

(PRE-FILED)

By: **Delegate Gaines**
Requested: October 8, 2004
Introduced and read first time: January 12, 2005
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **High Occupancy Vehicle Lanes - Use by Inherently Low Emission Vehicles**
3 **and Qualified Hybrid Vehicles**

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

16 BY repealing and reenacting, without amendments,
17 Article - Transportation
18 Section 11-167, 13-815(a)(1) and (6), and 21-201(a)
19 Annotated Code of Maryland
20 (2002 Replacement Volume and 2004 Supplement)

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

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

1

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 13-815.

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

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

10 (i) Meets all applicable regulatory requirements;

11 (ii) Meets the current vehicle exhaust standard set under the
12 National Low-Emission Vehicle Program for gasoline-powered passenger cars; and13 (iii) Can draw propulsion energy from both of the following
14 on-board sources of stored energy:

15 1. Gasoline or diesel fuel; and

16 2. A rechargeable energy storage system.

17 21-201.

18 (a) (1) Subject to the exceptions granted in this title to the driver of an
19 emergency vehicle, the driver of any vehicle, unless otherwise directed by a police
20 officer, shall obey the instructions of any traffic control device applicable to the
21 vehicle and placed in accordance with the Maryland Vehicle Law.22 (2) The driver of a vehicle approaching an intersection controlled by a
23 traffic control device may not drive across private property or leave the roadway for
24 the purpose of avoiding the instructions of a traffic control device.

25 25-105.

26 (a) On every highway under its jurisdiction, the State Highway
27 Administration shall place and maintain those traffic control devices that it considers
28 necessary to carry out the provisions of the Maryland Vehicle Law or to regulate,
29 warn, or guide traffic. Each of these traffic control devices shall conform to the
30 manual and specifications of the State Highway Administration.31 (b) A local authority may place or maintain a traffic control device on a
32 highway under the jurisdiction of the State Highway Administration only with the
33 permission and under the direction of the State Highway Administration.

1 (C) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
2 MEANINGS INDICATED.

3 (II) "HOV LANE" MEANS A HIGH OCCUPANCY VEHICLE LANE, THE
4 USE OF WHICH IS RESTRICTED BY A TRAFFIC CONTROL DEVICE DURING SPECIFIED
5 TIMES TO VEHICLES CARRYING A SPECIFIED NUMBER OF OCCUPANTS.

6 (III) "ILEV VEHICLE" MEANS AN INHERENTLY LOW EMISSION
7 VEHICLE AS DEFINED IN AND CONFORMING TO THE CERTIFICATION AND LABELING
8 REQUIREMENTS OF FEDERAL REGULATIONS UNDER 40 C.F.R. PART 88.

9 (IV) "QUALIFIED HYBRID VEHICLE" HAS THE MEANING STATED IN §
10 13-815 OF THIS ARTICLE.

11 (2) ON TRAFFIC CONTROL DEVICES THAT DESIGNATE A PORTION OF A
12 HIGHWAY AS AN HOV LANE, THE STATE HIGHWAY ADMINISTRATION SHALL
13 INDICATE THAT THE HOV LANE MAY BE USED AT ALL TIMES BY ILEV VEHICLES OR
14 QUALIFIED HYBRID VEHICLES THAT HAVE OBTAINED A PERMIT FROM THE
15 ADMINISTRATION UNDER THIS SUBSECTION.

16 (3) (I) THE ADMINISTRATION, THE STATE HIGHWAY
17 ADMINISTRATION, AND THE DEPARTMENT OF STATE POLICE SHALL CONSULT ON
18 THE DESIGN OF A PERMIT TO DESIGNATE A VEHICLE AS AN ILEV VEHICLE OR A
19 QUALIFIED HYBRID VEHICLE AUTHORIZED TO USE AN HOV LANE.

20 (II) THE ADMINISTRATION MAY CHARGE A FEE, NOT TO EXCEED
21 \$16, FOR ISSUING A PERMIT UNDER THIS PARAGRAPH.

22 (4) BEGINNING IN 2006, THE ADMINISTRATION SHALL REPORT TO THE
23 GENERAL ASSEMBLY ON OR BEFORE JANUARY 1 OF EACH YEAR, IN ACCORDANCE
24 WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE EFFECT OF THE USE OF
25 THE ILEV VEHICLE OR QUALIFIED HYBRID VEHICLE PERMITS ISSUED UNDER THIS
26 SUBSECTION ON THE OPERATION OF HOV LANES.

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