

HOUSE BILL 674

R1, R5

(0lr2264)

ENROLLED BILL

— Environmental Matters/Judicial Proceedings —

Introduced by **Delegate Malone**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **High Occupancy Vehicle (HOV) Lanes – Use by Plug-In Vehicles**

3 FOR the purpose of ~~requiring the State Highway Administration, when designating a~~
4 ~~portion of a highway as a restricted use High Occupancy Vehicle (HOV) lane, to~~
5 ~~place traffic control devices indicating that the HOV lane may be used by~~
6 ~~certain plug-in vehicles~~ authorizing the use of a high occupancy vehicle (HOV)
7 lane by certain plug-in vehicles under certain circumstances; 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 operator of a plug-in vehicle that has a certain permit affixed to it in accordance
11 with certain guidelines to be in an HOV lane; authorizing the Motor Vehicle
12 Administration to charge a certain fee for issuing a certain permit; authorizing
13 the *Motor Vehicle Administration, on the recommendation of the State Highway*
14 *Administration, to limit the number of permits issued under this Act for a*
15 *certain purpose; requiring the Motor Vehicle Administration and the State*

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Highway Administration jointly to make a certain report to the Governor and
 2 the General Assembly ~~by on or before~~ a certain date each year; defining certain
 3 terms; providing for the termination of this Act; and generally relating to ~~the~~
 4 ~~designation of HOV lanes by the State Highway Administration and~~ the use of
 5 HOV lanes by plug-in vehicles.

6 BY repealing and reenacting, without amendments,
 7 Article – Transportation
 8 Section ~~11-167, 21-201(a), and 25-105~~ and 21-201(a)(1)
 9 Annotated Code of Maryland
 10 (2009 Replacement Volume and 2009 Supplement)

11 BY adding to
 12 Article – Transportation
 13 Section 25-108
 14 Annotated Code of Maryland
 15 (2009 Replacement Volume and 2009 Supplement)

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

18 **Article – Transportation**

19 11-167.

20 “Traffic control device” means any sign, signal, marking, or device that:

- 21 (1) Is not inconsistent with the Maryland Vehicle Law; and
 22 (2) Is placed by authority of an authorized public body or official to
 23 regulate, warn, or guide traffic.

24 21-201.

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

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

32 ~~25-105.~~

33 ~~(a) On every highway under its jurisdiction, the State Highway~~
 34 ~~Administration shall place and maintain those traffic control devices that it considers~~

~~1 necessary to carry out the provisions of the Maryland Vehicle Law or to regulate,
2 warn, or guide traffic. Each of these traffic control devices shall conform to the manual
3 and specifications of the State Highway Administration.~~

~~4 (b) A local authority may place or maintain a traffic control device on a
5 highway under the jurisdiction of the State Highway Administration only with the
6 permission and under the direction of the State Highway Administration.~~

7 **25-108.**

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
9 MEANINGS INDICATED.

10 (2) "HOV LANE" MEANS A ~~HIGH OCCUPANCY VEHICLE~~ HIGH
11 OCCUPANCY VEHICLE LANE, THE USE OF WHICH IS RESTRICTED BY A TRAFFIC
12 CONTROL DEVICE DURING SPECIFIC TIMES TO VEHICLES CARRYING AT LEAST A
13 SPECIFIED NUMBER OF OCCUPANTS.

14 (3) "PLUG-IN VEHICLE" MEANS A ~~4-WHEELED~~ MOTOR VEHICLE
15 THAT:

16 (I) IS MADE BY A MANUFACTURER;

17 (II) IS MANUFACTURED PRIMARILY FOR USE ON PUBLIC
18 STREETS, ROADS, AND HIGHWAYS;

19 (III) HAS NOT BEEN MODIFIED FROM ORIGINAL
20 MANUFACTURER SPECIFICATIONS;

21 (IV) IS RATED AT NOT MORE THAN 8,500 POUNDS UNLOADED
22 GROSS VEHICLE WEIGHT;

23 (V) HAS A MAXIMUM SPEED CAPABILITY OF AT LEAST 65
24 MILES PER HOUR; AND

25 (VI) IS PROPELLED TO A SIGNIFICANT EXTENT BY AN
26 ELECTRIC MOTOR THAT DRAWS ELECTRICITY FROM A BATTERY THAT:

27 1. HAS A CAPACITY OF NOT LESS THAN 4 KILOWATT
28 HOURS FOR 4-WHEELED MOTOR VEHICLES AND NOT LESS THAN 2.5 KILOWATT
29 HOURS FOR 2-WHEELED OR 3-WHEELED MOTOR VEHICLES; AND

30 2. IS CAPABLE OF BEING RECHARGED FROM AN
31 EXTERNAL SOURCE OF ELECTRICITY.

1 **(B) WHENEVER THE STATE HIGHWAY ADMINISTRATION ~~PLACES A~~**
 2 **~~TRAFFIC CONTROL DEVICE ON A HIGHWAY DESIGNATING~~ DESIGNATES A**
 3 **PORTION OF ~~THE~~ A HIGHWAY AS AN HOV LANE, ~~THE TRAFFIC CONTROL DEVICE~~**
 4 **~~SHALL ALSO INDICATE THAT~~ THE HOV LANE MAY BE USED AT ALL TIMES BY**
 5 **PLUG-IN VEHICLES THAT HAVE OBTAINED A PERMIT FROM THE**
 6 **ADMINISTRATION UNDER THIS SECTION, REGARDLESS OF THE NUMBER OF**
 7 **PASSENGERS IN THE VEHICLE.**

8 **(C) (1) THE ADMINISTRATION, THE STATE HIGHWAY**
 9 **ADMINISTRATION, AND THE DEPARTMENT OF STATE POLICE SHALL CONSULT**
 10 **TO DESIGN A PERMIT TO DESIGNATE A VEHICLE AS A PLUG-IN VEHICLE**
 11 **AUTHORIZED TO USE AN HOV LANE.**

12 **~~(2) A PLUG-IN VEHICLE THAT HAS A PERMIT AFFIXED TO IT IN~~**
 13 **~~ACCORDANCE WITH ADMINISTRATION GUIDELINES MAY BE OPERATED IN AN~~**
 14 **~~HOV LANE.~~**

15 **~~(3)~~ THE ADMINISTRATION MAY CHARGE A FEE, NOT TO EXCEED**
 16 **\$20, FOR ISSUING A PERMIT UNDER THIS SUBSECTION.**

17 **(3) THE ADMINISTRATION, ON THE RECOMMENDATION OF THE**
 18 **STATE HIGHWAY ADMINISTRATION, MAY LIMIT THE NUMBER OF PERMITS**
 19 **ISSUED TO ENSURE HOV LANE OPERATIONS ARE NOT DEGRADED TO AN**
 20 **UNACCEPTABLE LEVEL.**

21 **(D) ~~BY~~ ON OR BEFORE JANUARY 1 OF EACH YEAR, THE**
 22 **ADMINISTRATION AND THE STATE HIGHWAY ADMINISTRATION JOINTLY SHALL**
 23 **REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE**
 24 **STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE EFFECT**
 25 **~~THAT THE USE OF HOV LANES BY PLUG-IN VEHICLES HAS ON THE OPERATION~~**
 26 **~~OF THE HOV LANES~~ OF THE USE OF THE PLUG-IN VEHICLE PERMITS ISSUED**
 27 **UNDER THIS SECTION ON THE OPERATION OF HOV LANES IN THE STATE.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 29 October 1, 2010. It shall remain effective for a period of 2 3 years and, at the end of
 30 September 30, ~~2012~~ 2013, with no further action required by the General Assembly,
 31 this Act shall be abrogated and of no further force and effect.