individual as two occupants for purposes of high occupancy vehicle lane purposes; and
- ▶ enacts an affirmative defense provision that allows a pregnant individual to provide evidence of pregnancy as cause for citation dismissal.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**41-6a-702**, as last amended by Laws of Utah 2020, Chapter 74

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*Be it enacted by the Legislature of the state of Utah:*



28 Section 1. Section 41-6a-702 is amended to read:

29 **41-6a-702. Left lane restrictions -- Exceptions -- Other lane restrictions --**

30 **Penalties.**

31 (1) As used in this section and Section 41-6a-704, "general purpose lane" means a  
32 highway lane open to vehicular traffic but does not include a designated:

33 (a) high occupancy vehicle (HOV) lane; or

34 (b) auxiliary lane that begins as a freeway on-ramp and ends as part of the next freeway  
35 off-ramp.

36 (2) On a freeway or section of a freeway which has three or more general purpose lanes  
37 in the same direction, a person may not operate a vehicle in the left most general purpose lane  
38 if the person's vehicle or combination of vehicles has a gross vehicle weight rating of 18,001 or  
39 more pounds.

40 (3) Subsection (2) does not apply to a person operating a vehicle who is:

41 (a) preparing to turn left or taking a different highway split or an exit on the left;

42 (b) responding to emergency conditions;

43 (c) avoiding actual or potential traffic moving onto the highway from an acceleration or  
44 merging lane; or

45 (d) following direction signs that direct use of a designated lane.

46 (4) (a) A highway authority may designate a specific lane or lanes of travel for any type  
47 of vehicle on a highway or portion of a highway under its jurisdiction for the:

48 (i) safety of the public;

49 (ii) efficient maintenance of a highway; or

50 (iii) use of high occupancy vehicles.

51 (b) The lane designation under Subsection (4)(a) is effective when appropriate signs or  
52 roadway markings giving notice are erected on the highway or portion of the highway.

53 (c) (i) For purposes of determining the occupancy of a vehicle for use of a high  
54 occupancy vehicle lane, when a pregnant individual is driving with no other individuals in the  
55 vehicle, the vehicle is considered to have at least two occupants.

56 (ii) An individual asserting pregnancy to establish occupancy of a vehicle for use of a  
57 high occupancy vehicle lane as described in Subsection (4)(c)(i) shall present medical  
58 documentation signed by the individual's physician in which the physician attests that the

59 individual is pregnant, which includes:

60 (A) the name of the physician;

61 (B) the name of the pregnant individual;

62 (C) the date of the confirmation of pregnancy; and

63 (D) the pregnancy due date.

64 (5) (a) Subject to Subsection (5)(b), the lane designation under Subsection (4)(a)(iii)  
65 shall allow a vehicle with a clean fuel vehicle decal issued in accordance with Section 72-6-121  
66 to travel in lanes designated for the use of high occupancy vehicles regardless of the number of  
67 occupants as permitted by federal law or federal regulation.

68 (b) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
69 the Department of Transportation may make rules to allow a vehicle with a clean fuel vehicle  
70 decal to travel in lanes designated for the use of high occupancy vehicles regardless of the  
71 number of occupants as permitted by federal law or federal regulation.

72 (ii) Except as provided in Subsection (5)(b)(iii), the Department of Transportation may  
73 not issue more than 6,000 clean fuel vehicle decals under Section 72-6-121.

74 (iii) The Department of Transportation may, through rules made under Subsection  
75 (5)(b)(i), increase the number of clean fuel vehicle decals issued in accordance with Section  
76 72-6-121 beyond the minimum described in Subsection (5)(b)(ii) if the increased issuance will  
77 allow the Department of Transportation to continue to meet its goals for operational  
78 management of the lane designated under Subsection (4)(a)(iii).

79 (6) A public transportation vehicle may operate in a lane designated under Subsection  
80 (4)(a)(iii) regardless of the number of occupants as permitted by federal law and regulation.

81 (7) (a) ~~[A]~~ Subject to Subsection (7)(b), a person who operates a vehicle in violation of  
82 Subsection (2) or in violation of the restrictions made under Subsection (4) is guilty of an  
83 infraction.

84 (b) An individual who is pregnant at the time of citation for violation of high  
85 occupancy vehicle lane minimum occupancy may establish an affirmative defense to dismiss  
86 the citation by providing medical documentation signed by the individual's physician in which  
87 the physician attests that the individual was pregnant on the date of the citation.

88 Section 2. **Effective date.**

89 This bill takes effect on May 1, 2024.