
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1358 Session of
2021

INTRODUCED BY ROTHMAN, MILLARD, JAMES, WHEELAND AND ROWE,
MAY 7, 2021

REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 7, 2021

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 use
4 fee; 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. Section 9002 of Title 75 is amended by adding
13 definitions to read:

14 § 9002. Definitions.

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

18 * * *

19 "Electric vehicle." The term includes electric vehicles and

1 hybrid electric vehicles. The term does not include qualified
2 motor vehicles as defined under section 2101.1 (relating to
3 definitions) and neighborhood electric vehicles as defined
4 section 102 (relating to definitions).

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

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

13 * * *

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

16 SUBCHAPTER B

17 (Reserved)

18 SUBCHAPTER C

19 ELECTRIC VEHICLE ROAD USE FEE

20 Sec.

21 9031. Short title of subchapter.

22 9032. Road use fee imposed on electric vehicles.

23 9033. Electricity used in electric vehicles.

24 9034. Fees for highway maintenance and construction.

25 9035. Exempt entities.

26 9036. Refunds.

27 9037. Regulations.

28 § 9031. Short title of subchapter.

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

1 § 9032. Road use fee imposed on electric vehicles.

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

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

10 (2) The electric vehicle road use fee shall be paid upon
11 initial registration and upon renewal for each electric
12 vehicle registered in this Commonwealth.

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

14 (1) The electric vehicle road use fee for any electric
15 motorcycle.

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

20 (3) The electric vehicle road use fee for any electric
21 vehicle with a gross vehicle weight rating of not more than
22 26,000, but not a motorcycle, shall be \$380 per year. For
23 purposes of this subparagraph, an electric vehicle shall not
24 include a hybrid electric vehicle.

25 (4) The electric vehicle road use fee for any electric
26 vehicle with a gross vehicle weight rating of 26,001 or more
27 shall be \$450 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, fuel

1 or 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 use fee with the
7 allocations of proceeds, the electric vehicle road use fee must
8 be allocated in accordance with the oil company franchise tax
9 for highway maintenance and construction under section 9502
10 (relating to 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 use 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. An exempt
21 entity that improperly uses a vehicle for nonexempt purposes
22 is not eligible to claim a refund for the vehicle under the
23 provisions of section 9036 (relating to refunds).

24 (2) An exempt entity applying for a refund under section
25 9036 shall maintain records of vehicle usage, certifying that
26 an individual trip made by the vehicle was for a qualified
27 exempt use. Individual trip logs, odometer readings and
28 driver signatures shall be among the records required to
29 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 use fee paid for a vehicle that would otherwise have been
13 exempt under section 9004 (relating to imposition of tax,
14 exemptions and deductions). A person entitled to a refund of the
15 electric vehicle road use fee shall apply for an annual refund
16 in a manner similar to the refund process used for liquid fuels,
17 fuels and alternative fuels under section 9017 (relating to
18 refunds).

19 § 9037. Regulations.

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

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