

# SENATE BILL 600

R7

3lr2589  
CF HB 836

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By: **Senator Garagiola**

Introduced and read first time: February 1, 2013

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 14, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws – Electric Vehicles**

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

14 BY repealing and reenacting, without amendments,  
15 Article – State Government  
16 Section 10–616(p)(1)  
17 Annotated Code of Maryland  
18 (2009 Replacement Volume and 2012 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article – State Government  
21 Section 10–616(p)(5)(xvi)  
22 Annotated Code of Maryland  
23 (2009 Replacement Volume and 2012 Supplement)

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**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 BY adding to  
2 Article – Transportation  
3 Section 11–145.1  
4 Annotated Code of Maryland  
5 (2012 Replacement Volume)
- 6 BY repealing and reenacting, with amendments,  
7 Article – Transportation  
8 Section 13–815 and 25–108  
9 Annotated Code of Maryland  
10 (2012 Replacement Volume)
- 11 BY repealing and reenacting, with amendments,  
12 Chapter 491 of the Acts of the General Assembly of 2010  
13 Section 2
- 14 BY repealing and reenacting, with amendments,  
15 Chapter 492 of the Acts of the General Assembly of 2010  
16 Section 2
- 17 BY repealing and reenacting, without amendments,  
18 Chapter 400 of the Acts of the General Assembly of 2011  
19 Section 1(b)
- 20 BY repealing and reenacting, with amendments,  
21 Chapter 400 of the Acts of the General Assembly of 2011  
22 Section 1(h) and 2
- 23 BY repealing and reenacting, without amendments,  
24 Chapter 401 of the Acts of the General Assembly of 2011  
25 Section 1(b)
- 26 BY repealing and reenacting, with amendments,  
27 Chapter 401 of the Acts of the General Assembly of 2011  
28 Section 1(h) and 2
- 29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
30 MARYLAND, That the Laws of Maryland read as follows:
- 31 **Article – State Government**
- 32 10–616.
- 33 (p) (1) Except as provided in paragraphs (2) through (5) of this subsection,  
34 a custodian may not knowingly disclose a public record of the Motor Vehicle  
35 Administration containing personal information.

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

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

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

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

10                           3. if the information is not:

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

13                                   B. used for marketing or solicitation purposes; and

14   **Article – Transportation**

15   **11–145.1.**

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

18                           **(1) IS MADE BY A MANUFACTURER;**

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

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

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

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

27   **(i) HAS A CAPACITY OF NOT LESS THAN 4**  
28 **KILOWATT-HOURS FOR 4-WHEELED MOTOR VEHICLES AND NOT LESS THAN 2.5**  
29 **KILOWATT-HOURS FOR 2-WHEELED OR 3-WHEELED MOTOR VEHICLES; AND**

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

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

6 13–815.

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

8                   (2) “Excise] SECTION, “EXCISE tax” means the tax imposed under §  
9 13–809 of this subtitle.

10                   [(3) “Qualified plug-in electric drive vehicle” means a motor vehicle  
11 that:

12                           (i) Is made by a manufacturer;

13                           (ii) Is manufactured primarily for use on public streets, roads,  
14 and highways;

15                           (iii) Has not been modified from original manufacturer  
16 specifications;

17                           (iv) Is acquired for use or lease by the taxpayer and not for  
18 resale;

19                           (v) Is rated at not more than 8,500 pounds unloaded gross  
20 vehicle weight;

21                           (vi) Has a maximum speed capability of at least 55 miles per  
22 hour;

23                           (vii) Is propelled to a significant extent by an electric motor that  
24 draws electricity from a battery that:

25                                   1. For a 4-wheeled motor vehicle, has a capacity of not  
26 less than 4 kilowatt-hours;

27                                   2. For a 2-wheeled or 3-wheeled motor vehicle, has a  
28 capacity of not less than 2.5 kilowatt-hours; and

29                                   3. Is capable of being recharged from an external source  
30 of electricity; and

1 (viii) Is titled by the taxpayer on or after October 1, 2010, but  
2 before July 1, 2013.]

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

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

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

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

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

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

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

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

19 (1) One vehicle per individual; and

20 (2) 10 vehicles per business entity.

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

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

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

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

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

1 25–108.

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

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

6 [(3) “Plug–in vehicle” means a motor vehicle that:

7 (i) Is made by a manufacturer;

8 (ii) Is manufactured primarily for use on public streets, roads,  
9 and highways;

10 (iii) Has not been modified from original manufacturer  
11 specifications;

12 (iv) Is rated at not more than 8,500 pounds unloaded gross  
13 vehicle weight;

14 (v) Has a maximum speed capability of at least 65 miles per  
15 hour; and

16 (vi) Is propelled to a significant extent by an electric motor that  
17 draws electricity from a battery that:

18 1. Has a capacity of not less than 4 kilowatt–hours for  
19 4–wheeled motor vehicles and not less than 2.5 kilowatt–hours for 2–wheeled or  
20 3–wheeled motor vehicles; and

21 2. Is capable of being recharged from an external source  
22 of electricity.]

23 (b) **THIS SECTION APPLIES ONLY TO A PLUG–IN ELECTRIC DRIVE**  
24 **VEHICLE THAT HAS A MAXIMUM SPEED CAPABILITY OF AT LEAST 65 MILES PER**  
25 **HOUR.**

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

30 [(c)] (D) (1) The Administration, the State Highway Administration, and  
31 the Department of State Police shall consult to design a permit to designate a vehicle  
32 as a plug–in **ELECTRIC DRIVE** vehicle authorized to use an HOV lane.

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

3           (3)     The Administration, on the recommendation of the State Highway  
4 Administration, may limit the number of permits issued to ensure HOV lane  
5 operations are not degraded to an unacceptable level.

6           **[(d)] (E)**     On or before January 1 of each year, the Administration and the  
7 State Highway Administration jointly shall report to the Governor and, in accordance  
8 with § 2–1246 of the State Government Article, the General Assembly on the effect of  
9 the use of the plug-in **ELECTRIC DRIVE** vehicle permits issued under this section on  
10 the operation of HOV lanes in the State.

### 11                                   **Chapter 491 of the Acts of 2010**

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

### 16                                   **Chapter 492 of the Acts of 2010**

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

### 21                                   **Chapter 400 of the Acts of 2011**

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

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

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

29           (2)     On or before **[December 1, 2012] JUNE 30, 2015**, the Council shall  
30 submit a final report of its work and recommendations to the Governor and, subject to  
31 § 2–1246 of the State Government Article, the General Assembly.

32           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 July 1, 2011. It shall remain effective for a period of **[2] 4** years and, at the end of June

1 30, [2013] **2015**, with no further action required by the General Assembly, this Act  
 2 shall be abrogated and of no further force and effect.

3 **Chapter 401 of the Acts of 2011**

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

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

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

11 (2) On or before [December 1, 2012] **JUNE 30, 2015**, the Council shall  
 12 submit a final report of its work and recommendations to the Governor and, subject to  
 13 § 2–1246 of the State Government Article, the General Assembly.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 15 July 1, 2011. It shall remain effective for a period of [2] **4** years and, at the end of June  
 16 30, [2013] **2015**, with no further action required by the General Assembly, this Act  
 17 shall be abrogated and of no further force and effect.

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.