Senate Engrossed

FILED

JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 32

SENATE BILL 1161

AN ACT

AMENDING SECTION 28-737, ARIZONA REVISED STATUTES; RELATING TO HIGH OCCUPANCY VEHICLE LANES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 28-737, Arizona Revised Statutes, is amended to read:

28-737. High occupancy vehicle lanes; civil penalty; definitions

A. Except as provided in section 28-2416 and subsections B, ~~and~~ C, D AND E of this section, a person shall not drive a vehicle carrying fewer than two persons, including the driver, in a high occupancy vehicle lane at any time the use of the high occupancy vehicle lane is restricted to vehicles carrying two or more persons, including the driver.

B. If the department receives approval from the federal government allowing the use of high occupancy vehicle lanes by hybrid vehicles, a person may drive a hybrid vehicle with alternative fuel vehicle special plates, or an alternative fuel vehicle sticker, and a hybrid vehicle sticker issued pursuant to section 28-2416 in high occupancy vehicle lanes at any time, regardless of occupancy level, without penalty.

C. During the performance of a tow truck operator's duties, a tow truck operator may drive a tow truck in a high occupancy vehicle lane, regardless of occupancy level, without penalty.

D. A PERSON MAY DRIVE A MOTORCYCLE IN A HIGH OCCUPANCY VEHICLE LANE AT ANY TIME REGARDLESS OF THE NUMBER OF PASSENGERS, WITHOUT PENALTY.

E. A PERSON MAY DRIVE A PUBLIC TRANSPORTATION VEHICLE IN A HIGH OCCUPANCY VEHICLE LANE AT ANY TIME REGARDLESS OF THE NUMBER OF PASSENGERS, WITHOUT PENALTY.

~~D.~~ F. A person who violates subsection A of this section is subject to a civil penalty of two hundred dollars.

~~E.~~ G. Notwithstanding section 28-1554, one hundred dollars of each civil penalty collected pursuant to subsection ~~D~~ F of this section shall be deposited in the state general fund.

~~F.~~ H. For the purposes of this section: ~~,~~

1. "Hybrid vehicle" means a factory-manufactured vehicle that satisfies all of the following:

~~1.~~ (a) Combines two or more power train technologies to produce a vehicle with significantly lower fuel consumption than the average of its class.

~~2.~~ (b) Exhibits the storage of kinetic energy by use of regenerative braking and batteries or capacitors, and the stored energy is used to assist or provide full acceleration of the vehicle.

~~3.~~ (c) Allows a portion of the energy to be supplied from an internal combustion engine or fuel cell for vehicle acceleration and to store electrical energy on board.

~~4.~~ (d) Obtains all energy required to operate from storage fuel tanks placed on board the vehicle.

1 ~~5.~~ (e) Has been approved by the United States environmental
2 protection agency as meeting, at a minimum, the United States environmental
3 protection agency ultralow emission vehicle standard pursuant to 40 Code of
4 Federal Regulations section 88.104-94.
5 2. "PUBLIC TRANSPORTATION VEHICLE" MEANS ANY VEHICLE THAT PROVIDES A
6 PUBLIC ENTITY'S PUBLIC TRANSPORTATION SERVICE AND EITHER:
7 (a) IS OWNED OR OPERATED BY THE PUBLIC ENTITY.
8 (b) IS OPERATED UNDER A CONTRACT WITH THE PUBLIC ENTITY.

APPROVED BY THE GOVERNOR APRIL 10, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2007.