

Chapter 491

(House Bill 674)

AN ACT concerning

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

FOR the purpose of ~~requiring the State Highway Administration, when designating a portion of a highway as a restricted use High Occupancy Vehicle (HOV) lane, to place traffic control devices indicating that the HOV lane may be used by certain plug-in vehicles~~ authorizing the use of a high occupancy vehicle (HOV) lane by certain plug-in vehicles under certain circumstances; requiring the Motor Vehicle Administration, the State Highway Administration, and the Department of State Police to consult to design a certain permit; authorizing the operator of a plug-in vehicle that has a certain permit affixed to it in accordance with certain guidelines to be in an HOV lane; authorizing the Motor Vehicle Administration to charge a certain fee for issuing a certain permit; authorizing the *Motor Vehicle Administration, on the recommendation of the State Highway Administration, to limit the number of permits issued under this Act for a certain purpose;* requiring the Motor Vehicle Administration and the State Highway Administration jointly to make a certain report to the Governor and the General Assembly by on or before a certain date each year; defining certain terms; providing for the termination of this Act; and generally relating to ~~the designation of HOV lanes by the State Highway Administration and the use of HOV lanes by plug-in vehicles.~~

BY repealing and reenacting, without amendments,

Article – Transportation

Section 11-167, ~~21-201(a), and 25-105~~ and 21-201(a)(1)

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

BY adding to

Article – Transportation

Section 25-108

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)

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

Article – Transportation

11-167.

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

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

21-201.

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

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

~~25-105.~~

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

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

25-108.

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

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

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

- (I) IS MADE BY A MANUFACTURER;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 20, 2010.