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By: **Delegates McConkey, Bronrott, Cardin, V. Clagett, Frush, Glassman,  
Hogan, Holmes, Jennings, Montgomery, Parker, and Sossi**

Introduced and read first time: January 19, 2005

Assigned to: Environmental 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 and Qualified Hybrid 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 and qualified hybrid vehicles; requiring the  
8 Motor Vehicle Administration, the State Highway Administration, and the  
9 Department of State Police to consult to design a certain permit; authorizing the  
10 Motor Vehicle Administration to charge a certain fee for issuing a certain  
11 permit; requiring the Motor Vehicle Administration to make a certain report to  
12 the General Assembly on or before a certain date each year; defining certain  
13 terms; and generally relating to the designation of HOV lanes by the State  
14 Highway Administration and the use of HOV lanes by inherently low emission  
15 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:

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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 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) WHENEVER THE STATE HIGHWAY ADMINISTRATION PLACES A  
12 TRAFFIC CONTROL DEVICE ON A HIGHWAY DESIGNATING A PORTION OF THE  
13 HIGHWAY AS AN HOV LANE, THE TRAFFIC CONTROL DEVICE SHALL ALSO INDICATE  
14 THAT THE HOV LANE MAY BE USED AT ALL TIMES BY ILEV VEHICLES AND QUALIFIED  
15 HYBRID VEHICLES THAT HAVE OBTAINED A PERMIT FROM THE ADMINISTRATION  
16 UNDER THIS SUBSECTION.

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

21 (II) THE ADMINISTRATION MAY CHARGE A FEE, NOT TO EXCEED  
22 \$16, FOR ISSUING A PERMIT UNDER THIS PARAGRAPH.

23 (4) THE ADMINISTRATION SHALL REPORT TO THE GENERAL ASSEMBLY  
24 ON OR BEFORE DECEMBER 31 OF EACH YEAR, IN ACCORDANCE WITH § 2-1246 OF THE  
25 STATE GOVERNMENT ARTICLE, ON THE EFFECT OF THE USE OF THE ILEV VEHICLE  
26 AND QUALIFIED HYBRID VEHICLE PERMITS ISSUED UNDER THIS SUBSECTION ON  
27 THE OPERATION OF HOV LANES.

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