

# 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.