

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 889

(Delegate Stein)

Environment and Transportation

Judicial Proceedings

Vehicle Laws - HOV Lanes - Tow Trucks

This bill authorizes a properly registered tow truck to be driven in a high occupancy vehicle (HOV) lane while responding to a call for service, regardless of the number of passengers in the vehicle, but only if an appropriate law enforcement agency has authorized such use. The tow truck must be using the required visual signals (yellow or amber lights or signal devices) while responding to a call for service.

Fiscal Summary

State Effect: Potential minimal decrease in general fund revenues to the extent that fewer tow trucks receive citations for driving in HOV lanes while responding to service calls. Expenditures are not affected.

Local Effect: Any changes to local police enforcement processes can be handled with existing resources. Local government revenues are not affected.

Small Business Effect: Minimal.

Analysis

Current Law: The use of HOV lanes is restricted by traffic control devices during indicated times to vehicles carrying at least a specified number of passengers.

In general, 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 (1) a bus; (2) a motorcycle; and (3) a plug-in electric drive vehicle displaying a valid permit issued under

the Transportation Article. In addition, a qualified hybrid vehicle displaying a valid permit may be driven in the portion of U.S. Route 50 designated as an HOV lane, between Interstate 95/Interstate 495 and U.S. Route 301, at all times regardless of the number of passengers in or on the vehicle.

Driving a vehicle in an HOV lane when not authorized by a traffic control device is a misdemeanor, subject to a maximum fine of \$500. The prepayment penalty established by the District Court for this violation is \$90.

Tow trucks are authorized to be equipped with (or display) yellow or amber lights or signal devices. In addition, tow trucks are specifically authorized to display one or more amber flashing lights while at the scene of an accident or a disabled vehicle, or while towing a vehicle. Drivers are required to yield the right-of-way and stop as specified under the Transportation Article.

Additional Comments: According to the State Highway Administration (SHA), the Federal Highway Administration requires that access to HOV lanes be restricted to high occupancy vehicles containing two or more passengers, with some exceptions. However, SHA notes that the exceptions do not appear to include tow trucks.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - March 1, 2017
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Analysis by: Eric Pierce

Direct Inquiries to:
(410) 946-5510
(301) 970-5510