

Chapter 65

(House Bill 836)

AN ACT concerning

Vehicle Laws – Electric Vehicles

FOR the purpose of altering and harmonizing certain variations of the defined term “plug-in electric drive vehicle” as that term applies to planning by a utility for the availability and reliability of electric supply, excise tax credits, and exemptions allowing the use of high occupancy vehicle lanes regardless of the number of passengers; clarifying the application of the excise tax credit for plug-in electric drive vehicles; clarifying the application of and extending the termination date for the exemption allowing the use of high occupancy vehicle lanes by plug-in electric drive vehicles regardless of the number of passengers; altering the deadlines for the reporting requirements for the Maryland Electric Vehicle Infrastructure Council; extending the termination date for the Council; and generally relating to electric vehicles.

BY repealing and reenacting, without amendments,
Article – State Government
Section 10–616(p)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–616(p)(5)(xvi)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY adding to
Article – Transportation
Section 11–145.1
Annotated Code of Maryland
(2012 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–815 and 25–108
Annotated Code of Maryland
(2012 Replacement Volume)

BY repealing and reenacting, with amendments,

Chapter 491 of the Acts of the General Assembly of 2010
Section 2

BY repealing and reenacting, with amendments,
Chapter 492 of the Acts of the General Assembly of 2010
Section 2

BY repealing and reenacting, without amendments,
Chapter 400 of the Acts of the General Assembly of 2011
Section 1(b)

BY repealing and reenacting, with amendments,
Chapter 400 of the Acts of the General Assembly of 2011
Section 1(h) and 2

BY repealing and reenacting, without amendments,
Chapter 401 of the Acts of the General Assembly of 2011
Section 1(b)

BY repealing and reenacting, with amendments,
Chapter 401 of the Acts of the General Assembly of 2011
Section 1(h) and 2

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

Article – State Government

10–616.

(p) (1) Except as provided in paragraphs (2) through (5) of this subsection, a custodian may not knowingly disclose a public record of the Motor Vehicle Administration containing personal information.

(5) Notwithstanding the provisions of paragraphs (3) and (4) of this subsection, a custodian shall disclose personal information:

(xvi) for use by an electric company, as defined in § 1–101 of the Public Utilities Article, but only:

1. information describing a plug-in **ELECTRIC DRIVE** vehicle, as defined in § [25–108] **11–145.1** of the Transportation Article, and identifying the address of the registered owner of the plug-in vehicle;

2. for use in planning for the availability and reliability of the electric power supply; and

3. if the information is not:

A. published or redisclosed, including redisclosed to an affiliate as defined in § 7-501 of the Public Utilities Article; or

B. used for marketing or solicitation purposes; and

Article – Transportation

11-145.1.

(A) “PLUG-IN ELECTRIC DRIVE VEHICLE” MEANS A MOTOR VEHICLE THAT:

(1) IS MADE BY A MANUFACTURER;

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

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

(4) HAS A MAXIMUM SPEED CAPABILITY OF AT LEAST 55 MILES PER HOUR; AND

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

(I) 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

(II) IS CAPABLE OF BEING RECHARGED FROM AN EXTERNAL SOURCE OF ELECTRICITY.

(B) “PLUG-IN ELECTRIC DRIVE VEHICLE” INCLUDES A QUALIFYING VEHICLE THAT HAS BEEN MODIFIED FROM ORIGINAL MANUFACTURER SPECIFICATIONS.

13-815.

(a) [(1)] In this [section the following words have the meanings indicated.

(2) “Excise] SECTION, “EXCISE tax” means the tax imposed under § 13–809 of this subtitle.

[(3) “Qualified plug–in electric drive vehicle” means a 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 acquired for use or lease by the taxpayer and not for resale;
- (v) Is rated at not more than 8,500 pounds unloaded gross vehicle weight;
- (vi) Has a maximum speed capability of at least 55 miles per hour;
- (vii) Is propelled to a significant extent by an electric motor that draws electricity from a battery that:
 - 1. For a 4–wheeled motor vehicle, has a capacity of not less than 4 kilowatt–hours;
 - 2. For a 2–wheeled or 3–wheeled motor vehicle, has a capacity of not less than 2.5 kilowatt–hours; and
 - 3. Is capable of being recharged from an external source of electricity; and
- (viii) Is titled by the taxpayer on or after October 1, 2010, but before July 1, 2013.]

(b) **THIS SECTION APPLIES ONLY TO A PLUG–IN ELECTRIC DRIVE VEHICLE THAT:**

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

(2) IS ACQUIRED FOR USE OR LEASE BY THE TAXPAYER AND NOT FOR RESALE; AND

(3) IS TITLED BY THE TAXPAYER ON OR AFTER OCTOBER 1, 2010, BUT BEFORE JULY 1, 2013.

(C) (1) A credit is allowed against the excise tax imposed for a [qualified] plug-in electric drive vehicle.

(2) Subject to the limitations under subsections (c) through (e) of this section, the credit allowed under this section equals 100% of the excise tax imposed for a vehicle.

[(c)] (D) The credit allowed under this section may not exceed \$2,000.

[(d)] (E) The credit allowed under this section is limited to the acquisition of:

(1) One vehicle per individual; and

(2) 10 vehicles per business entity.

[(e)] (F) A credit may not be claimed under this section:

(1) For a vehicle unless the vehicle is registered in the State;

(2) Unless the manufacturer has already conformed to any applicable State or federal laws or regulations governing clean-fuel vehicle or electric vehicle purchases applicable during the calendar year in which the vehicle is titled; or

(3) For a vehicle that was initially registered in another state.

[(f)] (G) The Motor Vehicle Administration shall administer the credit under this section.

25-108.

(a) **[(1)]** In this [section the following words have the meanings indicated.

(2)] SECTION, "HOV lane" means a high occupancy vehicle lane, the use of which is restricted by a traffic control device during specified times to vehicles carrying at least a specified number of occupants.

[(3) "Plug-in vehicle" means a 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) THIS SECTION APPLIES ONLY TO A PLUG-IN ELECTRIC DRIVE VEHICLE THAT HAS A MAXIMUM SPEED CAPABILITY OF AT LEAST 65 MILES PER HOUR.

(C) Whenever the State Highway Administration designates a portion of a highway as an HOV lane, the HOV lane may be used at all times by plug-in **ELECTRIC DRIVE** vehicles that have obtained a permit from the Administration under this section, regardless of the number of passengers in the vehicle.

[(c) (D) (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 **ELECTRIC DRIVE** vehicle authorized to use an HOV lane.

(2) The Administration may charge a fee, not to exceed \$20, for issuing a permit under this section.

(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)] (E) 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 of the use of the plug-in **ELECTRIC DRIVE** vehicle permits issued under this section on the operation of HOV lanes in the State.

Chapter 491 of the Acts of 2010

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010. It shall remain effective for a period of **[3] 7** years and, at the end of September 30, **[2013] 2017**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Chapter 492 of the Acts of 2010

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010. It shall remain effective for a period of **[3] 7** years and, at the end of September 30, **[2013] 2017**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Chapter 400 of the Acts of 2011

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(b) There is a Maryland Electric Vehicle Infrastructure Council.

(h) (1) On or before **[January 1, 2012] DECEMBER 1, 2013 AND DECEMBER 1, 2014**, the Council shall submit **[an interim report] INTERIM REPORTS** of its work and recommendations to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly.

(2) On or before **[December 1, 2012] JUNE 30, 2015**, the Council shall submit a final report of its work and recommendations to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011. It shall remain effective for a period of **[2] 4** years and, at the end of June 30, **[2013] 2015**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Chapter 401 of the Acts of 2011

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(b) There is a Maryland Electric Vehicle Infrastructure Council.

(h) (1) On or before [January 1, 2012] **DECEMBER 1, 2013 AND DECEMBER 1, 2014**, the Council shall submit [an interim report] **INTERIM REPORTS** of its work and recommendations to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly.

(2) On or before [December 1, 2012] **JUNE 30, 2015**, the Council shall submit a final report of its work and recommendations to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011. It shall remain effective for a period of [2] **4** years and, at the end of June 30, [2013] **2015**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2013.

Approved by the Governor, April 9, 2013.