

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 1038

Short Title: Amend HOV Lane Exemptions/Alt Fuel Vehicles. (Public)

Sponsors: Representatives Hager and Hastings (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Transportation.

May 23, 2012

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE VEHICLES THAT RUN ON CERTAIN ALTERNATIVE FUELS
TO OPERATE IN HIGH OCCUPANCY VEHICLE LANES, AS RECOMMENDED BY
THE HOUSE SELECT COMMITTEE ON ENERGY INDEPENDENCE AND
ALTERNATIVE FUELS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-4.01 reads as rewritten:

"§ 20-4.01. Definitions.

Unless the context requires otherwise, the following definitions apply throughout this
Chapter to the defined words and phrases and their cognates:

...
(23a) Hybrid-electric motor vehicle. – A four-wheeled motor vehicle that meets
each of the following requirements:

- a. Satisfies the emissions and power criteria identified for "New qualified hybrid motor vehicle" as defined in the Internal Revenue Code at 26 U.S.C. § 30B(d)(3) (2012 Edition).
- b. Is made by a manufacturer primarily for use on public streets, roads, and highways and meets National Highway Traffic Safety Administration Standards included in 49 C.F.R. § 571.
- c. Has not been modified from original manufacturer specifications with regard to power train or any manner of powering the vehicle.
- d. Is powered by an internal combustion or heat engine using consumable fuel and a rechargeable energy storage system. For purposes of this subsection, consumable fuel means any solid, liquid, or gaseous matter which releases energy when consumed by an auxiliary power unit.
- e. Is rated at not more than 8,500 pounds unloaded gross vehicle weight.
- f. Has a maximum speed capability of at least 65 miles per hour.

...
(30a) Propane or liquefied propane gas vehicle. – A four-wheeled motor vehicle
that meets each of the following requirements:

- a. Is made by a manufacturer primarily for use on public streets, roads, and highways and meets National Highway Traffic Safety Administration Standards included in 49 C.F.R. § 571.



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- 1 **b.** Has not been modified from original manufacturer specifications
2 with regard to power train or any manner of powering the vehicle.
3 **c.** Is powered by either a dedicated propane or liquefied propane gas
4 engine or a bi-fuel propane or liquefied propane gas engine. For
5 purposes of this subsection, liquefied propane gas has the same
6 meaning as in G.S. 119-54.
7 **d.** Is rated at not more than 8,500 pounds unloaded gross vehicle
8 weight.
9 **e.** Has a maximum speed capability of at least 65 miles per hour."

10 **SECTION 2.** G.S. 20-146.2(a) reads as rewritten:

11 "(a) HOV Lanes. – The Department of Transportation may designate one or more travel
12 lanes as high occupancy vehicle (HOV) lanes on streets and highways on the State Highway
13 System and cities may designate one or more travel lanes as high occupancy vehicle (HOV)
14 lanes on streets on the Municipal Street System. HOV lanes shall be reserved for vehicles with
15 a specified number of passengers as determined by the Department of Transportation or the city
16 having jurisdiction over the street or highway. When HOV lanes have been designated, and
17 have been appropriately marked with signs or other markers, they shall be reserved for
18 privately or publicly operated buses, and automobiles or other vehicles containing the specified
19 number of persons. Where access restrictions are applied on HOV lanes through designated
20 signing and pavement markings, vehicles shall only cross into or out of an HOV lane at
21 designated openings. A motor vehicle shall not travel in a designated HOV lane if the motor
22 vehicle has more than three axles, regardless of the number of occupants. HOV lane restrictions
23 shall not apply to any of the following:

- 24 (1) Motorcycles.
25 (2) Vehicles designed to transport 15 or more passengers, regardless of the
26 actual number of occupants.
27 (3) Emergency vehicles. As used in this subdivision, the term "emergency
28 vehicle" means any law enforcement, fire, police, or other government
29 vehicle, and any public and privately owned ambulance or emergency
30 service vehicle, when responding to an emergency.
31 (4) Plug-in electric vehicles as defined in G.S. 20-4.01(28a), regardless of the
32 number of passengers in the vehicle. These vehicles must be able to travel at
33 the posted speed limit while operating in the HOV lane.
34 (5) Dedicated natural gas vehicles as defined in G.S. 20-4.01(5a), regardless of
35 the number of passengers in the vehicle. These vehicles must be able to
36 travel at the posted speed limit while operating in the HOV lane.
37 (6) Fuel cell electric vehicles as defined in ~~G.S. 29-4.01(12a)~~,
38 G.S. 20-4.01(12a), regardless of the number of passengers in the vehicle.
39 These vehicles must be able to travel at the posted speed limit while
40 operating in the HOV lane.
41 (7) Hybrid-electric motor vehicles as defined in G.S. 20-4.01(23a), regardless of
42 the number of passengers in the vehicle. These vehicles must be able to
43 travel at the posted speed limit while operating in the HOV lane.
44 (8) Propane or liquefied propane gas vehicles as defined in G.S. 20-4.01(30a),
45 regardless of the number of passengers in the vehicle. These vehicles must
46 be able to travel at the posted speed limit while operating in the HOV lane."

47 **SECTION 3.** This act is effective when it becomes law.