

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 845 Session of 2019

INTRODUCED BY LANGERHOLC, MENSCH, ARGALL, VOGEL AND BREWSTER, SEPTEMBER 3, 2019

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 16, 2020

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. Section 4941(d)(1) of Title 75 of the
9 Pennsylvania Consolidated Statutes is amended to read:

10 § 4941. Maximum gross weight of vehicles.

11 \* \* \*

12 (d) Natural gas and electric vehicles.--

13 (1) Notwithstanding any other provision of law, a
14 vehicle that is operated by an engine fueled primarily by
15 compressed or liquefied natural gas or powered primarily by
16 means of electric battery power may exceed the gross vehicle
17 weight limits imposed under this section by an amount, not to
18 exceed a maximum of 2,000 pounds, that is equal to the

1 difference between the weight of the vehicle attributable to  
2 the natural gas tank and fueling system or the battery or  
3 battery pack carried by the vehicle and the weight of a  
4 comparable diesel tank and fueling system.

5 \* \* \*

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

8 SUBCHAPTER A  
9 PRELIMINARY PROVISIONS

10 SECTION 3. SECTION 9002 OF TITLE 75 IS AMENDED BY ADDING  
11 DEFINITIONS TO READ:

12 § 9002. DEFINITIONS.

13 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
14 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
15 CONTEXT CLEARLY INDICATES OTHERWISE:

16 \* \* \*

17 "ELECTRIC VEHICLE." THE TERM INCLUDES ELECTRIC VEHICLES AND  
18 HYBRID ELECTRIC VEHICLES. THE TERM DOES NOT INCLUDE QUALIFIED  
19 MOTOR VEHICLES AS DEFINED UNDER SECTION 2101.1 (RELATING TO  
20 DEFINITIONS).

21 "ELECTRIC VEHICLE ROAD USE FEE." THE ANNUAL FEE IMPOSED  
22 UNDER SUBCHAPTER C (RELATING TO ELECTRIC VEHICLE ROAD USE FEE)  
23 IN PLACE OF A TAX ON ALTERNATIVE FUELS ASSESSED UPON ELECTRICITY  
24 USED IN ELECTRIC VEHICLES.

25 "EXEMPT ENTITY." A PERSON EXEMPT UNDER SECTION 9004(E)  
26 (RELATING TO IMPOSITION OF TAX, EXEMPTIONS AND DEDUCTIONS) FROM  
27 REPORTING AND PAYING A TAX ON LIQUID FUELS, FUELS OR ALTERNATIVE  
28 FUELS IMPOSED BY THIS CHAPTER.

29 \* \* \*

30 SECTION 4. CHAPTER 90 OF TITLE 75 IS AMENDED BY ADDING

1 SUBCHAPTERS TO READ:

2 SUBCHAPTER B

3 (RESERVED)

4 SUBCHAPTER C

5 ELECTRIC VEHICLE ROAD USE FEE

6 SEC.

7 9031. SHORT TITLE OF SUBCHAPTER.

8 9032. ROAD USE FEE IMPOSED ON ELECTRIC VEHICLES.

9 9033. ELECTRICITY USED IN ELECTRIC VEHICLES.

10 9034. FEES FOR HIGHWAY MAINTENANCE AND CONSTRUCTION.

11 9035. EXEMPT ENTITIES.

12 9036. REFUNDS.

13 9037. REGULATIONS.

14 § 9031. SHORT TITLE OF SUBCHAPTER.

15 THIS SUBCHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE

16 ELECTRIC VEHICLE ROAD USE FEE ACT.

17 § 9032. ROAD USE FEE IMPOSED ON ELECTRIC VEHICLES.

18 (A) FEE REQUIRED FOR REGISTRATION.--CONCURRENT WITH

19 SUBMITTING AN ANNUAL OR BIENNIAL VEHICLE REGISTRATION

20 APPLICATION AND FEE TO THE DEPARTMENT OF TRANSPORTATION UNDER

21 SECTION 1301 (RELATING TO REGISTRATION AND CERTIFICATE OF TITLE

22 REQUIRED), AN OWNER OF AN ELECTRIC VEHICLE SHALL SUBMIT THE

23 ELECTRIC VEHICLE ROAD USE FEE. THE FOLLOWING SHALL APPLY:

24 (1) REGISTRATION MAY NOT BE CONSIDERED COMPLETE WITHOUT

25 PAYMENT IN FULL OF THE ELECTRIC VEHICLE ROAD USE FEE.

26 (2) THE ELECTRIC VEHICLE ROAD USE FEE SHALL BE PAID UPON

27 INITIAL REGISTRATION AND UPON RENEWAL FOR EACH ELECTRIC

28 VEHICLE REGISTERED IN THIS COMMONWEALTH.

29 (B) COMPUTATION OF ELECTRIC VEHICLE ROAD USE FEE.--

30 (1) THE ELECTRIC VEHICLE ROAD USE FEE FOR ANY ELECTRIC

1 MOTORCYCLE AND NEIGHBORHOOD ELECTRIC VEHICLE SHALL BE \$15 PER  
2 YEAR.

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

6 (3) THE ELECTRIC VEHICLE ROAD USE FEE FOR ANY ELECTRIC  
7 VEHICLE WITH A GROSS VEHICLE WEIGHT RATING OF NOT MORE THAN  
8 26,000, BUT NOT A MOTORCYCLE SHALL BE \$175 PER YEAR. FOR  
9 PURPOSES OF THIS SUBPARAGRAPH, AN ELECTRIC VEHICLE SHALL NOT  
10 INCLUDE A HYBRID ELECTRIC VEHICLE.

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

14 § 9033. ELECTRICITY USED IN ELECTRIC VEHICLES.

15 ELECTRICITY USED IN AN ELECTRIC VEHICLE THAT PROPELS A  
16 VEHICLE ON PUBLIC HIGHWAYS IS NOT CONSIDERED A LIQUID FUEL, FUEL  
17 OR ALTERNATIVE FUEL AS DEFINED UNDER THIS CHAPTER.

18 § 9034. FEES FOR HIGHWAY MAINTENANCE AND CONSTRUCTION.

19 FEES COLLECTED UNDER THIS SUBCHAPTER SHALL BE DEPOSITED IN  
20 THE MOTOR LICENSE FUND IN ACCORDANCE WITH THE ALLOCATIONS UNDER  
21 SECTION 9511 (RELATING TO ALLOCATION OF PROCEEDS). FOR PURPOSES  
22 OF ALIGNING THE ELECTRIC VEHICLE ROAD USE FEE WITH THE  
23 ALLOCATIONS OF PROCEEDS, THE ELECTRIC VEHICLE ROAD USE FEE MUST  
24 BE ALLOCATED IN ACCORDANCE WITH THE OIL COMPANY FRANCHISE TAX  
25 FOR HIGHWAY MAINTENANCE AND CONSTRUCTION UNDER SECTION 9502  
26 (RELATING TO IMPOSITION OF TAX).

27 § 9035. EXEMPT ENTITIES.

28 (A) EXEMPTION.--AN ELECTRIC VEHICLE REGISTERED TO AN EXEMPT  
29 ENTITY UNDER SECTION 9004 (E) (RELATING TO IMPOSITION OF TAX,  
30 EXEMPTIONS AND DEDUCTIONS) IS EXEMPT FROM PAYING THE ELECTRIC

1 VEHICLE ROAD USE FEE.

2 (B) REQUIREMENTS.--THE FOLLOWING APPLY:

3 (1) IF AN ELECTRIC VEHICLE REGISTERED TO AN EXEMPT  
4 ENTITY IS USED FOR A NONEXEMPT PURPOSE DURING THE  
5 REGISTRATION YEAR, THE EXEMPT ENTITY SHALL PAY AN  
6 ADMINISTRATIVE PENALTY OF \$500 TO THE DEPARTMENT. AN EXEMPT  
7 ENTITY THAT IMPROPERLY USES A VEHICLE FOR NONEXEMPT PURPOSES  
8 IS NOT ELIGIBLE TO CLAIM A REFUND FOR THE VEHICLE UNDER THE  
9 PROVISIONS OF SECTION 9036 (RELATING TO REFUNDS).

10 (2) AN EXEMPT ENTITY APPLYING FOR A REFUND UNDER SECTION  
11 9036 SHALL MAINTAIN RECORDS OF VEHICLE USAGE, CERTIFYING THAT  
12 AN INDIVIDUAL TRIP MADE BY THE VEHICLE WAS FOR A QUALIFIED  
13 EXEMPT USE. INDIVIDUAL TRIP LOGS, ODOMETER READINGS AND  
14 DRIVER SIGNATURES SHALL BE AMONG THE RECORDS REQUIRED TO  
15 SUBSTANTIATE EXEMPT USE.

16 (3) THE DEPARTMENT MAY INSPECT THE SUBSTANTIATING  
17 RECORDS FOR AN EXEMPT ENTITY AT ANY TIME.

18 (4) THE EXEMPT ENTITY SHALL COOPERATE WITH AN AGENT OF  
19 THE DEPARTMENT IN AN INSPECTION.

20 (5) AN EXEMPT ENTITY THAT REFUSES TO PERMIT THE  
21 DEPARTMENT OR AN AGENT APPOINTED BY THE DEPARTMENT IN WRITING  
22 TO EXAMINE THE BOOKS, RECORDS, PAPERS OR OTHER EQUIPMENT  
23 ASSOCIATED WITH THE OPERATION OF AN ELECTRIC VEHICLE COMMITS  
24 A SUMMARY OFFENSE AND SHALL PAY A FINE OF \$500 FOR EACH  
25 ELECTRIC VEHICLE OWNED OR OPERATED BY THE EXEMPT ENTITY.

26 § 9036. REFUNDS.

27 A PERSON MAY BE ENTITLED TO A REFUND OF THE ELECTRIC VEHICLE  
28 ROAD USE FEE PAID FOR A VEHICLE THAT WOULD OTHERWISE HAVE BEEN  
29 EXEMPT UNDER SECTION 9004 (RELATING TO IMPOSITION OF TAX,  
30 EXEMPTIONS AND DEDUCTIONS). A PERSON ENTITLED TO A REFUND OF THE

1 ELECTRIC VEHICLE ROAD USE FEE SHALL APPLY FOR AN ANNUAL REFUND  
2 IN A MANNER SIMILAR TO THE REFUND PROCESS USED FOR LIQUID FUELS,  
3 FUELS AND ALTERNATIVE FUELS UNDER SECTION 9017 (RELATING TO  
4 REFUNDS).  
5 § 9037. REGULATIONS.

6 THE DEPARTMENT, IN COORDINATION WITH THE DEPARTMENT OF  
7 TRANSPORTATION, MAY PROMULGATE REGULATIONS TO IMPLEMENT THE  
8 ADDITION OF THIS SUBCHAPTER.

9 Section 2 5. This act shall take effect ~~in 60 days.~~ AS <--  
10 FOLLOWS:

- 11 (1) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.  
12 (2) THE AMENDMENT OF SECTION 4941 OF THE ACT SHALL TAKE  
13 EFFECT IN 60 DAYS.  
14 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 180  
15 DAYS.