

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

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

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

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

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

13 § 4941. MAXIMUM GROSS WEIGHT OF VEHICLES.

14 * * *

15 (D) NATURAL GAS AND ELECTRIC VEHICLES.--

16 (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A
17 VEHICLE THAT IS OPERATED BY AN ENGINE FUELED PRIMARILY BY
18 COMPRESSED OR LIQUEFIED NATURAL GAS OR AN ELECTRIC VEHICLE

1 MAY EXCEED THE GROSS VEHICLE WEIGHT LIMITS IMPOSED UNDER THIS
2 SECTION BY AN AMOUNT, NOT TO EXCEED A MAXIMUM OF 2,000
3 POUNDS, THAT IS EQUAL TO THE DIFFERENCE BETWEEN THE WEIGHT OF
4 THE VEHICLE ATTRIBUTABLE TO THE NATURAL GAS TANK AND FUELING
5 SYSTEM OR THE BATTERY OR BATTERY PACK CARRIED BY THE VEHICLE
6 AND THE WEIGHT OF A COMPARABLE DIESEL TANK AND FUELING
7 SYSTEM.

8 * * *

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

11 SUBCHAPTER A

12 PRELIMINARY PROVISIONS

13 Section 2 3. Section 9002 of Title 75 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:

19 * * *

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

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

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

1 fuels imposed by this chapter.

2 * * *

3 Section 4. Chapter 90 of Title 75 is amended by adding <--
4 subchapters to read:

5 SUBCHAPTER B

6 (Reserved)

7 SUBCHAPTER C

8 ELECTRIC VEHICLE ROAD USE FEE

9 Sec.

10 9031. Short title of subchapter.

11 9032. Road use fee imposed on electric vehicles.

12 9033. Electricity used in electric vehicles.

13 9034. Fees for highway maintenance and construction.

14 9035. Exempt entities.

15 9036. Refunds.

16 9037. Regulations.

17 § 9031. Short title of subchapter.

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

20 § 9032. Road use fee imposed on electric vehicles.

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

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

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

1 vehicle registered in this Commonwealth.

2 (b) Computation of electric vehicle road use fee.--

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

6 ~~(2) The electric vehicle road use fee for any electric~~ <--
7 ~~vehicle that requires a Class C license to operate shall be~~
8 ~~\$150 per year.~~

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

12 (2) THE ELECTRIC VEHICLE ROAD USE FEE FOR ANY HYBRID <--
13 ELECTRIC VEHICLE WITH A GROSS VEHICLE WEIGHT RATING OF NOT
14 MORE THAN 26,000, BUT NOT A MOTORCYCLE SHALL BE \$75 PER YEAR.

15 (3) THE ELECTRIC VEHICLE ROAD USE FEE FOR ANY ELECTRIC
16 VEHICLE WITH A GROSS VEHICLE WEIGHT RATING OF NOT MORE THAN
17 26,000, BUT NOT A MOTORCYCLE SHALL BE \$250 PER YEAR. FOR
18 PURPOSES OF THIS SUBPARAGRAPH, AN ELECTRIC VEHICLE SHALL NOT
19 INCLUDE A HYBRID ELECTRIC VEHICLE.

20 (4) THE ELECTRIC VEHICLE ROAD USE FEE FOR ANY ELECTRIC
21 VEHICLE WITH A GROSS VEHICLE WEIGHT RATING OF 26,001 OR MORE
22 SHALL BE \$250 PER YEAR.

23 § 9033. Electricity used in electric vehicles.

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

27 § 9034. Fees for highway maintenance and construction.

28 Fees collected under this subchapter shall be deposited in
29 the Motor License Fund in accordance with the allocations under
30 section 9511 (relating to allocation of proceeds). For purposes

1 of aligning the electric vehicle road use fee with the
2 allocations of proceeds, the electric vehicle road use fee must
3 be allocated in accordance with the oil company franchise tax
4 for highway maintenance and construction under section 9502
5 (relating to imposition of tax).

6 § 9035. Exempt entities.

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

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

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

19 (2) An exempt entity applying for a refund under section
20 9036 shall maintain records of vehicle usage, certifying that
21 an individual trip made by the vehicle was for a qualified
22 exempt use. Individual trip logs, odometer readings and
23 driver signatures shall be among the records required to
24 substantiate exempt use.

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

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

29 (5) An exempt entity that refuses to permit the
30 department or an agent appointed by the department in writing

1 to examine the books, records, papers or other equipment
2 associated with the operation of an electric vehicle commits
3 a summary offense and shall pay a fine of \$500 for each
4 electric vehicle owned or operated by the exempt entity.

5 § 9036. Refunds.

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

14 § 9037. Regulations.

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

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

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