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By: **Senator Forehand**

Introduced and read first time: February 4, 2005

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Vehicle Laws - High Occupancy Vehicle Lanes - Unrestricted Use by All**  
3                                   **Vehicles**

4 FOR the purpose of requiring the State Highway Administration and law  
5 enforcement personnel to open a high occupancy vehicle lane to all vehicles  
6 when a serious accident causes traffic in the lanes adjacent to the HOV lane to  
7 slow more than a certain rate of speed; providing that an HOV lane shall be  
8 closed again to certain vehicles when certain conditions no longer exist;  
9 requiring the State Highway Administration to indicate on certain electronic  
10 traffic control devices when an HOV lane is open to unrestricted use by all  
11 vehicles; defining a certain term; and generally relating to use of high occupancy  
12 vehicle lanes.

13 BY repealing and reenacting, without amendments,  
14 Article - Transportation  
15 Section 11-167 and 21-201(a)  
16 Annotated Code of Maryland  
17 (2002 Replacement Volume and 2004 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article - Transportation  
20 Section 25-105  
21 Annotated Code of Maryland  
22 (2002 Replacement Volume and 2004 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That the Laws of Maryland read as follows:

25                                   **Article - Transportation**

26 11-167.

27 "Traffic control device" means any sign, signal, marking, or device that:

28                   (1) Is not inconsistent with the Maryland Vehicle Law; and

1 (2) Is placed by authority of an authorized public body or official to  
2 regulate, warn, or guide traffic.

3 21-201.

4 (a) (1) Subject to the exceptions granted in this title to the driver of an  
5 emergency vehicle, the driver of any vehicle, unless otherwise directed by a police  
6 officer, shall obey the instructions of any traffic control device applicable to the  
7 vehicle and placed in accordance with the Maryland Vehicle Law.

8 (2) The driver of a vehicle approaching an intersection controlled by a  
9 traffic control device may not drive across private property or leave the roadway for  
10 the purpose of avoiding the instructions of a traffic control device.

11 25-105.

12 (a) On every highway under its jurisdiction, the State Highway  
13 Administration shall place and maintain those traffic control devices that it considers  
14 necessary to carry out the provisions of the Maryland Vehicle Law or to regulate,  
15 warn, or guide traffic. Each of these traffic control devices shall conform to the  
16 manual and specifications of the State Highway Administration.

17 (b) A local authority may place or maintain a traffic control device on a  
18 highway under the jurisdiction of the State Highway Administration only with the  
19 permission and under the direction of the State Highway Administration.

20 (C) (1) IN THIS SUBSECTION, "HOV LANE" MEANS A HIGH OCCUPANCY  
21 VEHICLE LANE, THE USE OF WHICH IS RESTRICTED, AS INDICATED BY A TRAFFIC  
22 CONTROL DEVICE, DURING SPECIFIED TIMES TO VEHICLES CARRYING A SPECIFIED  
23 NUMBER OF OCCUPANTS.

24 (2) (I) NOTWITHSTANDING THE INDICATION OF ANY TRAFFIC  
25 CONTROL DEVICE, THE STATE HIGHWAY ADMINISTRATION AND LAW ENFORCEMENT  
26 PERSONNEL WITH JURISDICTION OVER THE HIGHWAY SHALL OPEN AN HOV LANE TO  
27 ALL VEHICLES, REGARDLESS OF THE NUMBER OF OCCUPANTS, WHEN A SERIOUS  
28 ACCIDENT CAUSES TRAFFIC IN THE LANES OF THE HIGHWAY ADJACENT TO THE HOV  
29 LANE TO SLOW TO MORE THAN 15 MILES PER HOUR BELOW THE RATE OF SPEED  
30 THAT IS NORMAL ON THAT HIGHWAY FOR THE TIME AT WHICH THE ACCIDENT  
31 OCCURRED.

32 (II) WHEN THE CONDITIONS DESCRIBED UNDER SUBPARAGRAPH (I)  
33 OF THIS PARAGRAPH NO LONGER EXIST, THE HOV LANE SHALL BE CLOSED AGAIN TO  
34 VEHICLES CARRYING FEWER THAN THE SPECIFIED NUMBER OF OCCUPANTS.

35 (3) ON ELECTRONIC TRAFFIC CONTROL DEVICES THAT DESIGNATE A  
36 PORTION OF A HIGHWAY AS AN HOV LANE, THE STATE HIGHWAY ADMINISTRATION  
37 SHALL INDICATE WHEN THE HOV LANE IS OPEN TO ALL VEHICLES AS PROVIDED IN  
38 PARAGRAPH (2) OF THIS SUBSECTION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2005.