

HOUSE BILL 674

R1, R5

0lr2264

By: **Delegate Malone**

Introduced and read first time: February 4, 2010

Assigned to: Environmental Matters

A BILL ENTITLED

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; requiring the Motor Vehicle Administration, the State
7 Highway Administration, and the Department of State Police to consult to
8 design a certain permit; authorizing the operator of a plug-in vehicle that has a
9 certain permit affixed to it in accordance with certain guidelines to be in an
10 HOV lane; authorizing the Motor Vehicle Administration to charge a certain fee
11 for issuing a certain permit; requiring the Motor Vehicle Administration and
12 the State Highway Administration jointly to make a certain report to the
13 Governor and the General Assembly by a certain date each year; defining
14 certain terms; providing for the termination of this Act; and generally relating
15 to the designation of HOV lanes by the State Highway Administration and the
16 use of HOV lanes by plug-in vehicles.

17 BY repealing and reenacting, without amendments,
18 Article – Transportation
19 Section 11-167, 21-201(a), and 25-105
20 Annotated Code of Maryland
21 (2009 Replacement Volume and 2009 Supplement)

22 BY adding to
23 Article – Transportation
24 Section 25-108
25 Annotated Code of Maryland
26 (2009 Replacement Volume and 2009 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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 21–201.

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

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

15 25–105.

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

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

24 **25–108.**

25 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
26 **MEANINGS INDICATED.**

27 **(2) “HOV LANE” MEANS A HIGH OCCUPANCY VEHICLE LANE,**
28 **THE USE OF WHICH IS RESTRICTED BY A TRAFFIC CONTROL DEVICE DURING**
29 **SPECIFIC TIMES TO VEHICLES CARRYING AT LEAST A SPECIFIED NUMBER OF**
30 **OCCUPANTS.**

31 **(3) “PLUG-IN VEHICLE” MEANS A 4-WHEELED MOTOR VEHICLE**
32 **THAT:**

1 (I) IS MADE BY A MANUFACTURER;

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

4 (III) HAS NOT BEEN MODIFIED FROM ORIGINAL
5 MANUFACTURER SPECIFICATIONS;

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

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

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

12 1. HAS A CAPACITY OF NOT LESS THAN 4 KILOWATT
13 HOURS; AND

14 2. IS CAPABLE OF BEING RECHARGED FROM AN
15 EXTERNAL SOURCE OF ELECTRICITY.

16 (B) WHENEVER THE STATE HIGHWAY ADMINISTRATION PLACES A
17 TRAFFIC CONTROL DEVICE ON A HIGHWAY DESIGNATING A PORTION OF THE
18 HIGHWAY AS AN HOV LANE, THE TRAFFIC CONTROL DEVICE SHALL ALSO
19 INDICATE THAT THE HOV LANE MAY BE USED AT ALL TIMES BY PLUG-IN
20 VEHICLES THAT HAVE OBTAINED A PERMIT FROM THE ADMINISTRATION UNDER
21 THIS SECTION.

22 (C) (1) THE ADMINISTRATION, THE STATE HIGHWAY
23 ADMINISTRATION, AND THE DEPARTMENT OF STATE POLICE SHALL CONSULT
24 TO DESIGN A PERMIT TO DESIGNATE A VEHICLE AS A PLUG-IN VEHICLE
25 AUTHORIZED TO USE AN HOV LANE.

26 (2) A PLUG-IN VEHICLE THAT HAS A PERMIT AFFIXED TO IT IN
27 ACCORDANCE WITH ADMINISTRATION GUIDELINES MAY BE OPERATED IN AN
28 HOV LANE.

29 (3) THE ADMINISTRATION MAY CHARGE A FEE, NOT TO EXCEED
30 \$20, FOR ISSUING A PERMIT UNDER THIS SUBSECTION.

1 (D) BY JANUARY 1 OF EACH YEAR THE ADMINISTRATION AND THE
2 STATE HIGHWAY ADMINISTRATION JOINTLY SHALL REPORT TO THE
3 GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT
4 ARTICLE, THE GENERAL ASSEMBLY ON THE EFFECT THAT THE USE OF HOV
5 LANES BY PLUG-IN VEHICLES HAS ON THE OPERATION OF THE HOV LANES.

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