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Senate Bills 1461 and 1462 (as introduced 9-9-08)
Sponsor: Senator Jud Gilbert, II
Committee: Transportation

Date Completed: 9-9-08

CONTENT

Senate Bill 1461 would amend the Michigan Transportation Fund (MTF) law to permit the Michigan Department of Transportation (MDOT), or the governing body of a county, city, or village, to designate one or more lanes of a highway as a high-occupancy vehicle (HOV) lane, which could be reserved during certain periods for the exclusive use of buses and HOVs.

Senate Bill 1462 would amend the Michigan Vehicle Code to do the following:

- Provide that when any lane had been designated as an HOV lane and marked appropriately with signs and pavement markings, the lane would have to be reserved during the periods indicated for the exclusive use of buses and HOVs.
- Exempt emergency vehicles, law enforcement vehicles, utility vehicles, motorcycles, buses, and other specified vehicles from the restrictions imposed on HOV lanes.
- Provide that a violation of an HOV lane restriction would be a civil infraction subject to a maximum fine of \$100 and costs.

The bills are described in detail below.

Senate Bill 1461

The bill would permit MDOT to designate one or more lanes of any State trunkline highway as an HOV lane. Subject to the Michigan Vehicle Code, when lanes had been designated and marked as HOV lanes, as MDOT prescribed, lanes could be reserved during periods determined by the Department for the exclusive use of buses and HOVs.

The governing body of a county, city, or village, with respect to highways under the exclusive jurisdiction of a governing body of a county, city, or village, could designate HOV lanes and impose and enforce restrictions on their use.

High-occupancy vehicle lanes could be reserved for HOVs carrying a designated number of occupants as determined by MDOT or, if an HOV lane had been established by the governing body of a county, city, or village, by that governing body.

Senate Bill 1462

Under the bill, when any lane had been designated as an HOV lane under the MTF law, and had been marked appropriately with signs and pavement markings, the lane would have to be reserved during the periods indicated for the exclusive use of buses and HOVs.

The governing body of a county, city, or village also could designate HOV lanes and impose and enforce restrictions on their use with respect to any highway under the exclusive jurisdiction of the governing body of a county, city, or village.

The restrictions imposed on HOV lanes would not apply to any of the following:

- Emergency vehicles, including firefighting vehicles, ambulances, and rescue squad vehicles.
- Law enforcement vehicles.
- Motorcycles.
- Transit and commuter buses designed to transport 16 or more people, including the driver.
- Vehicles of public utility companies that were responding to an emergency call.
- Vehicles that were using an HOV lane to make a lawful turn to enter or exit a limited access highway.
- Taxicabs having two or more occupants, including the driver.
- Bicycles, if the HOV lane were the right-hand lane of a highway open to bicycles.

The driver of a vehicle who used an HOV lane in violation of a lane restriction imposed under the bill would be responsible for a State civil infraction and could be fined up to \$100 and costs.

The bill would define "high-occupancy vehicle lane" or "HOV lane" as any designated lane or ramp on a highway designated for the exclusive or preferential use of a public transportation vehicle or private motor vehicles carrying not fewer than a specified number of occupants, including the driver.

MCL 247.651 (S.B. 1461)
Proposed MCL 257.20b et al. (S.B. 1462)

Legislative Analyst: Curtis Walker

FISCAL IMPACT

Senate Bill 1461

Because the number and length of potential high-occupancy vehicle lanes is unknown at this time, the fiscal impact on the Department of Transportation and local road agencies cannot be determined.

Senate Bill 1462

The bill could result in additional revenue to the State and local units of government. To the extent that there would be violations, the bill would result in additional fine revenue and potential court costs. Fine revenue from civil infractions under the Michigan Vehicle Code is allocated to public libraries. Fines resulting from citations for violations of corresponding local ordinances are shared by the local unit of government and the court funding unit.

The amount of revenue is indeterminate as there currently are no data available on the number of potential infractions.

Fiscal Analyst: Joe Carrasco
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.