

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 33

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Transportation)

Judicial Proceedings

Environmental Matters

Vehicle Laws - Rules of the Road - Use of High Occupancy Vehicle (HOV) Lanes

This departmental bill prohibits a person from driving a vehicle in a high occupancy vehicle (HOV) lane unless authorized by a traffic control device (by having the requisite number of occupants). However, it authorizes a bus, motorcycle, and plug-in electric drive vehicle displaying a specified permit to drive in an HOV lane at any time, regardless of the number of passengers in the vehicle. The bill also establishes a definition for an “HOV lane.”

Fiscal Summary

State Effect: General fund revenues may be impacted beginning in FY 2015 to the extent that the prepayable fine established by the District Court for a violation of the bill is set at a level that differs from the amount currently established for an infraction involving the failure to obey a traffic control device. Expenditures are not affected as the bill can be implemented with existing budgeted resources.

Local Effect: The bill is not anticipated to materially affect local operations or finances.

Small Business Effect: The Maryland Department of Transportation (MDOT) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law: HOV lanes are authorized under federal law and control access to designated lanes on federal highways. Chapters 491 and 492 of 2010 authorized a

plug-in vehicle with a State permit to use HOV lanes in Maryland until September 30, 2013, and Chapters 64 and 65 of 2013 extended by four years the authorization for such vehicles to use HOV lanes. Maryland law does not otherwise specifically regulate the use of HOV lanes.

Background: According to MDOT, in the absence of a separate prohibition in the Maryland Vehicle Law, HOV lane-use restrictions are enforced through a broader prohibition on the failure to obey a traffic control device. The traffic control device for HOV lane operations is a sign that reads “HOV-2.”

Due to the method in which violations of the Maryland Vehicle Law are coded, it is very difficult for MDOT officials to distinguish HOV lane-use violations from the many other types of violations involving traffic control devices. MDOT advises that tracking HOV lane violations is essential to be able to study HOV lane use, reduce HOV lane congestion, and properly target enforcement. By establishing a separate section of the Maryland Vehicle Law containing an explicit prohibition against unlawful use of HOV lanes, MDOT can better track the frequency and location of HOV lane violations.

HOV lanes are located on two highways in Maryland: I-270, north of the Capital Beltway; and US 50, east of the Capital Beltway.

State Revenues: General fund revenues may be impacted beginning in fiscal 2015 to the extent that the prepayable fine established by the District Court for a violation of the bill is set at a level that differs from the amount currently established for an infraction involving the failure to obey a traffic control device. Currently, the District Court has established a prepayable fine of \$90 (\$130 if the violation contributed to an accident) for the failure to obey a traffic control device. Depending on the amount of the prepayable fine ultimately adopted by the District Court, general fund revenues may be impacted. The extent of the impact is unknown, since HOV lane violations cannot currently be tracked.

General fund revenues are unaffected by the application of existing misdemeanor fines to the bill’s prohibition. The bill does not establish a misdemeanor penalty for violations of the bill and, therefore, the generally applicable Maryland Vehicle Law misdemeanor penalty of up to \$500 applies. This is the same as the current penalty for a violation of traffic control device restrictions.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - January 14, 2014
mc/ljm

Analysis by: Evan M. Isaacson

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Vehicle Laws – Rules of the Road – Use of High Occupancy Vehicle (HOV) Lanes

BILL NUMBER: SB 33

PREPARED BY: Department of Transportation

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS