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By: **Delegates Hecht, R. Baker, Billings, Carlson, Dewberry, Franchot,  
Goldwater, Heller, Hixson, Hubbard, Kagan, Mandel, Petzold, Pitkin,  
Shriver, and Snodgrass**

Introduced and read first time: February 7, 2002  
Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **High Occupancy Vehicle (HOV) Lanes - Use by Inherently Low Emission**  
3 **Vehicles**

4 FOR the purpose of requiring the State Highway Administration, when designating a  
5 portion of a highway as a restricted-use, high occupancy vehicle (HOV) lane to  
6 place traffic control devices indicating that the HOV lane may be used by certain  
7 inherently low emission vehicles; requiring the Motor Vehicle Administration,  
8 the State Highway Administration, and the Department of State Police to  
9 consult to design a certain permit; authorizing the Motor Vehicle Administration  
10 to charge a certain fee for issuing a certain permit; requiring a certain permit to  
11 be renewed annually; requiring the Motor Vehicle Administration to make a  
12 certain report to the General Assembly on or before a certain date each year  
13 beginning in 2002; defining certain terms; providing for the termination of this  
14 Act; and generally relating to the designation of HOV lanes by the State  
15 Highway Administration and the use of HOV lanes by inherently low emission  
16 vehicles.

17 BY repealing and reenacting, without amendments,  
18 Article - Transportation  
19 Section 11-167 and 21-201(a)(1)  
20 Annotated Code of Maryland  
21 (1999 Replacement Volume and 2001 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article - Transportation  
24 Section 25-105  
25 Annotated Code of Maryland  
26 (1999 Replacement Volume and 2001 Supplement)

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

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**Article - Transportation**

2 11-167.

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

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

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

7 21-201.

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

12 25-105.

13 (a) On every highway under its jurisdiction, the State Highway  
14 Administration shall place and maintain those traffic control devices that it considers  
15 necessary to carry out the provisions of the Maryland Vehicle Law or to regulate,  
16 warn, or guide traffic. Each of these traffic control devices shall conform to the  
17 manual and specifications of the State Highway Administration.18 (b) A local authority may place or maintain a traffic control device on a  
19 highway under the jurisdiction of the State Highway Administration only with the  
20 permission and under the direction of the State Highway Administration.21 (C) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE  
22 MEANINGS INDICATED.23 (II) "HOV LANE" MEANS A HIGH OCCUPANCY VEHICLE LANE, THE  
24 USE OF WHICH IS RESTRICTED BY A TRAFFIC CONTROL DEVICE DURING SPECIFIED  
25 TIMES TO VEHICLES CARRYING A SPECIFIED NUMBER OF OCCUPANTS.26 (III) "ILEV VEHICLE" MEANS AN INHERENTLY LOW EMISSION  
27 VEHICLE AS DEFINED IN, AND CONFORMING TO THE CERTIFICATION AND LABELING  
28 REQUIREMENTS OF, FEDERAL REGULATIONS UNDER 40 C.F.R. PART 88.29 (2) WHENEVER THE STATE HIGHWAY ADMINISTRATION PLACES A  
30 TRAFFIC CONTROL DEVICE ON A HIGHWAY DESIGNATING A PORTION OF THE  
31 HIGHWAY AS AN HOV LANE, THE TRAFFIC CONTROL DEVICE SHALL ALSO INDICATE  
32 THAT THE HOV LANE MAY BE USED AT ALL TIMES BY ILEV VEHICLES THAT HAVE  
33 OBTAINED A PERMIT FROM THE ADMINISTRATION UNDER THIS SUBSECTION.34 (3) (I) THE ADMINISTRATION, THE STATE HIGHWAY  
35 ADMINISTRATION, AND THE DEPARTMENT OF STATE POLICE SHALL CONSULT TO

1 DESIGN A PERMIT TO DESIGNATE A VEHICLE AS AN ILEV VEHICLE AUTHORIZED TO  
2 USE AN HOV LANE.

3 (II) THE ADMINISTRATION MAY CHARGE A FEE, NOT TO EXCEED ITS  
4 COSTS, FOR ISSUING A PERMIT UNDER THIS PARAGRAPH.

5 (III) PERMITS OBTAINED UNDER THIS PARAGRAPH SHALL BE  
6 RENEWED ANNUALLY.

7 (4) BEGINNING IN 2003, THE ADMINISTRATION SHALL REPORT TO THE  
8 GENERAL ASSEMBLY ON OR BEFORE JANUARY 1 OF EACH YEAR, IN ACCORDANCE  
9 WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE EFFECT OF THE USE OF  
10 THE ILEV VEHICLE PERMITS ISSUED UNDER THIS SUBSECTION ON THE OPERATION  
11 OF HOV LANES.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2002. It shall remain effective for a period of 2 years and, at the end of  
14 September 30, 2004, with no further action required by the General Assembly, this  
15 Act shall be abrogated and of no further force and effect.