

SENATE BILL 602

R1

(0lr2434)

ENROLLED BILL

— Judicial Proceedings/Environmental Matters —

Introduced by **Senators Raskin, Brochin, ~~and Pinsky~~ Pinsky, Forehand, Gladden, Jacobs, Simonaire, and Stone**

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.

President.

CHAPTER _____

1 AN ACT concerning

2 ~~Vehicle Laws~~ **High Occupancy Vehicle (HOV) Lanes – Use by Plug-In**
3 **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~~
7 ~~certain plug-in vehicles~~ authorizing the use of a high occupancy vehicle (HOV)
8 lane by certain plug-in vehicles under certain circumstances; requiring the
9 Motor Vehicle Administration, the State Highway Administration, and the
10 Department of State Police to consult to design a certain permit; authorizing the
11 Motor Vehicle Administration to charge a certain fee for issuing a certain
12 permit; authorizing the *Motor Vehicle Administration, on the recommendation of*
13 *the* State Highway ~~Administrator~~ Administration, to limit the number of
14 permits issued under this Act for ~~certain reasons~~ a certain purpose; requiring

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

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

12 BY adding to
 13 Article – Transportation
 14 Section 25–108
 15 Annotated Code of Maryland
 16 (2009 Replacement Volume and 2009 Supplement)

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

19 **Article – Transportation**

20 11–167.

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

22 (1) Is not inconsistent with the Maryland Vehicle Law; and

23 (2) Is placed by authority of an authorized public body or official to
 24 regulate, warn, or guide traffic.

25 21–201.

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

30 **25–108.**

31 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
 32 **MEANINGS INDICATED.**

1 (2) “HOV LANE” MEANS A HIGH OCCUPANCY VEHICLE LANE, THE
2 USE OF WHICH IS RESTRICTED BY A TRAFFIC CONTROL DEVICE DURING
3 SPECIFIED TIMES TO VEHICLES CARRYING AT LEAST A SPECIFIED NUMBER OF
4 OCCUPANTS.

5 (3) “PLUG-IN VEHICLE” MEANS A ~~4-WHEELED~~ MOTOR VEHICLE
6 THAT:

7 (I) IS MADE BY A MANUFACTURER;

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

10 (III) HAS NOT BEEN MODIFIED FROM ORIGINAL
11 MANUFACTURER SPECIFICATIONS;

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

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

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

18 1. HAS A CAPACITY OF NOT LESS THAN
19 4 KILOWATT-HOURS FOR 4-WHEELED MOTOR VEHICLES AND NOT LESS THAN
20 2.5 KILOWATT-HOURS FOR 2-WHEELED OR 3-WHEELED MOTOR VEHICLES; AND

21 2. IS CAPABLE OF BEING RECHARGED FROM AN
22 EXTERNAL SOURCE OF ELECTRICITY.

23 (B) ~~WHENEVER THE STATE HIGHWAY ADMINISTRATION PLACES A~~
24 ~~TRAFFIC CONTROL DEVICE ON A HIGHWAY DESIGNATING~~ DESIGNATES A
25 PORTION OF THE A HIGHWAY AS AN HOV LANE, THE TRAFFIC CONTROL DEVICE
26 ~~SHALL ALSO INDICATE THAT~~ THE HOV LANE MAY BE USED AT ALL TIMES BY
27 PLUG-IN VEHICLES THAT HAVE OBTAINED A PERMIT FROM THE
28 ADMINISTRATION UNDER THIS SECTION, REGARDLESS OF THE NUMBER OF
29 PASSENGERS IN THE VEHICLE.

30 (C) (1) THE ADMINISTRATION, THE STATE HIGHWAY
31 ADMINISTRATION, AND THE DEPARTMENT OF STATE POLICE SHALL CONSULT
32 TO DESIGN A PERMIT TO DESIGNATE A VEHICLE AS A PLUG-IN VEHICLE
33 AUTHORIZED TO USE AN HOV LANE.

1 (2) THE ADMINISTRATION MAY CHARGE A FEE, NOT TO EXCEED
2 \$20, FOR ISSUING A PERMIT UNDER THIS SECTION.

3 (3) THE ADMINISTRATION, ON THE RECOMMENDATION OF THE
4 STATE HIGHWAY ~~ADMINISTRATOR~~ ADMINISTRATION, MAY LIMIT THE NUMBER
5 OF PERMITS ISSUED TO ENSURE HOV LANE OPERATIONS ARE NOT DEGRADED
6 TO AN UNACCEPTABLE LEVEL.

7 (D) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE ADMINISTRATION
8 AND THE STATE HIGHWAY ADMINISTRATION JOINTLY SHALL REPORT TO THE
9 ~~GENERAL ASSEMBLY~~ GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE
10 STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE EFFECT OF
11 THE USE OF THE PLUG-IN VEHICLE PERMITS ISSUED UNDER THIS SECTION ON
12 THE OPERATION OF HOV LANES IN THE STATE.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.