

SENATE BILL 97

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R1

2004 Regular Session  
4lr0622  
CF 4lr0461

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By: **Senators Teitelbaum, Forehand, Garagiola, Giannetti, Hollinger, Kelley,  
Mooney, Munson, Ruben, Stone, and Lawlah**

Introduced and read first time: January 19, 2004

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Transportation - High Occupancy Vehicle (HOV) Lanes - Use by Energy**  
3 **Efficient Vehicles**

4 FOR the purpose of expanding the exemption governing the type of energy efficient  
5 vehicles authorized to use HOV lanes to include certain qualified hybrid  
6 vehicles; requiring that the State Highway Administration, when designating a  
7 portion of a highway as a restricted-use, high occupancy vehicle (HOV) lane to  
8 place traffic control devices indicating that the HOV lane may also be used by  
9 certain qualified hybrid vehicles; requiring the Motor Vehicle Administration,  
10 the State Highway Administration, and the Department of State Police to  
11 consult to design a certain permit; authorizing the Motor Vehicle Administration  
12 to charge a certain fee for issuing a certain permit; requiring the Motor Vehicle  
13 Administration to make a certain report to the General Assembly on or before a  
14 certain date each year; defining a certain term; repealing the termination date  
15 for a certain Act; and generally relating to the designation of HOV lanes by the  
16 State Highway Administration and the use of HOV lanes by certain energy  
17 efficient vehicles.

18 BY repealing and reenacting, without amendments,  
19 Article - Transportation  
20 Section 11-167, 13-815(a)(1) and (6), and 21-201(a)  
21 Annotated Code of Maryland  
22 (2002 Replacement Volume and 2003 Supplement)

23 BY repealing and reenacting, with amendments,  
24 Article - Transportation  
25 Section 25-105  
26 Annotated Code of Maryland  
27 (2002 Replacement Volume and 2003 Supplement)

28 BY repealing and reenacting, with amendments,  
29 Chapter 549 of the Acts of the General Assembly of 2002  
30 Section 2

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

3 **Article - Transportation**

4 11-167.

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

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

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

9 13-815.

10 (a) (1) In this section the following words have the meanings indicated.

11 (6) "Qualified hybrid vehicle" means an automobile that:

12 (i) Meets all applicable regulatory requirements;

13 (ii) Meets the current vehicle exhaust standard set under the  
14 National Low-Emission Vehicle Program for gasoline-powered passenger cars; and

15 (iii) Can draw propulsion energy from both of the following  
16 on-board sources of stored energy:

17 1. Gasoline or diesel fuel; and

18 2. A rechargeable energy storage system.

19 21-201.

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

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

27 25-105.

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

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

4 (c) (1) (i) In this subsection the following words have the meanings  
5 indicated.

6 (ii) "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  
8 carrying a specified number of occupants.

9 (iii) "ILEV vehicle" means an inherently low emission vehicle as  
10 defined in, and conforming to the certification and labeling requirements of, federal  
11 regulations under 40 C.F.R. Part 88.

12 (IV) "QUALIFIED HYBRID VEHICLE" HAS THE MEANING STATED IN §  
13 13-815 OF THIS ARTICLE.

14 (2) Whenever the State Highway Administration places a traffic control  
15 device on a highway designating a portion of the highway as an HOV lane, the traffic  
16 control device shall also indicate that the HOV lane may be used at all times by ILEV  
17 vehicles OR QUALIFIED HYBRID VEHICLES that have obtained a permit from the  
18 Administration under this subsection.

19 (3) (i) The Administration, the State Highway Administration, and  
20 the Department of State Police shall consult to design a permit to designate a vehicle  
21 as an ILEV vehicle OR A QUALIFIED HYBRID VEHICLE authorized to use an HOV  
22 lane.

23 (ii) The Administration may charge a fee, not to exceed \$16, for  
24 issuing a permit under this paragraph.

25 (4) Beginning in 2003 FOR ILEV VEHICLES AND 2004 FOR QUALIFIED  
26 HYBRID VEHICLES, the Administration shall report to the General Assembly on or  
27 before January 1 of each year, in accordance with § 2-1246 of the State Government  
28 Article, on the effect of the use of the ILEV vehicle OR QUALIFIED HYBRID VEHICLE  
29 permits issued under this subsection on the operation of HOV lanes.

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

32 **Chapter 549 of the Acts of 2002**

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

37 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
38 July 1, 2004.

