

# High Occupancy Lane

Requires Driving With Multiple People Aboard

## Vehicles Carrying Multiple Persons May Use HOV Lanes



Generally, with some exceptions, what is known as the 'High Occupancy Vehicle Lane' ("HOV") requires that to use the HOV lane, vehicles must be occupied by at least two people. The HOV initiative was developed as a means to encourage carpooling, among other things, which encourage reduced emissions, reduced traffic congestion, among other things. The mandates regarding use of the HOV lane can be found within [O. Reg. 620/05](#) as the applicable regulation to [section 154.1](#) of the *Highway Traffic Act*, [R.S.O. 1990, c. H.8](#) which governs HOV lanes. Specifically regarding usage the regulation states:

### Use of High Occupancy Vehicle Lanes

2. (1) No person shall operate a motor vehicle in a high occupancy vehicle lane unless the vehicle has at least two persons occupying seating positions.

(2) No person shall operate a commercial motor vehicle in a high occupancy vehicle lane unless,

(a) the vehicle has at least two persons occupying seating positions; and

(b) the length of the vehicle or the total length of the vehicle and any vehicle being towed by it is less than 6.5 metres.

(3) Despite subsections (1) and (2), a person may operate a motor vehicle in a high occupancy vehicle lane with only one person occupying a seating position if the requirements of one of the following paragraphs are satisfied:

1. The vehicle is a bus.

2. The person is operating an emergency vehicle, as defined in section 144 of the Act, in the performance of his or her duties.

3. The person is operating the vehicle in the lawful performance of his or her duties as a police officer.

4. The person is operating a vehicle owned or leased by the Province of Ontario in the lawful performance of his or her duties as an officer appointed for carrying out the provisions of the Act.

5. The person is operating a vehicle engaged in road construction or maintenance activities in or near the high occupancy vehicle lane.

6. The person is operating a tow truck that has been requested to provide towing or repair services to a disabled vehicle in or near a high occupancy vehicle lane by a police officer, an officer appointed for carrying out the provisions of the Act or a person driving the disabled vehicle, and operating the tow truck in the high occupancy vehicle lane is necessary to attend at and depart from the location of the disabled vehicle.

7. The person is operating a motor vehicle to which are attached valid number plates that,

i. are issued by the Ministry,

ii. have green lettering on a white background, and

iii. display the words "GREEN VEHICLE" or "VÉHICULE ÉCOLOGIQUE".

8. The vehicle is a taxicab or limousine that,

i. is being operated by a person who has a valid licence, permit or authorization issued by a municipality or airport authority to operate the vehicle for the purpose of providing passenger transportation services, and

ii. has mounted on the rear of the vehicle a valid plate bearing an identification number issued by the municipality or airport authority for the use of the vehicle for that purpose.

(4) Paragraph 8 of subsection (3) and this subsection are revoked on July 1, 2020.

## Penalty

The penalty for misuse of the HOV lane is a set fine of \$85.00 plus \$25 applicable as the victim surcharge as well as three (3) demerit points.

## Summary Comment

While the fine for misuse of the HOV lane is relatively low, the three demerit points could be a significant concern. If you were unjustly charged with improper use of the HOV lane, get legal help and discuss your defence strategy options.

## You Have Three (3) Traffic Ticket Fighting Options

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| <br><b>#1</b> Pay the Ticket/Fine<br>(Plea of Guilty)<br>Never Recommended | <br><b>#2</b> Request a Meeting with the Prosecution<br>Never Recommended | <br><b>#3</b> Request a Trial<br>Always Recommended<br>Your Best Option |
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Paying a traffic ticket is never recommended as payment of the fine will be accepted as an automatic admission of guilt. This will result in a conviction on your driving record for the charge as laid and you will suffer the full consequences which may include demerit

Meeting with the prosecutor is never recommended as you will not be able to obtain a copy of the evidence prior and you will not know the strength of the case against you. While there may be some form of reduction offered, there is usually little chance to secure a withdrawal regardless of your explanation which will likely do more harm

Requesting a trial date is always recommended so that you may request and receive a copy of the evidence. Only then will you truly be able to determine the strength of the case against you and any possible defences. Choose DefendCharges.ca to defend you at trial and increase your chances of winning.

points and/or a driver's licence suspension. will likely do more harm than good.

Novice driver's beware!

## Help Defending Your Legal Matter

**DefendCharges.ca** has successfully defended thousands of Ontario traffic tickets, bylaw charges, and provincial offences.

Our network of licensed professionals possess the courtroom knowledge and experience required to successfully negotiate a withdrawal or reduced offence or proceed to Trial, if required, or in effort to achieve the best possible outcome.

One of our experienced representatives will review your legal matter and explain the unique strengths and weaknesses of your case; and then work with you to create a winning strategy for defending your matter. We will always make the best attempt to eliminate your charge or charges completely. In the event that we are unable to eliminate your charge(s) completely, we will take all necessary steps:

- ✓ To secure a guilty plea to a reduced or amended offence;
- ✓ To minimize any monetary penalty imposed;
- ✓ To protect you from license conditions, revocation, or suspension;
- ✓ To protect your business (if applicable) from costly disruptions and losses; and
- ✓ To prevent damage to your good reputation.

The **DefendCharges.ca** representation includes the filing of your traffic ticket or offence notice, (if required) or any other necessary documents as may be discussed and agreed to. Additionally, for those matters requiring a first appearance, commonly referred to as a 'set date', **DefendCharges.ca** will attend this date on your behalf and on such further and other court dates as may be required. **DefendCharges.ca** will utilize its best efforts to advance any possible strategic defence(s) to the allegation(s) given the circumstance of your offence(s) or charge(s).

## Quick & Easy Retainer Process

**1** Contact **DefendCharges.ca** to obtain your free fifteen (15) minute consultation, a legal representative will review your circumstances, and explain your options for defending your matter. Consideration will also be given to your driving record and/or history of any past offence(s), as well as the potential consequences of a conviction.

- 2 We will obtain a copy of your driver's licence or other government issued identification, a copy of the charging document(s), and details of the alleged offence(s) as well as any other information that you deem relevant.
- 3 We will forward our retainer agreement to you wherein our service fees are outlined along with payment arrangement options as well as the nature of our relationship including our obligations to each other.