



## States' Biofuels Statutes

### STATE OF TENNESSEE

*This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#).*

*Current through the 2013 Legislative Session of the Tennessee General Assembly.*

#### **§ 55-8-188. High occupancy vehicle lanes**

(a) As used in this section, unless the context otherwise requires:

(1) “Emergency vehicles” means any vehicle of a governmental department or public service corporation when responding to an emergency; any vehicle of a police or fire department; and any ambulance;

(2) “High occupancy vehicle” means a public transportation vehicle; privately owned bus; motorcycle; private passenger motor vehicle (including vans and pick-up trucks) carrying not less than two (2) passengers, or more as determined by the commissioner of transportation;

(3) “HOV lane” means that lane or set of lanes on a highway facility of any class, so designated by signing, pavement delineation or markings, and other means of positive guidance, or any of them, that is reserved for the exclusive use of authorized high occupancy vehicles during specified hours of specified days of the week, in order to provide preferential service over traditional, mixed vehicles on that remaining part of the same highway facility;

(4) “Inherently low-emission vehicle” or “ILEV” means:

(A) A light-duty vehicle or light-duty truck, regardless of whether the vehicle or truck is part of a motor vehicle fleet, with a gross vehicle weight of twenty-six thousand pounds (26,000 lbs.) or less that has been certified by the federal environmental protection agency as conforming to the ILEV guidelines, procedures and standards as published in 40 CFR 88.311.93; and

(B) A heavy-duty vehicle powered by an engine that has been certified as set forth in subdivision (4)(A); and

(5) “Low-emission and energy-efficient vehicle” or “LEEEV” means a motor vehicle that has been certified by the federal environmental protection agency as conforming to the low-emission and energy-

efficient vehicle guidelines, procedures and standards as published in the Federal Register at [72 FR 29102 \(May 24, 2007\)](#).

(b) Drivers shall obey the directions of every official traffic control device which is erected or placed to restrict usage of a lane designated for high occupancy vehicles.

(c)(1) Except as provided in subdivision (c)(2), operation of a vehicle other than a high occupancy vehicle in an HOV lane is an offense. Drivers of emergency vehicles shall be exempt from this provision.

(2)(A) Except as otherwise provided in subdivision (c)(2)(D), a motor vehicle with a gross vehicle weight of twenty-six thousand pounds (26,000 lbs.) or less that is either an inherently low-emission vehicle or a low-emission and energy-efficient vehicle may be operated in an HOV lane without regard to the number of persons in the vehicle and without payment of a special toll or fee. The exemptions relating to ILEVs and LEEEVs shall apply only if the exemptions do not affect the receipt of federal funds and do not violate any federal laws or regulations.

(B) No person shall operate a vehicle upon an HOV lane pursuant to this subdivision (c)(2) unless the vehicle is identified by means of a sticker or decal. The sticker or decal shall be approved jointly by the department of revenue and the department of transportation, in consultation with the department of safety. The department of revenue shall provide the sticker or decal to owners of qualified motor vehicles upon proper documentation, as established by rule.

(C) The department of transportation shall provide information via official traffic control devices to indicate that ILEVs and LEEEVs may be operated upon HOV lanes pursuant to this subsection (c). The information may, but need not, be added to existing printed signs, but as existing printed signs related to HOV lane use are replaced or new ones are erected, the information shall be added. In addition, whenever existing electronic signs are capable of being reprogrammed to carry the information, the signs shall be so reprogrammed.

(D)(i) The department of transportation shall, in connection with their periodic level-of-service evaluation of HOV lanes, perform a level-of-service evaluation of the use of HOV lanes by ILEVs and LEEEVs. If the use of HOV lanes by ILEVs or LEEEVs is determined to cause a significant decrease in the level of service for other bona fide users of such lanes, then the department of transportation may restrict or eliminate use of the lanes by ILEVs or LEEEVs.

(ii) If the United States secretary of transportation makes a formal determination that, by giving effect to this subdivision (c)(2) on a particular highway or lane, this state would disqualify itself from receiving federal highway funds the state would otherwise qualify to receive or would be required to refund federal transportation grant funds it has already received, then this subdivision (c)(2) shall not be effective as to such highway or lane.

(d) A violation of any provision of this section is a Class C misdemeanor, subject only to imposition of a fine, not to exceed fifty dollars (\$50.00), and court costs, not to exceed ten dollars (\$10.00), including, but not limited to, any statutory fees of officers. No state or local litigation taxes shall be applicable to a case prosecuted under this section.

**Credits** 1993 Pub.Acts, c. 35, § 1, eff. March 11, 1993; 1999 Pub.Acts, c. 321, § 1; 2000 Pub.Acts, c. 770, § 2; 2008 Pub.Acts, c. 1121, §§ 1, 2.