

REFERENCE TITLE: HOV lane; pregnant drivers

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

# HB 2417

Introduced by  
Representatives Gress: Martinez

AN ACT

AMENDING SECTION 28-737, ARIZONA REVISED STATUTES; RELATING TO VEHICLE  
OPERATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 28-737. High occupancy vehicle lanes; civil penalty;  
5 definition

6 A. Except as provided in sections 28-2416 and 28-2416.01 and  
7 subsection B of this section, a person shall not drive a vehicle carrying  
8 fewer than two persons, including the driver, in a high occupancy vehicle  
9 lane at any time the use of the high occupancy vehicle lane is restricted  
10 to vehicles carrying two or more persons, including the driver. **FOR THE**  
11 **PURPOSES OF THIS SUBSECTION, A PREGNANT WOMAN QUALIFIES AS TWO PERSONS AND**  
12 **SHALL NOT BE CITED FOR A VIOLATION OF THIS SECTION IF THE PREGNANT WOMAN**  
13 **OR THE PREGNANT WOMAN'S HEALTH CARE PROFESSIONAL SUBMITS DOCUMENTATION TO**  
14 **THE DEPARTMENT CONFIRMING THE PREGNANCY.**

15 B. Subsection A **OF THIS SECTION** does not apply to any of the  
16 following:

17 1. During the performance of a tow truck operator's duties, a tow  
18 truck operator driving a tow truck.

19 2. A person driving a motorcycle.

20 3. A person driving a public transportation vehicle.

21 4. An authorized emergency vehicle ~~as defined in section 28-101~~  
22 that is in use by a first responder in the line of duty.

23 C. A person who violates subsection A of this section is subject to  
24 a civil penalty of ~~two hundred dollars~~ **\$200**.

25 D. Notwithstanding section 28-1554, ~~one hundred dollars~~ **\$100** of  
26 each civil penalty collected pursuant to subsection C of this section  
27 shall be deposited in the state general fund.

28 E. For the purposes of this section, "public transportation  
29 vehicle" means any vehicle that provides a public entity's public  
30 transportation service and either:

31 1. Is owned or operated by the public entity.

32 2. Is operated under a contract with the public entity.