

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 391 (Delegate Saab, *et al.*)
Environment and Transportation

Vehicle Laws - High Occupancy Vehicle (HOV) Lanes - Hours of Operation on
U.S. Route 50

This bill establishes that the multiple passenger requirement for vehicles using a high occupancy vehicle (HOV) lane on the portion of U.S. Route 50 between Interstate 95/Interstate 495 and U.S. Route 301 only applies Monday through Friday, between 6 a.m. and 9 a.m. and between 4 p.m. and 7 p.m. During all other times, a vehicle may use an HOV lane along that portion of U.S. Route 50, regardless of the number of passengers. However, the State Highway Administration may suspend the bill's restrictions as to days and times if it determines that the restrictions do not comply with federal law.

Fiscal Summary

State Effect: General fund revenues decrease, likely minimally, beginning in FY 2020 due to fewer citations issued. Enforcement can be handled with existing resources.

Local Effect: Prince George's County finances and operations are not materially affected, as enforcement can be handled with existing resources.

Small Business Effect: Minimal.

Analysis

Current Law: Generally, a person may not drive a vehicle in an HOV lane unless authorized by a traffic control device. However, certain vehicles may be driven in an HOV lane at all times regardless of the number of passengers in (or on) the vehicle, including:

- a bus;
- a motorcycle;
- a plug-in electric drive vehicle displaying the required permit; and
- a tow truck that is properly registered while responding to a call for service (if an appropriate law enforcement agency has authorized the tow truck operator to use HOV lanes).

In addition, a qualified hybrid vehicle displaying the appropriate permit may use an HOV lane along the portion of U.S. Route 50 between Interstate 95/Interstate 495 and U.S. Route 301 at all times, regardless of the number of passengers.

State Revenues: In fiscal 2018, there were 3,676 violations of driving in an HOV lane without proper authorization, which is a misdemeanor that carries a fine of up to \$500. The prepayable amount set by the District Court is \$90. A small portion of individuals receiving citations – about 12% – opted for a trial in fiscal 2018.

The number of citations issued along the relevant segment of U.S. Route 50 during nonpeak commuting hours is unknown. However, because fewer individuals are expected to receive citations under the bill, general fund revenues decrease, likely minimally, beginning in fiscal 2020.

Additional Information

Prior Introductions: HB 1412 of 2018, an identical bill as amended, passed the House and received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Cross File: None.

Information Source(s): Prince George’s County; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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an/ljm

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