

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 656 Session of 2023

INTRODUCED BY ROTHMAN, DUSH AND J. WARD, MAY 1, 2023

SENATOR LANGERHOLC, TRANSPORTATION, AS AMENDED, JUNE 7, 2023

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 AMENDING TITLE 75 (VEHICLES) OF THE PENNSYLVANIA CONSOLIDATED <--
6 STATUTES, IN GENERAL PROVISIONS, FURTHER PROVIDING FOR
7 DEFINITIONS; IN LIQUID FUELS AND FUELS TAX, FURTHER PROVIDING
8 FOR DEFINITIONS AND PROVIDING FOR ELECTRIC VEHICLE ROAD USER
9 CHARGE; AND IMPOSING A PENALTY.

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

12 ~~Section 1. Chapter 90 of Title 75 of the Pennsylvania~~ <--
13 ~~Consolidated Statutes is amended by adding a subchapter heading~~
14 ~~to read:~~

SUBCHAPTER A

PRELIMINARY PROVISIONS

17 ~~Section 2. Section 9002 of Title 75 is amended by adding~~
18 ~~definitions to read:~~

19 ~~§ 9002. Definitions.~~

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

1 ~~This subchapter relates to the electric vehicle road use fee.~~

2 ~~§ 9032. Road use fee imposed on electric vehicles.~~

3 ~~(a) Fee required for registration.~~

4 ~~(1) Concurrent with submitting an annual or biennial~~
5 ~~vehicle registration application and fee to the Department of~~
6 ~~Transportation under section 1301 (relating to registration~~
7 ~~and certificate of title required), an owner of an electric~~
8 ~~vehicle shall submit the electric vehicle road use fee.~~

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

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

14 ~~(b) Computation of electric vehicle road use fee.~~

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

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

24 ~~(3) The electric vehicle road use fee for an electric~~
25 ~~vehicle with a gross vehicle weight rating of 26,001 pounds~~
26 ~~or more shall be \$450 per year.~~

27 ~~§ 9033. Electricity used in electric vehicles.~~

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

1 ~~§ 9034. Fees for highway maintenance and construction.~~

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

10 ~~§ 9035. Exempt entities.~~

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

15 ~~(b) Requirements.~~

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

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

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

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

3 ~~(5) An exempt entity that refuses to permit the~~
4 ~~department or an agent appointed by the department in writing~~
5 ~~to examine the books, records, papers or other equipment~~
6 ~~associated with the operation of an electric vehicle as~~
7 ~~permitted under paragraph (3) commits a summary offense and~~
8 ~~shall pay a fine of \$500 for each electric vehicle owned or~~
9 ~~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 this~~
22 ~~subchapter.~~

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

24 SECTION 1. THE DEFINITIONS OF "ELECTRIC VEHICLE" AND "HYBRID <--
25 ELECTRIC VEHICLE" IN SECTION 102 OF TITLE 75 OF THE PENNSYLVANIA
26 CONSOLIDATED STATUTES ARE AMENDED AND THE SECTION IS AMENDED BY
27 ADDING DEFINITIONS TO READ:

28 § 102. DEFINITIONS.

29 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
30 PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC

1 PROVISIONS OF THIS TITLE, THE FOLLOWING WORDS AND PHRASES WHEN
2 USED IN THIS TITLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY
3 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

4 * * *

5 "BATTERY." AN ENERGY POWER STORAGE SYSTEM THAT STORES
6 ELECTRICAL ENERGY WITHIN THE SYSTEM'S CONSTITUENT PARTS.

7 * * *

8 "ELECTRIC VEHICLE." [A MOTOR VEHICLE WHICH OPERATES SOLELY
9 BY USE OF A BATTERY OR BATTERY PACK AND WHICH MEETS THE
10 APPLICABLE FEDERAL MOTOR VEHICLE SAFETY STANDARDS. THE TERM
11 INCLUDES A MOTOR VEHICLE WHICH IS POWERED MAINLY THROUGH THE USE
12 OF AN ELECTRIC BATTERY OR BATTERY PACK BUT WHICH USES A FLYWHEEL
13 THAT STORES ENERGY PRODUCED BY THE ELECTRIC MOTOR OR THROUGH
14 REGENERATIVE BRAKING TO ASSIST IN OPERATION OF THE MOTOR
15 VEHICLE.] A MOTOR VEHICLE THAT DELIVERS POWER TO ITS DRIVE WHEEL
16 OR WHEELS SOLELY BY USE OF A BATTERY-POWERED ELECTRIC MOTOR. THE
17 TERM DOES NOT INCLUDE QUALIFIED MOTOR VEHICLES AS DEFINED UNDER
18 SECTION 2101.1 (RELATING TO DEFINITIONS).

19 * * *

20 "HYBRID ELECTRIC VEHICLE." [AN ELECTRIC VEHICLE WHICH ALLOWS
21 POWER TO BE DELIVERED TO THE DRIVE WHEELS SOLELY BY A BATTERY-
22 POWERED ELECTRIC MOTOR BUT WHICH ALSO INCORPORATES THE USE OF A
23 COMBUSTION ENGINE TO PROVIDE POWER TO THE BATTERY AND WHICH
24 MEETS THE APPLICABLE FEDERAL MOTOR VEHICLE SAFETY STANDARDS. THE
25 PRIMARY SOURCE OF POWER FOR THE MOTOR MUST BE THE ELECTRIC
26 BATTERY OR BATTERY PACK AND NOT THE COMBUSTION ENGINE.] A MOTOR
27 VEHICLE THAT CAN DELIVER POWER TO THE DRIVE WHEELS SOLELY BY A
28 BATTERY-POWERED ELECTRIC MOTOR, AND WHICH ALSO INCORPORATES THE
29 USE OF ANOTHER FUEL TO POWER A COMBUSTION ENGINE. THE TERM DOES
30 NOT INCLUDE A VEHICLE CAPABLE OF RECEIVING ENERGY FROM AN

1 EXTERNAL SOURCE, SUCH AS AN OUTLET OR CHARGING STATION. THE TERM
2 DOES NOT INCLUDE QUALIFIED MOTOR VEHICLES AS DEFINED UNDER
3 SECTION 2101.1.

4 * * *

5 "PLUG-IN HYBRID ELECTRIC VEHICLE." A MOTOR VEHICLE THAT CAN
6 DELIVER POWER TO THE DRIVE WHEELS SOLELY BY A BATTERY-POWERED
7 ELECTRIC MOTOR AND WHICH ALSO INCORPORATES THE USE OF ANOTHER
8 FUEL TO POWER A COMBUSTION ENGINE. THE BATTERY OF THE VEHICLE
9 MUST BE CAPABLE OF RECEIVING ENERGY FROM AN EXTERNAL SOURCE,
10 SUCH AS AN OUTLET OR CHARGING STATION. THE TERM DOES NOT INCLUDE
11 QUALIFIED MOTOR VEHICLES AS DEFINED UNDER SECTION 2101.1.

12 * * *

13 SECTION 2. THE DEFINITION OF "PERSON" IN SECTION 9002 OF
14 TITLE 75 IS AMENDED 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 "PERSON." EVERY NATURAL PERSON, COMMONWEALTH AGENCY,
21 POLITICAL SUBDIVISION, FIRM, COPARTNERSHIP, ASSOCIATION OR
22 CORPORATION. WHENEVER USED IN ANY PROVISION PRESCRIBING AND
23 IMPOSING A FINE OR IMPRISONMENT, THE [TERM AS APPLIED TO
24 ASSOCIATIONS MEANS THE PARTNERS OR MEMBERS AND AS APPLIED TO
25 CORPORATIONS MEANS THE OFFICERS THEREOF.] TERMS FIRM,
26 COPARTNERSHIP, ASSOCIATION AND CORPORATION SHALL BE SUBJECT TO
27 18 PA.C.S. § 307 (RELATING TO LIABILITY OF ORGANIZATIONS AND
28 CERTAIN RELATED PERSONS).

29 * * *

30 SECTION 3. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:

1 § 9024. ELECTRIC VEHICLE ROAD USER CHARGE.

2 (A) IMPOSITION.--OWNERS OR REGISTRANTS OF NONCOMMERCIAL
3 PASSENGER ELECTRIC VEHICLES WITH A GROSS VEHICLE WEIGHT RATING
4 OF NOT MORE THAN 14,000 POUNDS SHALL PAY AN ELECTRIC VEHICLE
5 ROAD USER CHARGE OF \$290 PER YEAR, WHICH SHALL BE CONCURRENT
6 WITH PAYING THE VEHICLE REGISTRATION FEE IMPOSED UNDER CHAPTER
7 13 (RELATING TO REGISTRATION OF VEHICLES).

8 (B) NEW OR TEMPORARY ELECTRIC VEHICLE REGISTRATION.--NEW OR
9 TEMPORARY REGISTRATION FOR AN ELECTRIC VEHICLE ISSUED ON OR
10 AFTER THE EFFECTIVE DATE OF THIS SUBSECTION SHALL BE SUBJECT TO
11 THE ELECTRIC VEHICLE ROAD USER CHARGE IMPOSED UNDER SUBSECTION
12 (A). THE DEPARTMENT OF TRANSPORTATION SHALL SEND A FORM TO THE
13 OWNER OR REGISTRANT FOR THE PAYMENT OF THE ELECTRIC VEHICLE ROAD
14 USER CHARGE FOR THE INITIAL REGISTRATION CONSISTENT WITH CHAPTER
15 13.

16 (C) RENEWAL OF ELECTRIC VEHICLE REGISTRATION.--AT LEAST 60
17 DAYS PRIOR TO THE EXPIRATION OF REGISTRATION FOR AN ELECTRIC
18 VEHICLE UNDER SUBSECTION (A), THE DEPARTMENT OF TRANSPORTATION
19 SHALL SEND TO THE OWNER OR REGISTRANT A FORM FOR THE PAYMENT OF
20 THE ELECTRIC VEHICLE ROAD USER CHARGE FOR THE RENEWAL OF
21 REGISTRATION CONSISTENT WITH CHAPTER 13.

22 (D) ENROLLMENT.--

23 (1) THE DEPARTMENT OF TRANSPORTATION SHALL PERMIT OWNERS
24 OR REGISTRANTS OF ELECTRIC VEHICLES UNDER SUBSECTION (A) TO
25 PAY THE ELECTRIC VEHICLE ROAD USER CHARGE AS FOLLOWS:

26 (I) ENROLL IN A FLAT CHARGE OF \$290 PER YEAR
27 PROVIDED BY CREDIT OR DEBIT CARD, ELECTRONIC FUNDS
28 TRANSFER OR CHECK OR MONEY ORDER TO THE DEPARTMENT OF
29 TRANSPORTATION. OWNERS OR REGISTRANTS WHO ELECT THIS
30 OPTION MAY ENROLL IN A PAPER FORM PRESCRIBED AND

1 FURNISHED BY THE DEPARTMENT OF TRANSPORTATION INSTEAD OF
2 ELECTRONICALLY.

3 (II) ENROLL IN AN ELECTRONIC PAYMENT PLAN OF \$24.17
4 PER MONTH BY CREDIT OR DEBIT CARD OR ELECTRONIC FUNDS
5 TRANSFER TO THE DEPARTMENT OF TRANSPORTATION.

6 (2) THE CHARGES UNDER PARAGRAPH (1)(I) AND (II) SHALL
7 NOT INCLUDE A FEDERAL TAX, FEE, LEVY OR CHARGE, AND AN OWNER
8 OR REGISTRANT OF AN ELECTRIC VEHICLE SHALL BE RESPONSIBLE FOR
9 PAYING ANY TAX, FEE, LEVY OR CHARGE IMPOSED BY THE CONGRESS
10 OF THE UNITED STATES AFTER THE EFFECTIVE DATE OF THIS
11 PARAGRAPH.

12 (E) CONCURRENT REGISTRATION.--THE REGISTRATION OF ELECTRIC
13 VEHICLES SHALL NOT BE VALID UNLESS THE OWNER OR REGISTRANT
14 ENROLLS IN A PAYMENT OPTION UNDER SUBSECTION (D).

15 (F) PENALTY.--FAILURE TO PAY THE ELECTRIC VEHICLE ROAD USER
16 CHARGE WITHIN 30 DAYS OF THE ENROLLMENT DATE ESTABLISHED BY THE
17 DEPARTMENT OF TRANSPORTATION SHALL RESULT IN THE IMPOSITION OF
18 PENALTIES AND A PROHIBITION ON RENEWAL OF THE ELECTRIC VEHICLE'S
19 REGISTRATION OR TRANSFER OF TITLE. THE DEPARTMENT OF
20 TRANSPORTATION MAY NOT PROHIBIT THE RENEWAL OF A VEHICLE
21 REGISTRATION UNDER SUBSECTION (D)(1)(II) IF THE ELECTRIC
22 VEHICLE'S OWNER OR REGISTRANT IS ENROLLED IN A PAYMENT PLAN AND
23 MAKES TIMELY PAYMENTS ACCORDING TO THE SCHEDULE ESTABLISHED BY
24 THE DEPARTMENT OF TRANSPORTATION.

25 (G) RESIDENTIAL EXEMPTION FROM ALTERNATIVE FUELS TAX.--
26 ELECTRIC VEHICLES SUBJECT TO THE ELECTRIC VEHICLE ROAD USER
27 CHARGE UNDER SUBSECTION (A) ARE EXEMPT FROM THE TAX IMPOSED
28 UNDER SECTION 9004(D) (RELATING TO IMPOSITION OF TAX, EXEMPTIONS
29 AND DEDUCTIONS) ONLY IF THE ELECTRICITY IS DERIVED FROM THE
30 LEGAL RESIDENCE OF THE OWNER OR REGISTRANT.

1 (H) LIABILITY FOR UNPAID TAX AMOUNTS.--THE OWNER OR
2 REGISTRANT OF AN ELECTRIC VEHICLE SUBJECT TO THE ELECTRIC
3 VEHICLE ROAD USER CHARGE UNDER THIS SECTION SHALL NOT BE LIABLE
4 FOR ANY UNPAID TAX AMOUNT OWED TO THE DEPARTMENT FROM THE LEGAL
5 RESIDENCE OF THE OWNER OR REGISTRANT PRIOR TO THE EFFECTIVE DATE
6 OF THIS SECTION FOR THE TAX IMPOSED UNDER SECTION 9004(D).

7 (I) LIENS, PENALTIES AND INTEREST PROHIBITED.--THE
8 DEPARTMENT MAY NOT IMPOSE LIENS, PENALTIES OR INTEREST ON THE
9 OWNER OR REGISTRANT OF AN ELECTRIC VEHICLE SUBJECT TO THE
10 ELECTRIC VEHICLE ROAD USER CHARGE UNDER THIS SECTION FOR ANY
11 UNPAID TAX AMOUNT OWED TO THE DEPARTMENT FROM THE LEGAL
12 RESIDENCE OF THE OWNER OR REGISTRANT PRIOR TO THE EFFECTIVE DATE
13 OF THIS SUBSECTION FOR THE TAX IMPOSED UNDER SECTION 9004(D).

14 (J) CRIMINAL PENALTIES AND FINES PROHIBITED.--THE OWNER OF
15 AN ELECTRIC VEHICLE SUBJECT TO THE ELECTRIC VEHICLE ROAD USER
16 CHARGE UNDER THIS SECTION SHALL NOT BE SUBJECT TO ANY CRIMINAL
17 PENALTIES OR FINES UNDER THIS CHAPTER FOR ANY UNPAID TAX AMOUNTS
18 OWED TO THE DEPARTMENT FROM THE LEGAL RESIDENCE OF THE OWNER OR
19 REGISTRANT PRIOR TO THE EFFECTIVE DATE OF THIS SECTION FOR THE
20 TAX IMPOSED UNDER SECTION 9004(D).

21 (K) CHARGES FOR HIGHWAY MAINTENANCE AND CONSTRUCTION.--THE
22 ELECTRIC VEHICLE ROAD USER CHARGE COLLECTED BY THE DEPARTMENT
23 UNDER THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER
24 FOR DEPOSIT INTO THE MOTOR LICENSE FUND IN ACCORDANCE WITH THE
25 ALLOCATIONS UNDER SECTION 9511 (RELATING TO ALLOCATION OF
26 PROCEEDS). FOR PURPOSES OF ALIGNING THE ELECTRIC VEHICLE ROAD
27 USER CHARGE WITH THE ALLOCATIONS OF PROCEEDS, THE ELECTRIC
28 VEHICLE ROAD USER CHARGE MUST BE ALLOCATED IN ACCORDANCE WITH
29 THE OIL COMPANY FRANCHISE TAX FOR HIGHWAY MAINTENANCE AND
30 CONSTRUCTION UNDER SECTION 9502 (RELATING TO IMPOSITION OF TAX).

1 (L) EXCEPTIONS.--OWNERS OR REGISTRANTS OF ELECTRIC VEHICLES
2 CONSISTENT WITH SUBSECTION (A) THAT ARE OWNERS OR REGISTRANTS
3 UNDER SECTION 9004(E) ARE EXEMPT FROM PAYING THE ELECTRIC
4 VEHICLE ROAD USER CHARGE.

5 (M) REGULATIONS.--THE DEPARTMENT OF TRANSPORTATION MAY
6 PROMULGATE REGULATIONS TO IMPLEMENT THIS SECTION.

7 (N) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
8 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
9 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

10 "ELECTRIC VEHICLE." THE TERM SHALL NOT INCLUDE A GOLF CART,
11 NEIGHBORHOOD ELECTRIC VEHICLE AND MOTORCYCLE.

12 SECTION 4. THIS ACT SHALL TAKE EFFECT JANUARY 1, 2024, OR
13 IMMEDIATELY, WHICHEVER IS LATER.