

Department of Legislative Services
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FISCAL AND POLICY NOTE
First Reader

House Bill 36 (Delegate Lam, *et al.*)
Environment and Transportation

Vehicle Laws - Plug-In Electric Drive Vehicles - Reserved Parking Spaces

This bill prohibits stopping, standing, or parking a vehicle in a space that provides access to a plug-in electric drive vehicle charging station, unless that vehicle is a plug-in electric drive vehicle. The bill establishes requirements for signage and pavement markings for such vehicle charging spaces. The bill also establishes that a person who violates the bill's provisions is subject to a civil penalty of \$100.

The bill authorizes a parking facility that is privately owned or owned by a local government to have a vehicle towed or removed if it is in violation of the bill's restriction. Local governments may also ticket vehicles in violation of the bill. Any local law authorizing towing from a facility owned by a local government must meet or exceed the standards set forth in the State trespass towing laws.

Fiscal Summary

State Effect: General fund revenues increase minimally beginning in FY 2018 from the application of new and existing penalties to the bill's prohibition. Expenditures (all funds) increase minimally for various State agencies to procure signs and mark spaces compliant with the bill in FY 2018; thereafter, any such costs associated with new charging spaces can likely be absorbed.

Local Effect: Local government revenues increase minimally beginning in FY 2018 from the application of existing penalties to the bill's prohibition. Local government expenditures may increase minimally to procure signs and mark spaces compliant with the bill. Otherwise, enforcement can be handled with existing resources.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill defines “plug-in electric drive vehicle charging space” as a parking space that provides access to charging equipment that transfers electrical energy to a plug-in electric drive vehicle.

The bill requires a sign designating a parking space for such vehicles to be at least 18 inches high and 12 inches wide, be clearly visible to the driver entering the space, and state the maximum fine that may be incurred for a violation. The sign must also meet any applicable State and federal requirements for parking signs. A plug-in electric drive vehicle charging space must be indicated by green pavement markings.

The bill also establishes that a plug-in electric drive vehicle charging space must be counted as part of the overall number of parking spaces in a parking lot for the purpose of complying with any zoning or parking laws intended to meet requirements for commercial and industrial uses under the Americans with Disabilities Act.

Current Law/Background: According to the U.S. Department of Energy, as of January 2017, Maryland has 1,085 public electric vehicle charging outlets, which ranks ninth in the United States in terms of the number of chargers per state.

Sales of Plug-in Vehicles

Plug-in vehicles, which include hybrid-electric vehicles (*e.g.*, the Chevrolet Volt) and vehicles without gasoline-powered motors (*e.g.*, the Nissan Leaf and Tesla Model S), have experienced a recent resurgence in popularity that has led to commercialization of more than two dozen vehicle models from major manufacturers. Although plug-in electric vehicles represent a small percentage of total vehicle sales, the rate of growth in sales for these vehicles has generally been significant.

The Maryland Clean Cars Act of 2007 requires Maryland to adopt a Zero Emissions Vehicle program applicable to vehicles beginning in model year 2011. State regulations require manufacturers to comply with California Zero Emission Vehicle Requirements, which generally rely on the use of a system of credits to ensure that a sufficient number of low- and zero-emissions vehicles are sold.

According to data from the Motor Vehicle Administration and the Maryland Electric Vehicle Infrastructure Council (EVIC), only 1 plug-in electric vehicle was registered in Maryland in fiscal 2010, 72 plug-in electric vehicles were registered in fiscal 2011, and 2,597 plug-in electric vehicles were registered in fiscal 2012. Although the number of newly registered plug-in electric vehicles dropped sharply in fiscal 2013 (with 2,727 total registered electric vehicles), a sharp increase occurred once again in fiscal 2014 and the

first half of fiscal 2015. According to EVIC data, as of December 1, 2014, there were 5,544 plug-in electric vehicles registered in Maryland. A second slowdown in registrations occurred in the following months, and as of October 31, 2015, there were 5,932 plug-in electric vehicles registered in the State. For context, this is only about 0.01% of the total registered vehicles in the State and about 9.9% of the EVIC goal of 60,000 registered electric vehicles in Maryland by 2020. The 2016 EVIC report has not yet been released.

Implementation of Maryland Electric Vehicle Infrastructure Council Recommendations

Chapters 400 and 401 of 2011 established EVIC and required it to develop a plan to expand the adoption of electric vehicles and develop an infrastructure charging network. In its final report issued in December 2012, the council issued several recommendations, including (1) extending EVIC through June 2015; (2) increasing the amount of zero emission State fleet vehicle purchases to 10% by 2020 and at least 25% by 2025; (3) establishing a grant program for electric vehicle support equipment installation and procurement of transaction management software for multiunit dwellings; and (4) extending the recharging equipment tax credit through December 2016 and the qualified electric vehicle excise tax credit to July 1, 2016.

To implement EVIC's recommendations, Chapters 64 and 65 of 2013 extended EVIC through June 2015. Further, Chapters 359 and 360 of 2014 extended the termination date of the tax credit program through fiscal 2017, altered the value of the tax credits, and replaced the electric vehicle recharging equipment income tax credit with a rebate program. Chapter 378 of 2015 subsequently extended EVIC to June 30, 2020, and shifted the reporting deadline to December 1 of each year, with a final report due June 30, 2020.

The January 1, 2015 EVIC interim report contained two recommendations for future legislation: (1) establishing high occupancy vehicle lane reciprocity with Virginia; and (2) prohibiting homeowners associations, condominium associations, and landlords from prohibiting or unreasonably restricting the installation of charging equipment by residents in such developments. Neither recommendation has been implemented to date.

Stopping, Standing, and Parking of Vehicles

The Maryland Vehicle Law governs the stopping, standing, and parking of vehicles, with various restrictions applicable under certain circumstances or within certain jurisdictions. A local authority, in the reasonable exercise of its police power, may also regulate or prohibit the stopping, standing, or parking of vehicles on highways within its jurisdiction. Generally, a violation of the Maryland Vehicle Law is a misdemeanor that carries a fine of up to \$500. The amount of the prepaid fine for a violation of most provisions regulating stopping, standing, or parking is generally \$50, \$60, or \$70, depending on the specific violation.

Additional Information

Prior Introductions: As amended, HB 839 of 2016 passed the House and received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. HB 1020 of 2014, a similar bill, received an unfavorable report from the House Environmental Matters Committee.

Cross File: SB 302 (Senator Feldman, *et al.*) – Judicial Proceedings.

Information Source(s): Baltimore, Carroll, Harford, Montgomery, and Queen Anne's counties; Maryland Association of Counties; City of Laurel; Maryland Municipal League; University System of Maryland; Department of General Services; Department of Natural Resources; Department of State Police; Maryland Department of Transportation; U.S. Department of Energy; Department of Legislative Services

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