

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 1392 Session of  
2019

---

INTRODUCED BY CARROLL, NEILSON, READSHAW, SCHLOSSBERG, IRVIN,  
MULLINS, MILLARD, HILL-EVANS, DONATUCCI, KORTZ, MARKOSEK AND  
McCLINTON, MAY 2, 2019

---

REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 2, 2019

---

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in liquid fuels and fuels tax, further providing  
3 for definitions and providing for electric vehicle road fee;  
4 and making editorial changes.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Chapter 90 of Title 75 of the Pennsylvania  
8 Consolidated Statutes is amended by adding a subchapter heading  
9 to read:

10 SUBCHAPTER A

11 PRELIMINARY PROVISIONS

12 Section 2. The definition of "alternative fuels" in section  
13 9002 of Title 75 is amended and the section is amended by adding  
14 definitions to read:

15 § 9002. Definitions.

16 The following words and phrases when used in this chapter  
17 shall have the meanings given to them in this section unless the  
18 context clearly indicates otherwise:

1 "Alternative fuels." Natural gas, compressed natural gas  
2 (CNG), liquified natural gas (LNG), liquid propane gas and  
3 liquified petroleum gas (LPG), alcohols, gasoline-alcohol  
4 mixtures containing at least 85% alcohol by volume, hydrogen,  
5 hythane[, electricity] and any other fuel used to propel motor  
6 vehicles on the public highways which is not taxable as fuels or  
7 liquid fuels under this chapter. The term does not include  
8 electricity.

9 \* \* \*

10 "Electric vehicle." A motor vehicle that is powered partly  
11 or solely by a battery that can be recharged wirelessly or  
12 plugged into an external source of electricity, which motor  
13 vehicle meets the applicable Federal and State safety standards  
14 for on-road vehicles.

15 "Electric vehicle road fee." The annual fee imposed under  
16 Subchapter C (relating to electric vehicle road fee) in place of  
17 a liquid fuels tax or alternative fuels tax assessed upon  
18 electricity used in highway vehicles.

19 "Exempt entity." A person exempt under section 9035  
20 (relating to exempt entities) from reporting and paying the  
21 liquid fuels tax or alternative fuels tax imposed by this  
22 chapter.

23 \* \* \*

24 Section 3. Chapter 90 of Title 75 is amended by adding  
25 subchapters to read:

26 SUBCHAPTER B

27 (Reserved)

28 SUBCHAPTER C

29 ELECTRIC VEHICLE ROAD FEE

30 Sec.

- 1 9031. Short title of subchapter.
- 2 9032. Road fee imposed on electric vehicles.
- 3 9033. Electricity used in electric vehicles.
- 4 9034. Fees for highway maintenance and construction.
- 5 9035. Exempt entities.
- 6 9036. Refunds.
- 7 9037. Regulations.

8 § 9031. Short title of subchapter.

9 This subchapter shall be known and may be cited as the  
10 Electric Vehicle Road Fee Act.

11 § 9032. Road fee imposed on electric vehicles.

12 (a) Fee required for registration.--Concurrent with  
13 submitting an annual or biennial vehicle registration  
14 application and fee to the department under section 1301  
15 (relating to registration and certificate of title required), an  
16 owner of an electric vehicle shall submit the electric vehicle  
17 road fee. The following shall apply:

18 (1) Registration may not be considered complete without  
19 payment in full of the electric vehicle road fee.

20 (2) The electric vehicle road fee shall be paid by each  
21 new owner registering an electric vehicle in this  
22 Commonwealth.

23 (b) Computation of electric vehicle road fee.--

24 (1) The electric vehicle road fee for noncommercial  
25 electric vehicles shall be \$150 per year.

26 (2) The electric vehicle road fee for commercial  
27 electric vehicles shall be \$250 per year.

28 § 9033. Electricity used in electric vehicles.

29 Electricity used in an electric vehicle that propels a  
30 vehicle on public highways is not considered a liquid fuel or

1 alternative fuel as defined under this chapter.

2 § 9034. Fees for highway maintenance and construction.

3 Fees collected under this subchapter shall be deposited in  
4 the Motor License Fund in accordance with the allocations under  
5 section 9511 (relating to allocation of proceeds). For purposes  
6 of aligning the electric vehicle road fee with the allocations  
7 of proceeds, the electric vehicle road fee must be allocated in  
8 accordance with the oil company franchise tax for highway  
9 maintenance and construction under section 9502 (relating to  
10 imposition of tax).

11 § 9035. Exempt entities.

12 (a) Exemption.--An electric vehicle registered to an exempt  
13 entity under section 9004(e) (relating to imposition of tax,  
14 exemptions and deductions) is exempt from paying the electric  
15 vehicle road fee.

16 (b) Requirements.--The following apply:

17 (1) If an electric vehicle registered to an exempt  
18 entity is used for a nonexempt purpose during the  
19 registration year, the exempt entity shall pay an  
20 administrative penalty of \$500 to the department. The vehicle  
21 owner is not eligible for a refund of a registration fee that  
22 may have been paid for the vehicle.

23 (2) An exempt entity applying for a refund under section  
24 9007 (relating to determination and redetermination of tax,  
25 penalties and interest due) shall maintain records of vehicle  
26 usage, certifying that an individual trip made by the vehicle  
27 was for a qualified exempt use. Individual trip logs,  
28 odometer readings and driver signatures shall be among the  
29 records required to substantiate exempt use.

30 (3) The department may inspect the substantiating

1 records for an exempt entity at any time.

2 (4) The exempt entity shall cooperate with an agent of  
3 the department in an inspection.

4 (5) An exempt entity that refuses to permit the  
5 department or an agent appointed by the department in writing  
6 to examine the books, records, papers or other equipment  
7 associated with the operation of an electric vehicle commits  
8 a summary offense and shall pay a fine of \$500 for each  
9 electric vehicle owned or operated by the exempt entity.

10 § 9036. Refunds.

11 A person may be entitled to a refund of the electric vehicle  
12 road fee paid for a vehicle that would otherwise have been  
13 exempt under section 9006 (relating to distributor's report and  
14 payment of tax). A person entitled to a refund of the electric  
15 vehicle road fee shall apply for an annual refund in a manner  
16 similar to the refund process used for liquid fuels and  
17 alternative fuels under section 9017 (relating to refunds).

18 § 9037. Regulations.

19 The department, in coordination with the Department of  
20 Transportation, may promulgate regulations to implement the  
21 addition of this subchapter.

22 Section 4. This act shall take effect in 60 days.