

SENATE BILL 602

R1

0lr2434

By: **Senators Raskin, Brochin, ~~and Pinsky~~ Pinsky, Forehand, Gladden, Jacobs, Simonaire, and Stone**

Introduced and read first time: February 5, 2010

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 2010

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 State Highway ~~Administrator~~ Administration to limit
13 the number of permits issued under this Act for ~~certain reasons~~ a certain
14 purpose; requiring the Motor Vehicle Administration and the State Highway
15 Administration jointly to make a certain report to the Governor and the General
16 Assembly on or before a certain date each year; defining certain terms;
17 providing for the termination of this Act; and generally relating to ~~the~~
18 ~~designation of HOV lanes by the State Highway Administration and~~ the use of
19 HOV lanes by plug-in vehicles.

20 BY repealing and reenacting, without amendments,

21 Article – Transportation

22 Section 11-167 and 21-201(a)(1)

23 Annotated Code of Maryland

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.



1 (2009 Replacement Volume and 2009 Supplement)

2 BY adding to

3 Article – Transportation

4 Section 25–108

5 Annotated Code of Maryland

6 (2009 Replacement Volume and 2009 Supplement)

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

9 **Article – Transportation**

10 11–167.

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

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

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

15 21–201.

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

20 **25–108.**

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

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

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

29 **(I) IS MADE BY A MANUFACTURER;**

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

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

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

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

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

9 1. HAS A CAPACITY OF NOT LESS THAN
10 4 KILOWATT-HOURS FOR 4-WHEELED MOTOR VEHICLES AND NOT LESS THAN
11 2.5 KILOWATT-HOURS FOR 2-WHEELED OR 3-WHEELED MOTOR VEHICLES; AND

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

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

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

25 (2) THE ADMINISTRATION MAY CHARGE A FEE, NOT TO EXCEED
26 \$20, FOR ISSUING A PERMIT UNDER THIS SECTION.

27 (3) THE STATE HIGHWAY ~~ADMINISTRATOR~~ ADMINISTRATION
28 MAY LIMIT THE NUMBER OF PERMITS ISSUED TO ENSURE HOV LANE
29 OPERATIONS ARE NOT DEGRADED TO AN UNACCEPTABLE LEVEL.

30 (D) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE ADMINISTRATION
31 AND THE STATE HIGHWAY ADMINISTRATION JOINTLY SHALL REPORT TO THE
32 ~~GENERAL ASSEMBLY~~ GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE
33 STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE EFFECT OF

1 THE USE OF THE PLUG-IN VEHICLE PERMITS ISSUED UNDER THIS SECTION ON
2 THE OPERATION OF HOV LANES IN THE STATE.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.