

HOUSE BILL 1179

R5

6lr2794

By: **Delegates McMillan, Anderton, Beidle, Carr, Fraser–Hidalgo, Frush, Ghrist, Gilchrist, Holmes, Jacobs, Kipke, McCray, Miele, Moon, Oaks, Otto, Pena–Melnyk, S. Robinson, Stein, and Szeliga**

Introduced and read first time: February 12, 2016

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2016

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – HOV Lanes – Plug–In Electric Drive and Hybrid Vehicles**

3 FOR the purpose of authorizing certain hybrid vehicles to use a certain high occupancy
4 vehicle (HOV) ~~lanes~~ lane regardless of the number of passengers under certain
5 circumstances; making certain requirements regarding the use of HOV lanes by
6 plug–in electric drive vehicles applicable to qualified hybrid vehicles; extending the
7 termination date for the exemption allowing the use of HOV lanes by plug–in electric
8 drive vehicles; providing for the termination of certain provisions of this Act; making
9 certain conforming changes; and generally relating to the use of HOV lanes by
10 plug–in electric drive and hybrid vehicles.

11 BY repealing and reenacting, with amendments,
12 Article – Transportation
13 Section 21–314 and 25–108
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2015 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Transportation
18 Section 23–202(b)(3)(i)
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2015 Supplement)

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 repealing and reenacting, with amendments,
 2 Chapter 491 of the Acts of the General Assembly of 2010, as amended by Chapters
 3 64 and 65 of the Acts of the General Assembly of 2013
 4 Section 2

5 BY repealing and reenacting, with amendments,
 6 Chapter 492 of the Acts of the General Assembly of 2010, as amended by Chapters
 7 64 and 65 of the Acts of the General Assembly of 2013
 8 Section 2

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

11 **Article – Transportation**

12 21–314.

13 (a) In this section, “HOV lane” means a high occupancy vehicle lane, the use of
 14 which is restricted by a traffic control device during specified times to vehicles carrying at
 15 least a specified number of occupants.

16 (b) Except as provided in subsection (c) of this section, a person may not drive a
 17 vehicle in an HOV lane unless authorized by a traffic control device.

18 (c) **(1)** The following vehicles may be driven in an HOV lane at all times
 19 regardless of the number of passengers in or on the vehicle:

20 ~~(1)~~ **(I)** A bus;

21 ~~(2)~~ **(II)** A motorcycle; ~~and~~

22 ~~(3)~~ **(III)** A plug-in electric drive vehicle displaying a valid permit issued
 23 under § 25–108 of this article; ~~AND~~

24 ~~(4) A QUALIFIED HYBRID VEHICLE DISPLAYING A VALID PERMIT~~
 25 ~~ISSUED UNDER § 25–108 OF THIS ARTICLE.~~

26 **(2) A QUALIFIED HYBRID VEHICLE DISPLAYING A VALID PERMIT**
 27 **ISSUED UNDER § 25–108 OF THIS ARTICLE MAY BE DRIVEN IN THE PORTION OF U.S.**
 28 **ROUTE 50 DESIGNATED AS AN HOV LANE, BETWEEN INTERSTATE 95/INTERSTATE**
 29 **495 AND U.S. ROUTE 301, AT ALL TIMES REGARDLESS OF THE NUMBER OF**
 30 **PASSENGERS IN OR ON THE VEHICLE.**

31 23–202.

1 (b) (3) (i) In this paragraph, “qualified hybrid vehicle” means an
2 automobile that:

- 3 1. Meets all applicable regulatory requirements;
- 4 2. Meets the current vehicle exhaust standard set under the
5 federal Tier 2 program for gasoline–powered passenger cars under 40 C.F.R. Part 80 et seq.;
- 6 and
- 7 3. Can draw propulsion energy from both of the following
8 sources of stored energy:
 - 9 A. Gasoline or diesel fuel; and
 - 10 B. A rechargeable energy storage system.

11 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
12 as follows:

13 Article – Transportation

14 25–108.

15 (a) In this section, “HOV lane” means a high occupancy vehicle lane, the use of
16 which is restricted by a traffic control device during specified times to vehicles carrying at
17 least a specified number of occupants.

18 (b) This section applies only to [a]:

19 (1) A plug–in electric drive vehicle that has a maximum speed capability
20 of at least 65 miles per hour; AND

21 (2) **A QUALIFIED HYBRID VEHICLE AS DEFINED IN § 23–202(B)(3) OF**
22 **THIS ARTICLE.**

23 (c) (1) Whenever the State Highway Administration designates a portion of a
24 highway as an HOV lane, the HOV lane may be used at all times by plug–in electric drive
25 vehicles ~~AND QUALIFIED HYBRID VEHICLES~~ that have obtained a permit from the
26 Administration under this section, regardless of the number of passengers in the vehicle.

27 (2) **FOR THE PORTION OF U.S. ROUTE 50 DESIGNATED AS AN HOV**
28 **LANE, BETWEEN INTERSTATE 95/INTERSTATE 495 AND U.S. ROUTE 301, THE HOV**
29 **LANE MAY BE USED AT ALL TIMES BY QUALIFIED HYBRID VEHICLES THAT HAVE**
30 **OBTAINED A PERMIT FROM THE ADMINISTRATION UNDER THIS SECTION,**
31 **REGARDLESS OF THE NUMBER OF PASSENGERS IN THE VEHICLE.**

1 (d) (1) The Administration, the State Highway Administration, and the
2 Department of State Police shall consult to design a permit to designate a vehicle as a
3 plug-in electric drive vehicle **OR A QUALIFIED HYBRID VEHICLE** authorized to use an
4 HOV lane.

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

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

10 (e) On or before January 1 of each year, the Administration and the State
11 Highway Administration jointly shall report to the Governor and, in accordance with §
12 2-1246 of the State Government Article, the General Assembly on the effect of the use of
13 the plug-in electric drive vehicle **AND QUALIFIED HYBRID VEHICLE** permits issued under
14 this section on the operation of HOV lanes in the State.

15 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
16 as follows:

17 **Chapter 491 of the Acts of 2010, as amended by Chapters 64 and 65 of the Acts of**
18 **2013**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2010. It shall remain effective for a period of [7] ~~10~~ 8 years and, at the end of
21 September 30, [2017] ~~2020~~ 2018, with no further action required by the General
22 Assembly, this Act shall be abrogated and of no further force and effect.

23 **Chapter 492 of the Acts of 2010, as amended by Chapters 64 and 65 of the Acts of**
24 **2013**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2010. It shall remain effective for a period of [7] ~~10~~ 8 years and, at the end of
27 September 30, [2017] ~~2020~~ 2018, with no further action required by the General
28 Assembly, this Act shall be abrogated and of no further force and effect.

29 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2016. Section 2 of this Act shall remain effective for a period of ~~4~~ 2 years and, at
31 the end of September 30, ~~2020~~ 2018, with no further action required by the General
32 Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.