
By: **Delegates Cardin, Barkley, Bobo, Bromwell, Bronrott, Conroy,
Gutierrez, Hogan, Hubbard, Jameson, Leopold, Mandel, McConkey,
McHale, Menes, Montgomery, Morhaim, Petzold, Sossi, and Zirkin**

Introduced and read first time: January 23, 2006

Assigned to: Environmental Matters

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 certain qualified hybrid vehicles with
8 certain fuel economy ratings; requiring the Motor Vehicle Administration, the
9 State Highway Administration, and the Department of State Police to consult to
10 design a certain permit; authorizing the Motor Vehicle Administration to charge
11 a certain fee for issuing a certain permit; requiring the Motor Vehicle
12 Administration to make a certain report to the General Assembly on or before a
13 certain date each year; defining certain terms; providing for the termination of
14 this 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 and qualified hybrid vehicles.

17 BY repealing and reenacting, without amendments,
18 Article - Transportation
19 Section 11-167, 13-815(a)(1) and (6), and 21-201(a)
20 Annotated Code of Maryland
21 (2002 Replacement Volume and 2005 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Transportation
24 Section 25-105
25 Annotated Code of Maryland
26 (2002 Replacement Volume and 2005 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
28 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 federal Tier 2 Program for gasoline-powered passenger cars under 40 C.F.R. Part 80
13 et seq.; and14 (iii) Can draw propulsion energy from both of the following onboard
15 sources of stored energy:

16 1. Gasoline or diesel fuel; and

17 2. A rechargeable energy storage system.

18 21-201.

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

26 25-105.

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

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

9 (III) "ILEV" VEHICLE MEANS AN INHERENTLY LOW EMISSION
10 VEHICLE AS DEFINED IN, AND CONFORMING TO THE CERTIFICATION AND LABELING
11 REQUIREMENTS OF, FEDERAL 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) (I) THIS PARAGRAPH APPLIES ONLY TO QUALIFIED HYBRID
15 VEHICLES WITH A FUEL ECONOMY RATING GREATER THAN:

16 1. 50 MILES PER GALLON, FOR A VEHICLE WITH A
17 MANUFACTURER'S SHIPPING WEIGHT OF 3,700 POUNDS OR LESS; AND

18 2. 30 MILES PER GALLON, FOR A VEHICLE WITH A
19 MANUFACTURER'S SHIPPING WEIGHT OF MORE THAN 3,700 POUNDS.

20 (II) WHENEVER THE STATE HIGHWAY ADMINISTRATION PLACES A
21 TRAFFIC CONTROL DEVICE ON A HIGHWAY DESIGNATING A PORTION OF THE
22 HIGHWAY AS AN HOV LANE, THE TRAFFIC CONTROL DEVICE SHALL ALSO INDICATE
23 THAT THE HOV LANE MAY BE USED AT ALL TIMES BY ILEV VEHICLES AND QUALIFIED
24 HYBRID VEHICLES THAT HAVE OBTAINED A PERMIT FROM THE ADMINISTRATION
25 UNDER THIS SUBSECTION.

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

30 (II) THE ADMINISTRATION MAY CHARGE A FEE, NOT TO EXCEED
31 \$16, FOR ISSUING A PERMIT UNDER THIS PARAGRAPH.

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

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 October 1, 2006. It shall remain effective for a period of 3 years and, at the end of

- 1 September 30, 2009, with no further action required by the General Assembly, this
- 2 Act shall be abrogated and of no further force and effect.