
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 85 Session of
2023

INTRODUCED BY IRVIN, ARMANINI, GREINER, JAMES, KINKEAD AND
SCIALABBA, MARCH 7, 2023

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 7, 2023

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in general provisions, further providing for
3 definitions; in liquid fuels and fuels tax, further providing
4 for definitions and for imposition of tax, exemptions and
5 deductions and providing for pilot program for electric
6 vehicle fee; imposing duties on the Department of Revenue;
7 and making an editorial change.

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

10 Section 1. The definitions of "electric vehicle" and "hybrid
11 electric vehicle" in section 102 of Title 75 of the Pennsylvania
12 Consolidated Statutes are amended and the section is amended by
13 adding definitions to read:

14 § 102. Definitions.

15 Subject to additional definitions contained in subsequent
16 provisions of this title which are applicable to specific
17 provisions of this title, the following words and phrases when
18 used in this title shall have, unless the context clearly
19 indicates otherwise, the meanings given to them in this section:

20 * * *

1 "Annual road use fee." The fee described in section 9032(a)
2 (1) (relating to electric vehicle fee).

3 * * *

4 "Battery." An energy power storage system that stores
5 electrical energy within the system's constituent parts.

6 * * *

7 "Electric vehicle." [A motor vehicle which operates solely
8 by use of a battery or battery pack and which meets the
9 applicable Federal motor vehicle safety standards. The term
10 includes a motor vehicle which is powered mainly through the use
11 of an electric battery or battery pack but which uses a flywheel
12 that stores energy produced by the electric motor or through
13 regenerative braking to assist in operation of the motor
14 vehicle.] A motor vehicle that delivers power to its drive wheel
15 or wheels solely by use of a battery-powered electric motor. The
16 term does not include a qualified motor vehicle as defined under
17 section 2101.1 (relating to definitions).

18 "Electric vehicle charging station." A facility or equipment
19 designed to charge, by connective or inductive means, a battery
20 within an electric vehicle or plug-in hybrid electric vehicle by
21 permitting the transfer of electricity to a battery or other
22 storage device in an electric vehicle.

23 "Electric vehicle fee." The annual road use fee or the
24 mileage-based user fee.

25 * * *

26 "Hybrid electric vehicle." [An electric vehicle which allows
27 power to be delivered to the drive wheels solely by a battery-
28 powered electric motor but which also incorporates the use of a
29 combustion engine to provide power to the battery and which
30 meets the applicable Federal motor vehicle safety standards. The

1 primary source of power for the motor must be the electric
2 battery or battery pack and not the combustion engine.] A motor
3 vehicle that can deliver power to its drive wheels solely by a
4 battery-powered electric motor, but which also incorporates the
5 use of another fuel to power a combustion engine. The term does
6 not include:

7 (1) A vehicle capable of receiving energy from an
8 external source, such as an outlet or charging station.

9 (2) A qualified motor vehicle as defined under section
10 2101.1.

11 * * *

12 "Mileage-based user fee." The fee described in section
13 9032(a)(2).

14 * * *

15 "Plug-in hybrid electric vehicle." A motor vehicle that:

16 (1) can deliver power to its drive wheels solely by a
17 battery-powered electric motor, but which also incorporates
18 the use of another fuel to power a combustion engine; and

19 (2) has a battery capable of receiving energy from an
20 external source, such as an outlet or charging station. The
21 term does not include a qualified motor vehicle as defined
22 under section 2101.1.

23 * * *

24 Section 2. Chapter 90 of Title 75 is amended by adding a
25 subchapter heading immediately after the chapter heading to
26 read:

27 SUBCHAPTER A

28 PRELIMINARY PROVISIONS

29 Section 3. The definition of "alternative fuel dealer-user"
30 in section 9002 of Title 75 is amended to read:

1 § 9002. Definitions.

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

5 * * *

6 "Alternative fuel dealer-user."

7 (1) Any person who delivers or places alternative fuels
8 into the fuel supply tank or other device of a vehicle for
9 use on the public highways.

10 (2) The term includes a person that provides an electric
11 vehicle charging station for public use, regardless of
12 whether compensation is received for the public use.

13 (3) The term does not include a person that provides an
14 electric vehicle charging station used exclusively to charge:

15 (i) Electric vehicles or plug-in hybrid electric
16 vehicles at a private residence.

17 (ii) Electric vehicles or plug-in hybrid electric
18 vehicles owned by tenants, residents or visitors of a
19 common interest development or other group of private
20 residences within a geographic location.

21 (iii) Electric vehicles or plug-in hybrid electric
22 vehicles owned by a business or electric vehicles owned
23 by the employees of a business.

24 (iv) Electric vehicles or plug-in hybrid electric
25 vehicles not operated on public highways.

26 (4) The term does not include an owner or registrant of
27 an electric vehicle or plug-in hybrid electric vehicle
28 subject to an electric vehicle fee and enrolled in the pilot
29 program under Subchapter C (relating to pilot program for
30 electric vehicle fee).

1 * * *

2 Section 4. Section 9004(d) of Title 75 is amended by adding
3 a paragraph to read:

4 § 9004. Imposition of tax, exemptions and deductions.

5 * * *

6 (d) Alternative fuels tax.--

7 * * *

8 (3) Nothing contained in this chapter shall be construed
9 to:

10 (i) Affect the duty of an alternative fuel dealer-
11 user to report and pay to the department the tax under
12 this subsection for electricity delivered through an
13 electric vehicle charging station provided by the
14 alternative fuel dealer-user to the owner or registrant
15 of an electric vehicle or plug-in hybrid electric vehicle
16 that is subject to the electric vehicle fee.

17 (ii) Prohibit the alternative fuel dealer-user from
18 passing onto the owner or registrant of an electric
19 vehicle or plug-in hybrid electric vehicle that is
20 subject to the electric vehicle fee any costs associated
21 with the reporting and payment of the tax under this
22 subsection.

23 * * *

24 Section 5. Chapter 90 of Title 75 is amended by adding
25 subchapters to read:

26 SUBCHAPTER B

27 (Reserved)

28 SUBCHAPTER C

29 PILOT PROGRAM FOR ELECTRIC VEHICLE FEE

30 Sec.

- 1 9031. Pilot program.
- 2 9032. Electric vehicle fee.
- 3 9033. Administration.
- 4 9034. Duties of pilot program enrollees.
- 5 9035. Alternative fuels tax.
- 6 9036. Fees for highway maintenance and construction.
- 7 9037. Enforcement.
- 8 9038. Report.
- 9 9039. Expiration.

10 § 9031. Pilot program.

11 (a) Establishment.--A pilot program is established to impose
12 an electric vehicle fee on electric vehicles and plug-in hybrid
13 electric vehicles registered in this Commonwealth.

14 (b) Enrollment.--

15 (1) Subject to paragraph (2), an owner or registrant of
16 an electric vehicle or plug-in hybrid electric vehicle with a
17 gross vehicle weight rating of no more than 14,000 pounds
18 shall enroll in the pilot program.

19 (2) The following electric vehicles or plug-in hybrid
20 electric vehicles shall not be required to enroll in the
21 pilot program:

22 (i) A neighborhood electric vehicle.

23 (ii) A motorcycle or other vehicle with less than
24 four wheels.

25 (iii) A vehicle that is not required to be
26 registered with the department under this title.

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

1 (3) The department shall enroll vehicles in phases, with
2 electric vehicles in phase one and plug-in hybrid electric
3 vehicles in phase two.

4 § 9032. Electric vehicle fee.

5 An electric vehicle fee is imposed on each electric vehicle
6 or plug-in hybrid electric vehicle subject to enrollment in the
7 pilot program. The electric vehicle fee shall be as follows as
8 chosen by the vehicle owner or registrant:

9 (1) Annual road use fee. At the time of enrollment, an
10 owner or registrant who chooses this option shall pay a flat
11 annual fee. An owner or registrant shall be given the option
12 of either paying the entire annual fee or paying the annual
13 fee in an installment plan as determined by the department.
14 The pilot program shall have the following annual fees:

15 (i) An owner or registrant of an electric vehicle
16 shall pay an annual fee of \$265.

17 (ii) An owner or registrant of a plug-in hybrid
18 electric vehicle shall pay an annual fee of \$214.

19 (2) Mileage-based user fee. Following enrollment and
20 subject to paragraph (3), an owner or registrant who chooses
21 the mileage-based user fee option shall make monthly payments
22 to the department for the total miles driven by the vehicle
23 in the previous month. The calculation of miles driven by the
24 vehicle shall be according to an odometer reading of the
25 vehicle and self-reported by the owner or registrant to the
26 department. The mileage-based user fee shall be as follows:

27 (i) An owner or registrant of an electric vehicle
28 shall pay a fee of 3.1¢ per mile.

29 (ii) An owner or registrant of a plug-in hybrid
30 electric vehicle shall pay a fee of 2.5¢ per mile.

1 (3) An owner or registrant of an electric vehicle or a
2 plug-in hybrid electric vehicle that chooses the mileage-
3 based user fee option under paragraph (2) shall not pay a
4 mileage-based user fee aggregate amount in a calendar year
5 that exceeds the annual road use fee amount under paragraph
6 (1).

7 § 9033. Administration.

8 The department shall administer the pilot program as follows:

9 (1) The department shall establish a phased schedule in
10 which the owners or registrants of electric vehicles and
11 plug-in hybrid electric vehicles must enroll in the pilot
12 program. The department shall give notice to the owners or
13 registrants of electric vehicles and plug-in hybrid electric
14 vehicles about the electric vehicle fee and the time when the
15 owners or registrants must enroll in the pilot program.

16 (2) The department shall store the information received
17 in the pilot program in a secure, standalone database to
18 facilitate the analysis of data generated by the pilot
19 program.

20 (3) The department shall permit owners or registrants to
21 choose to pay the electric vehicle fee by:

22 (i) credit or debit card;

23 (ii) electronic funds transfer;

24 (iii) check or money order, if the owner or
25 registrant has enrolled with the paper form instead of
26 electronically; or

27 (iv) another payment method approved by the
28 department.

29 (4) The department shall generate weekly reports to
30 track enrollment in the pilot program and electric vehicle

1 fees.

2 (5) At the department's discretion, the department shall
3 conduct random audits of the mileages reported by owners or
4 registrants of electric vehicles and plug-in hybrid electric
5 vehicles enrolled in the mileage-based user fee option.
6 Subject to section 9032(3) (relating to electric vehicle
7 fee), owners and registrants shall pay for any mileage that
8 was not reported after enrollment in the pilot program.

9 (6) The department shall maintain the confidentiality of
10 all information it receives and collects under the pilot
11 program in accordance with the requirements of Federal and
12 State law.

13 (7) The department may not impose a requirement,
14 condition or option of the pilot program that uses global
15 positioning systems or any other similar technology or device
16 that records location or travel information of an electric
17 vehicle or plug-in hybrid electric vehicle.

18 § 9034. Duties of pilot program enrollees.

19 Owners or registrants of electric vehicles and plug-in hybrid
20 electric vehicles shall:

21 (1) Enroll in the pilot program at the time directed by
22 the department.

23 (2) Provide the department with the following:

24 (i) Name and address.

25 (ii) County of residence.

26 (iii) Email address, if the individual chooses to
27 electronically pay the electric vehicle fee.

28 (iv) Vehicle make, model and model year.

29 (v) Registration and title number.

30 (3) Provide the department with the mileage of the

1 vehicles at the time of enrollment and subsequently as
2 required by the department.

3 (4) Pay the electric vehicle fee as directed by the
4 department.

5 (5) If the owners or registrants choose to enroll via
6 paper form instead of electronically, submit a paper form
7 designated by the department with the payment of the electric
8 vehicle fee in a manner as required by the department based
9 on which option they chose.

10 (6) Comply with any audit of the vehicles' mileage
11 conducted by the department, if the owner or registrant chose
12 the mileage-based user fee option.

13 § 9035. Alternative fuels tax.

14 (a) Liability for unpaid tax amounts.--The owner or
15 registrant of a vehicle subject to the electric vehicle fee and
16 enrolled in the pilot program shall not be liable for any unpaid
17 tax amount owed to the Department of Revenue prior to the
18 effective date of this section for the tax imposed under section
19 9004(d) (relating to imposition of tax, exemptions and
20 deductions).

21 (b) Liens, penalties and interest.--The Department of
22 Revenue may not impose liens, penalties or interest on the owner
23 of a vehicle subject to the electric vehicle fee and enrolled in
24 the pilot program for any unpaid tax amount owed to the
25 Department of Revenue prior to the effective date of this
26 section for the tax imposed under section 9004(d).

27 (c) Criminal penalties and fines.--The owner of a vehicle
28 subject to the electric vehicle fee and enrolled in the pilot
29 program is not subject to any criminal penalties or fines for
30 any unpaid tax amounts owed to the Department of Revenue prior

1 to the effective date of this section for the tax imposed under
2 section 9004(d).

3 § 9036. Fees for highway maintenance and construction.

4 Electric vehicle fees collected by the department under this
5 subchapter shall be transmitted to the State Treasurer for
6 deposit into the Motor License Fund in accordance with the
7 allocations under section 9511 (relating to allocation of
8 proceeds). For purposes of aligning the electric vehicle fee
9 with the allocations of proceeds, the electric vehicle fee shall
10 be allocated in accordance with the oil company franchise tax
11 for highway maintenance and construction under section 9502
12 (relating to imposition of tax).

13 § 9037. Enforcement.

14 (a) Penalty.--The department may not renew a registration
15 and transfer of title of an electric vehicle or plug-in hybrid
16 electric vehicle, if the owner or registrant of the vehicle
17 fails to:

18 (1) enroll in the pilot program within 90 days of the
19 enrollment date established by the department;

20 (2) pay the electric vehicle fee according to the
21 payment schedule established by the department and the
22 payment is 90 days or more late; or

23 (3) pays the mileage-based user fee for any unreported
24 mileage found by a departmental audit and the unreported
25 amount is not paid within 90 days of a written notice sent to
26 the vehicle owner or registrant.

27 (b) Payment plans authorized.--

28 (1) A vehicle owner or registrant may enter into a
29 payment plan with the department for the monthly payment of
30 an unpaid electric vehicle fee amount owed to the department

1 under this subchapter.

2 (2) The department may not prohibit the renewal of a
3 vehicle registration under subsection (a) if the vehicle's
4 owner or registrant is enrolled in a payment plan and makes
5 timely payments according to the schedule established by the
6 department.

7 (c) Written notice.--The department shall send a written
8 notice to a vehicle owner or registrant prior to the imposition
9 of the penalty under subsection (a).

10 § 9038. Report.

11 No later than January 31, 2025, and on January 31 each year
12 thereafter, the department shall submit a report to the chair
13 and minority chair of the Transportation Committee of the Senate
14 and the chair and minority chair of the Transportation Committee
15 of the House of Representatives regarding the pilot program. The
16 report shall include:

17 (1) The total number of electric vehicles and plug-in
18 hybrid electric vehicles enrolled in the pilot program in the
19 previous calendar year.

20 (2) The estimated total number of electric vehicles and
21 plug-in hybrid electric vehicles not enrolled in the pilot
22 program.

23 (3) The total amount of electric vehicle fees collected
24 by the department in the previous calendar year, itemized by
25 payment option.

26 (4) Suggested legislative changes to the pilot program.

27 (5) Other information, at the discretion of the
28 department.

29 § 9039. Expiration.

30 This subchapter shall expire December 31, 2028.

1 Section 6. This act shall take effect January 1, 2024, or in
2 six months, whichever is later.