

# HOUSE BILL 1179

R5

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By: **Delegates McMillan, Anderton, Beidle, Carr, Fraser–Hidalgo, Frush, Ghrist, Gilchrist, Holmes, Jacobs, Kipke, McCray, Miele, Moon, Oaks, Otto, Pena–Melnyk, S. Robinson, Stein, and Szeliga**

Introduced and read first time: February 12, 2016

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – HOV Lanes – Plug–In Electric Drive and Hybrid Vehicles**

3 FOR the purpose of authorizing certain hybrid vehicles to use high occupancy vehicle  
4 (HOV) lanes regardless of the number of passengers under certain circumstances;  
5 making certain requirements regarding the use of HOV lanes by plug–in electric  
6 drive vehicles applicable to qualified hybrid vehicles; extending the termination date  
7 for the exemption allowing the use of HOV lanes by plug–in electric drive vehicles;  
8 providing for the termination of certain provisions of this Act; making certain  
9 conforming changes; and generally relating to the use of HOV lanes by plug–in  
10 electric drive and hybrid vehicles.

11 BY repealing and reenacting, with amendments,  
12 Article – Transportation  
13 Section 21–314 and 25–108  
14 Annotated Code of Maryland  
15 (2012 Replacement Volume and 2015 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article – Transportation  
18 Section 23–202(b)(3)(i)  
19 Annotated Code of Maryland  
20 (2012 Replacement Volume and 2015 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Chapter 491 of the Acts of the General Assembly of 2010, as amended by Chapters  
23 64 and 65 of the Acts of the General Assembly of 2013  
24 Section 2

25 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Chapter 492 of the Acts of the General Assembly of 2010, as amended by Chapters  
64 and 65 of the Acts of the General Assembly of 2013  
Section 2

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

**Article – Transportation**

21–314.

(a) In this section, “HOV lane” means a high occupancy vehicle lane, the use of which is restricted by a traffic control device during specified times to vehicles carrying at least a specified number of occupants.

(b) Except as provided in subsection (c) of this section, a person may not drive a vehicle in an HOV lane unless authorized by a traffic control device.

(c) The following vehicles may be driven in an HOV lane at all times regardless of the number of passengers in or on the vehicle:

(1) A bus;

(2) A motorcycle; [and]

(3) A plug-in electric drive vehicle displaying a valid permit issued under § 25–108 of this article; **AND**

**(4) A QUALIFIED HYBRID VEHICLE DISPLAYING A VALID PERMIT ISSUED UNDER § 25–108 OF THIS ARTICLE.**

23–202.

(b) (3) (i) In this paragraph, “qualified hybrid vehicle” means an automobile that:

1. Meets all applicable regulatory requirements;

2. Meets the current vehicle exhaust standard set under the federal Tier 2 program for gasoline-powered passenger cars under 40 C.F.R. Part 80 et seq.; and

3. Can draw propulsion energy from both of the following sources of stored energy:

A. Gasoline or diesel fuel; and

1 B. A rechargeable energy storage system.

2 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
3 as follows:

4 **Article – Transportation**

5 25–108.

6 (a) In this section, “HOV lane” means a high occupancy vehicle lane, the use of  
7 which is restricted by a traffic control device during specified times to vehicles carrying at  
8 least a specified number of occupants.

9 (b) This section applies only to [a]:

10 (1) A plug-in electric drive vehicle that has a maximum speed capability  
11 of at least 65 miles per hour; AND

12 (2) **A QUALIFIED HYBRID VEHICLE AS DEFINED IN § 23–202(B)(3) OF**  
13 **THIS ARTICLE.**

14 (c) Whenever the State Highway Administration designates a portion of a  
15 highway as an HOV lane, the HOV lane may be used at all times by plug-in electric drive  
16 vehicles **AND QUALIFIED HYBRID VEHICLES** that have obtained a permit from the  
17 Administration under this section, regardless of the number of passengers in the vehicle.

18 (d) (1) The Administration, the State Highway Administration, and the  
19 Department of State Police shall consult to design a permit to designate a vehicle as a  
20 plug-in electric drive vehicle **OR A QUALIFIED HYBRID VEHICLE** authorized to use an  
21 HOV lane.

22 (2) The Administration may charge a fee, not to exceed \$20, for issuing a  
23 permit under this section.

24 (3) The Administration, on the recommendation of the State Highway  
25 Administration, may limit the number of permits issued to ensure HOV lane operations are  
26 not degraded to an unacceptable level.

27 (e) On or before January 1 of each year, the Administration and the State  
28 Highway Administration jointly shall report to the Governor and, in accordance with §  
29 2–1246 of the State Government Article, the General Assembly on the effect of the use of  
30 the plug-in electric drive vehicle **AND QUALIFIED HYBRID VEHICLE** permits issued under  
31 this section on the operation of HOV lanes in the State.

32 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
33 as follows:

1 **Chapter 491 of the Acts of 2010, as amended by Chapters 64 and 65 of the Acts of**  
2 **2013**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2010. It shall remain effective for a period of [7] 10 years and, at the end of  
5 September 30, [2017] 2020, with no further action required by the General Assembly, this  
6 Act shall be abrogated and of no further force and effect.

7 **Chapter 492 of the Acts of 2010, as amended by Chapters 64 and 65 of the Acts of**  
8 **2013**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2010. It shall remain effective for a period of [7] 10 years and, at the end of  
11 September 30, [2017] 2020, with no further action required by the General Assembly, this  
12 Act shall be abrogated and of no further force and effect.

13 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2016. Section 2 of this Act shall remain effective for a period of 4 years and, at  
15 the end of September 30, 2020, with no further action required by the General Assembly,  
16 Section 2 of this Act shall be abrogated and of no further force and effect.