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# A BILL FOR AN ACT

RELATING TO HIGH OCCUPANCY VEHICLE LANES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 291C-221, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "**§291C-221 Definitions.** As used in this part unless the  
4 context otherwise requires:

5 "High occupancy vehicle" means a vehicle carrying at least  
6 [~~two~~] three persons.

7 "High occupancy vehicle lane" means a designated lane of a  
8 laned roadway where the use of the designated lane is restricted  
9 to school buses, vehicles carrying at least [~~two~~] three persons,  
10 and to other vehicles as provided by rules adopted in accordance  
11 with chapter 91, or by county ordinance."

12 SECTION 2. Chapter 291C, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15 "§291C- Low emission and energy-efficient vehicles; use  
16 of high occupancy vehicle and zipper lanes. (a) Any vehicle  
17 certified to be a low emission vehicle pursuant to section  
18 88.311-93 of title 40, Code of Federal Regulations (or successor



1 regulations) and labeled in accordance with section 88.312-93 of  
2 title 40, Code of Federal Regulations (or successor  
3 regulations), may use any high occupancy vehicle lane or zipper  
4 lane, regardless of the number of occupants.

5 (b) Any vehicle certified and labeled as a low emission  
6 and energy-efficient vehicle as determined by the Administrator  
7 of the United States Environmental Protection Agency, may use  
8 any high occupancy vehicle lane or zipper lane, regardless of  
9 the number of occupants, if the operator of the vehicle pays a  
10 toll for use of the high occupancy vehicle lane or zipper lane,  
11 as determined by the director of transportation.

12 (c) The director of transportation by rules adopted in  
13 accordance with chapter 91, shall:

- 14 (1) establish procedures for enforcing the  
15 restrictions on the use of high occupancy vehicle  
16 lanes by the vehicles identified in this section;  
17 and  
18 (2) establish a program that addresses the selection  
19 of low emission and energy-efficient vehicles.

20 (d) Inherently low emission vehicles and low emission and  
21 energy-efficient vehicles may use the high occupancy vehicle  
22 lane or zipper lane, regardless of the number of occupants, upon



1 the adoption of rules required to be adopted by the director of  
2 transportation by this section."

3 SECTION 3. Section 291C-53, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) The director of transportation by rules adopted in  
6 accordance with chapter 91, and the counties by ordinance, may  
7 regulate or prohibit the use of any controlled-access roadway or  
8 highway within their respective jurisdictions by any class or  
9 kind of traffic which is found to be incompatible with the  
10 normal and safe movement of traffic. Persons operating  
11 motorcycles which are otherwise permitted on a controlled-access  
12 roadway or highway shall be permitted to use any high occupancy  
13 vehicle lane designated on such roadway or highway. For the  
14 purposes of this subsection, "high occupancy vehicle lane" means  
15 a designated lane of a laned roadway where the use of such  
16 designated lane is restricted to vehicles carrying at least  
17 [~~two~~] three persons and to other vehicles as provided by rules  
18 adopted in accordance with chapter 91, or by county ordinance.  
19 Notwithstanding any law to the contrary, no person shall operate  
20 a neighborhood electric vehicle on any controlled-access roadway  
21 or highway."



1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon approval.

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SB2116

**Report Title:**

Low Emission and Energy-Efficient Vehicles; Use of HOV lanes

**Description:**

Amends HRS § 291C, Part XVII, relating to High Occupancy Vehicle Lanes, to allow use of HOV and Zipper lanes by vehicles with at least three passengers. Establishes a program allowing Low Emission and Energy Efficient Vehicles, as defined by federal law, to utilize HOV and Zipper lanes with only one passenger.

