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, McCLINTON AND DALEY, MAY 2, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, SEPTEMBER 19, 2019

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, IN SIZE, WEIGHT AND LOAD, FURTHER PROVIDING FOR MAXIMUM GROSS WEIGHT OF VEHICLES; in liquid fuels and fuels tax, further providing for definitions and providing for electric vehicle road use fee; and making editorial changes.

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

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

SECTION 1. SECTION 4941(D)(1) OF TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO READ:

§ 4941. MAXIMUM GROSS WEIGHT OF VEHICLES.
* * *
(D) NATURAL GAS AND ELECTRIC VEHICLES.--

(1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A VEHICLE THAT IS OPERATED BY AN ENGINE FUELED PRIMARILY BY COMPRESSED OR LIQUEFIED NATURAL GAS OR AN ELECTRIC VEHICLE
MAY EXCEED THE GROSS VEHICLE WEIGHT LIMITS IMPOSED UNDER THIS
SECTION BY AN AMOUNT, NOT TO EXCEED A MAXIMUM OF 2,000
POUNDS, THAT IS EQUAL TO THE DIFFERENCE BETWEEN THE WEIGHT OF
THE VEHICLE ATTRIBUTABLE TO THE NATURAL GAS TANK AND FUELING
SYSTEM OR THE BATTERY OR BATTERY PACK CARRIED BY THE VEHICLE
AND THE WEIGHT OF A COMPARABLE DIESEL TANK AND FUELING
SYSTEM.

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SECTION 2. CHAPTER 90 OF TITLE 75 IS AMENDED BY ADDING A
SUBCHAPTER HEADING TO READ:

SUBCHAPTER A
PRELIMINARY PROVISIONS

Section 2-3. Section 9002 of Title 75 is amended by adding
definitions to read:

§ 9002. Definitions.

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

* * *

"Electric vehicle." The term includes electric vehicles and
hybrid electric vehicles. The term does not include qualified
motor vehicles as defined under section 2101.1 (relating to
definitions).

"Electric vehicle road use fee." The annual fee imposed
under Subchapter C (relating to electric vehicle road use fee)
in place of a tax on alternative fuels assessed upon electricity
used in electric vehicles.

"Exempt entity." A person exempt under section 9004(e)
(relating to imposition of tax, exemptions and deductions) from
reporting and paying a tax on liquid fuels, fuels or alternative
fuels imposed by this chapter.

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

SUBCHAPTER B

(Reserved)

SUBCHAPTER C

ELECTRIC VEHICLE ROAD USE FEE

Sec.

9031. Short title of subchapter.

9032. Road use fee imposed on electric vehicles.

9033. Electricity used in electric vehicles.

9034. Fees for highway maintenance and construction.

9035. Exempt entities.

9036. Refunds.

9037. Regulations.

§ 9031. Short title of subchapter.

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

§ 9032. Road use fee imposed on electric vehicles.

(a) Fee required for registration.--Concurrent with submitting an annual or biennial vehicle registration application and fee to the Department of Transportation under section 1301 (relating to registration and certificate of title required), an owner of an electric vehicle shall submit the electric vehicle road use fee. The following shall apply:

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

(2) The electric vehicle road use fee shall be paid upon initial registration and upon renewal for each electric

20190HB1392PN2530 - 3 -
vehicle registered in this Commonwealth.

(b) Computation of electric vehicle road use fee.—

(1) The electric vehicle road use fee for any electric motorcycle and neighborhood electric vehicle shall be $50 per year.

(2) The electric vehicle road use fee for any electric vehicle that requires a Class C license to operate shall be $150 per year.

(3) The electric vehicle road use fee for any electric vehicle that requires a Class A or Class B license to operate shall be $250 per year.

(4) The electric vehicle road use fee for any hybrid electric vehicle with a gross vehicle weight rating of not more than 26,000, but not a motorcycle shall be $75 per year.

(5) The electric vehicle road use fee for any electric vehicle with a gross vehicle weight rating of not more than 26,000, but not a motorcycle shall be $250 per year. For purposes of this subparagraph, an electric vehicle shall not include a hybrid electric vehicle.

§ 9033. Electricity used in electric vehicles.

Electricity used in an electric vehicle that propels a vehicle on public highways is not considered a liquid fuel, fuel or alternative fuel as defined under this chapter.

§ 9034. Fees for highway maintenance and construction.

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

§ 9035. Exempt entities.

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

(b) Requirements.--The following apply:

(1) If an electric vehicle registered to an exempt entity is used for a nonexempt purpose during the registration year, the exempt entity shall pay an administrative penalty of $500 to the department. An exempt entity that improperly uses a vehicle for nonexempt purposes is not eligible to claim a refund for the vehicle under the provisions of section 9036 (relating to refunds).

(2) An exempt entity applying for a refund under section 9036 shall maintain records of vehicle usage, certifying that an individual trip made by the vehicle was for a qualified exempt use. Individual trip logs, odometer readings and driver signatures shall be among the records required to substantiate exempt use.

(3) The department may inspect the substantiating records for an exempt entity at any time.

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

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

§ 9036. Refunds.

A person may be entitled to a refund of the electric vehicle road use fee paid for a vehicle that would otherwise have been exempt under section 9004 (relating to imposition of tax, exemptions and deductions). A person entitled to a refund of the electric vehicle road use fee shall apply for an annual refund in a manner similar to the refund process used for liquid fuels, fuels and alternative fuels under section 9017 (relating to refunds).

§ 9037. Regulations.

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

Section 4 5. This act shall take effect in 180 days.