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**HOUSE BILL 1832**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Fey, Mena, Doglio, and Ramel

Read first time 02/16/23. Referred to Committee on Transportation.

1 AN ACT Relating to implementing a per mile charge on vehicle  
2 usage of public roadways; amending RCW 46.17.323, 46.17.324,  
3 46.01.030, 46.01.040, and 42.56.330; adding a new section to chapter  
4 46.17 RCW; adding a new section to chapter 46.08 RCW; adding a new  
5 section to chapter 46.68 RCW; and creating a new section.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The legislature finds that increasing the  
8 rate of adoption of electric and hybrid motor vehicles is helping to  
9 reduce harmful air pollution from exhaust emissions, including  
10 greenhouse gas emissions, in the state. At the same time, the  
11 legislature also finds that a fair and equitable means of funding the  
12 statewide transportation system in the long term is needed as  
13 vehicles become more fuel efficient and this impacts state fuel tax  
14 revenue, which has historically funded the construction,  
15 preservation, maintenance, and operations of the state highway system  
16 and the state ferry system. The legislature also finds that a road  
17 usage charge or per mile fee is a viable funding method that more  
18 fairly and accurately corresponds to road users use of public roads  
19 by amount of usage as compared to registration fees or motor vehicle  
20 fuel taxes. It is, therefore, the legislature's intent to establish a  
21 voluntary road usage charge program that imposes a per mile fee for

1 the use of public roads as a first step in establishing a more  
2 comprehensive, mandatory road usage charge.

3 The legislature further finds and declares that the road usage  
4 charge system must protect individuals' privacy and civil liberties.  
5 Experience in states that collect road usage charges, in addition to  
6 the research and year-long test of road usage charging in Washington,  
7 demonstrates that mileage-based charges can be implemented in a  
8 manner that ensures data security and protects the privacy of motor  
9 vehicle owners. The legislature intends that the road usage charge  
10 system authorized in this act be designed and implemented in a manner  
11 that places privacy of the motor vehicle owner as a first principle,  
12 especially with regard to location data.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.17  
14 RCW to read as follows:

15 (1)(a)(i) A voluntary road usage charge program is established  
16 that places a per mile fee on motor vehicle usage of public roadways  
17 in the state. The department shall implement and administer the  
18 voluntary road usage charge program. The vehicles specified in this  
19 section are subject to the requirements of the voluntary road usage  
20 charge program. The target date for implementation of a  
21 comprehensive, mandatory road usage charge program is January 1,  
22 2030.

23 (ii) The road usage charge rate for the voluntary road usage  
24 charge program is 2.5 cents per mile.

25 (iii) The electric and hybrid-electric vehicle registration  
26 renewal fees specified in RCW 46.17.323 and the transportation  
27 electrification fees specified in RCW 46.17.324 are waived for  
28 vehicles participating in the voluntary road usage charge program.

29 (b)(i) Beginning July 1, 2025, for reasons of administrative  
30 efficiency of fee collection, before accepting an application for an  
31 annual vehicle renewal for a motor vehicle registering for on-road  
32 use, the department, county auditor or other agent, or subagent  
33 appointed by the director must require the applicant to pay a road  
34 usage charge as specified in this section if the applicant enrolled  
35 the vehicle in the voluntary road usage charge program established in  
36 this section for the prior 12-month period of vehicle registration.  
37 This charge is separate and distinct from vehicle licensing fees and  
38 taxes required by law.

1 (ii) The road usage charge due at the end of each 12-month period  
2 following vehicle registration under the voluntary road usage charge  
3 program established in this subsection may not exceed the combined  
4 amount in fees required under RCW 46.17.323 and 46.17.324 that would  
5 be due if they were not waived for the vehicle as a result of its  
6 enrollment in the voluntary road usage charge program.

7 (iii) The annual per mile fee due for a vehicle participating in  
8 the voluntary road usage charge program at the end of each 12-month  
9 period of voluntary road usage charge program enrollment under this  
10 subsection (1)(b) is reduced by a fee credit in the amount of the  
11 motor vehicle fuel tax imposed under chapter 82.38 RCW that is  
12 determined by the department to correspond, either constructively or  
13 in actuality, to the vehicle's annual motor vehicle fuel usage. The  
14 fee credit is available solely to offset the road usage charge fee  
15 due based on applicable vehicle miles driven during the year the fee  
16 credit is earned and is nonrefundable and nontransferable to future  
17 years of program participation. The department shall adopt  
18 methodologies used to determine constructive annual motor vehicle  
19 fuel usage by vehicles, as well as requirements for the determination  
20 of actual fuel usage by vehicles, by rule.

21 (c) The department must adopt rules to implement the portions of  
22 the voluntary road usage charge program specified in (b) of this  
23 subsection (1).

24 (2)(a) The department shall offer vehicle owners the option to  
25 report miles driven through the submittal of periodic odometer  
26 mileage. The department may also offer vehicle owners the option of  
27 one or more automated methods of reporting miles driven. The  
28 department may certify one or more private sector service providers  
29 to provide the automated methods of reporting miles driven.

30 (b) With participation from the department, the Washington state  
31 transportation commission shall engage vehicle manufacturers to  
32 explore the possibility of the vehicle manufacturer providing vehicle  
33 miles traveled information to the department that could meet road  
34 usage charge program reporting requirements, if authorized by a  
35 voluntary road usage charge program participant, and report back to  
36 the transportation committees of the legislature by December 1, 2024,  
37 on the capability and willingness of vehicle manufacturers to partner  
38 with the department to provide a manufacturer-based method for  
39 reporting vehicle miles traveled.

1 (3) The department shall establish a process for submission of  
2 documentation by voluntary road usage charge program participants  
3 claiming a road usage charge fee exemption for vehicle miles driven  
4 on roadways that are not public roadways in the state. Application  
5 for a road usage charge fee exemption must be made to the department  
6 in a form and manner determined by the department. The application  
7 must include any information and documentation required by the  
8 department.

9 (4) The department may temporarily pause enrollment in the  
10 voluntary road usage charge program should the department's capacity  
11 to effectively administer the program be reached, as determined by  
12 the department, until the department is able to expand the  
13 department's capacity to accommodate a greater program enrollment  
14 level.

15 (5) This section only applies to a motor vehicle registered for  
16 on-road use that is designed to have the capability to drive at a  
17 speed of more than 35 miles per hour and that has a gross vehicle  
18 weight rating of 10,000 pounds or less.

19 (6) The department, in consultation with the transportation  
20 commission, shall design and execute a public outreach and education  
21 program to be carried out prior to implementation of the voluntary  
22 road usage charge program under subsection (1) of this section.

23 (7) The department shall provide a report to the transportation  
24 committees of the legislature on the status of preparations for the  
25 voluntary road usage charge program and recommendations for program  
26 enhancements by January 1, 2025, and shall continue to report to the  
27 transportation committees of the legislature on the voluntary road  
28 usage charge program's status and recommendations for the program no  
29 less frequently than annually thereafter.

30 (8) The Washington state transportation commission shall pursue  
31 federal grant funding opportunities for which the voluntary road  
32 usage charge program established under this section is eligible.

33 (9) Proceeds from the per mile fee imposed under this section  
34 must be used for transportation system preservation and maintenance  
35 purposes and must be deposited in the road usage charge account  
36 created in section 9 of this act.

37 **Sec. 3.** RCW 46.17.323 and 2022 c 149 s 1 are each amended to  
38 read as follows:

1 (1) Before accepting an application for an annual vehicle  
2 registration renewal for a vehicle that both (a) uses at least one  
3 method of propulsion that is capable of being reenergized by an  
4 external source of electricity and (b) is capable of traveling at  
5 least 30 miles using only battery power, except for electric  
6 motorcycles, the department, county auditor or other agent, or  
7 subagent appointed by the director must require the applicant to pay  
8 a \$100 fee in addition to any other fees and taxes required by law.  
9 The \$100 fee is due only at the time of annual registration renewal.

10 (2) This section only applies to a vehicle that is designed to  
11 have the capability to drive at a speed of more than 35 miles per  
12 hour.

13 (3) (a) The fee under this section is imposed to provide funds to  
14 mitigate the impact of vehicles on state roads and highways and for  
15 the purpose of evaluating the feasibility of transitioning from a  
16 revenue collection system based on fuel taxes to a road user  
17 assessment system, and is separate and distinct from other vehicle  
18 license fees. Proceeds from the fee must be used for highway  
19 purposes, and must be deposited in the motor vehicle fund created in  
20 RCW 46.68.070, subject to (b) of this subsection.

21 (b) If in any year the amount of proceeds from the fee collected  
22 under this section exceeds \$1,000,000, the excess amount over  
23 \$1,000,000 must be deposited as follows:

24 (i) Seventy percent to the motor vehicle fund created in RCW  
25 46.68.070;

26 (ii) Fifteen percent to the transportation improvement account  
27 created in RCW 47.26.084; and

28 (iii) Fifteen percent to the rural arterial trust account created  
29 in RCW 36.79.020.

30 (4) (a) In addition to the fee established in subsection (1) of  
31 this section, before accepting an application for an annual vehicle  
32 registration renewal for a vehicle that both (i) uses at least one  
33 method of propulsion that is capable of being reenergized by an  
34 external source of electricity and (ii) is capable of traveling at  
35 least 30 miles using only battery power, except for electric  
36 motorcycles, the department, county auditor or other agent, or  
37 subagent appointed by the director must require the applicant to pay  
38 a \$50 fee.

39 (b) The fee required under (a) of this subsection must be  
40 distributed as follows:

1 (i) The first \$1,000,000 raised by the fee must be deposited into  
2 the multimodal transportation account created in RCW 47.66.070; and

3 (ii) Any remaining amounts must be deposited into the motor  
4 vehicle fund created in RCW 46.68.070.

5 (5) Beginning November 1, 2022, before accepting an application  
6 for an annual vehicle registration renewal for an electric motorcycle  
7 that uses propulsion units powered solely by electricity, the  
8 department, county auditor or other agent, or subagent appointed by  
9 the director must require the applicant to pay a \$30 fee in addition  
10 to any other fees and taxes required by law. The \$30 fee is due only  
11 at the time of annual registration renewal.

12 (6) The fees collected pursuant to subsection (5) of this section  
13 shall be deposited into the motor vehicle fund created in RCW  
14 46.68.070.

15 (7) This section applies to annual vehicle registration renewals  
16 until the effective date of enacted legislation that imposes a  
17 mandatory vehicle miles traveled fee or tax that applies to all  
18 vehicles that are required to pay fees under this section.

19 (8) Beginning July 1, 2025, participants in the voluntary road  
20 usage charge program established in section 2 of this act are exempt  
21 from the fees specified in this section.

22 **Sec. 4.** RCW 46.17.324 and 2019 c 287 s 23 are each amended to  
23 read as follows:

24 To realize the environmental benefits of electrification of the  
25 transportation system it is necessary to support the adoption of  
26 electric vehicles and other electric technology in the state by  
27 incentivizing the purchase of these vehicles, building out the  
28 charging infrastructure, developing greener transit options, and  
29 supporting clean alternative fuel infrastructure. Therefore, it is  
30 the intent of the legislature to support these activities through the  
31 imposition of new transportation electrification fees in this  
32 section.

33 (1) A vehicle that both (a) uses at least one method of  
34 propulsion that is capable of being reenergized by an external source  
35 of electricity and (b) is capable of traveling at least (~~thirty~~) 30  
36 miles using only battery power, is subject to an annual (~~seventy-~~  
37 ~~five-dollar~~) \$75 transportation electrification fee to be collected  
38 by the department, county auditor, or other agent or subagent  
39 appointed by the director, in addition to any other fees and taxes

1 required by law. For administrative efficiencies, the transportation  
2 electrification fee must be collected at the same time as vehicle  
3 registration renewals and may only be collected for vehicles that are  
4 renewing an annual vehicle registration.

5 (2) Beginning October 1, 2019, in lieu of the fee in subsection  
6 (1) of this section for a hybrid or alternative fuel vehicle that is  
7 not required to pay the fees established in RCW 46.17.323 (1) and  
8 (4), for reasons other than participation in the voluntary road usage  
9 charge program established in section 2 of this act, the department,  
10 county auditor, or other agent or subagent appointed by the director  
11 must require that the applicant for the annual vehicle registration  
12 renewal of such hybrid or alternative fuel vehicle pay a (~~seventy-~~  
13 ~~five-dollar~~) \$75 hybrid vehicle transportation electrification fee,  
14 in addition to any other fees and taxes required by law.

15 (3) The fees required under this section must be deposited in the  
16 electric vehicle account created in RCW 82.44.200, until July 1,  
17 2025, when the fee must be deposited in the motor vehicle account.

18 (4) This section only applies to a vehicle that is designed to  
19 have the capability to drive at a speed of more than (~~thirty-five~~)  
20 35 miles per hour.

21 (5) Beginning July 1, 2025, participants in the voluntary road  
22 usage charge program established in section 2 of this act are exempt  
23 from the fees specified in this section.

24 NEW SECTION. Sec. 5. A new section is added to chapter 46.08  
25 RCW to read as follows:

26 (1) The per mile system established to collect the per mile fee  
27 under section 2 of this act may not involve the collection of any  
28 personally identifying information beyond what is necessary to  
29 properly calculate, report, and collect the per mile fee, unless the  
30 vehicle owner provides his or her express written consent for the  
31 collection of additional information.

32 (2) Per mile reporting methods may record or report general  
33 location data under the following circumstances: (a) The vehicle  
34 owner chooses that specific reporting method; (b) proper disclosure  
35 of the reporting method was made pursuant to rules adopted by the  
36 transportation commission; and (c) the vehicle owner specifically  
37 consents to the reporting of general location data.

38 (3) Per mile reporting methods shall not report specific location  
39 data to the department or any subdivision of the state, including

1 travel patterns, origins, destinations, waypoint locations, or times  
2 of travel, unless a vehicle owner specifically consents to the  
3 recording or reporting of such location data.

4 (4) The department and any per mile account manager has an  
5 affirmative public duty regarding the collection of the per mile fee  
6 under section 2 of this act to:

7 (a) Ensure that per mile information is protected with reasonable  
8 operational, administrative, technical, and physical safeguards to  
9 ensure its confidentiality and integrity;

10 (b) Implement and maintain reasonable security procedures and  
11 practices in order to protect per mile information from unauthorized  
12 access, destruction, use, modification, or disclosure; and

13 (c) Implement and maintain a usage and privacy policy to ensure  
14 that the collection of per mile information is consistent with  
15 respect for individuals' privacy and civil liberties.

16 (5) For the purposes of this section:

17 (a) "General location data" means vehicle location information  
18 necessary for the determination of road usage charge fees.

19 (b) "Personally identifying information" means any information  
20 that identifies or describes a person including, but not limited to,  
21 travel pattern data, address, telephone number, email address,  
22 photograph, bank account information, or credit card number.  
23 "Personally identifying information" does not include publicly  
24 available information that is lawfully made available to the general  
25 public from federal, state, or local government records.

26 (c) "Public purposes" means research, testing, and information  
27 gathering that advances the safety of the motoring public and the  
28 adequate preservation, maintenance, and upkeep of public roadways.

29 (d) "Specific location data" means information about the origin,  
30 destination, waypoint, or travel patterns of vehicles.

31 (e) "Vehicle owner" has the same meaning as in RCW 46.04.380.

32 **Sec. 6.** RCW 46.01.030 and 2010 c 161 s 1107 are each amended to  
33 read as follows:

34 The department is responsible for administering and recommending  
35 the improvement of the motor vehicle laws of this state relating to:

36 (1) Driver examining and licensing;

37 (2) Driver improvement;

38 (3) Driver records;

39 (4) Financial responsibility;



1 (5) Certificates of title;  
2 (6) Vehicle registration certificates and license plates;  
3 (7) Proration and reciprocity;  
4 (8) Liquid fuel tax collections;  
5 (9) Road usage charge collections;  
6 (10) Licensing of dealers, motor vehicle transporters, motor  
7 vehicle wreckers, for hire vehicles, and drivers' schools;  
8 ~~((10))~~ (11) General highway safety promotion in cooperation  
9 with the Washington state patrol and traffic safety commission; and  
10 ~~((11))~~ (12) Such other activities as the legislature may  
11 provide.

12 **Sec. 7.** RCW 46.01.040 and 2013 c 225 s 606 are each amended to  
13 read as follows:

14 The department is vested with all powers, functions, and duties  
15 with respect to and including the following:

16 (1) The fuel tax and aircraft fuel tax as provided in chapters  
17 82.38 and 82.42 RCW;

18 (2) The motor vehicle excise tax as provided in chapter 82.44  
19 RCW;

20 (3) The travel trailers and campers excise tax as provided in  
21 chapter 82.50 RCW;

22 (4) The road usage charge fee as provided in chapter 46.17 RCW;

23 (5) All general powers and duties relating to motor vehicles as  
24 provided in chapter 46.08 RCW;

25 ~~((5))~~ (6) Certificates of title and registration certificates  
26 as provided in chapters 46.12 and 46.16A RCW;

27 ~~((6))~~ (7) The registration of motor vehicles as provided in  
28 chapter 46.16A RCW;

29 ~~((7))~~ (8) Dealers' licenses as provided in chapter 46.70 RCW;

30 ~~((8))~~ (9) The licensing of motor vehicle transporters as  
31 provided in chapter 46.76 RCW;

32 ~~((9))~~ (10) The licensing of vehicle wreckers as provided in  
33 chapter 46.80 RCW;

34 ~~((10))~~ (11) The administration of the laws relating to  
35 reciprocal or proportional registration of motor vehicles as provided  
36 in chapter 46.85 RCW;

37 ~~((11))~~ (12) The licensing of passenger vehicles for hire as  
38 provided in chapter 46.72 RCW;

39 ~~((12))~~ (13) Drivers' licenses as provided in chapter 46.20 RCW;

1       (~~(13)~~) (14) Commercial driver training schools as provided in  
2 chapter 46.82 RCW;  
3       (~~(14)~~) (15) Financial responsibility as provided in chapter  
4 46.29 RCW;  
5       (~~(15)~~) (16) Accident reporting as provided in chapter 46.52  
6 RCW;  
7       (~~(16)~~) (17) Disposition of revenues as provided in chapter  
8 46.68 RCW; and  
9       (~~(17)~~) (18) The administration of all other laws relating to  
10 motor vehicles vested in the director of licenses on June 30, 1965.

11       **Sec. 8.** RCW 42.56.330 and 2017 c 333 s 6 are each amended to  
12 read as follows:

13       The following information relating to public utilities and  
14 transportation is exempt from disclosure under this chapter:

15       (1) Records filed with the utilities and transportation  
16 commission or attorney general under RCW 80.04.095 or 81.77.210 that  
17 a court has determined are confidential under RCW 80.04.095 or  
18 81.77.210;

19       (2) The addresses, telephone numbers, electronic contact  
20 information, and customer-specific utility usage and billing  
21 information in increments less than a billing cycle of the customers  
22 of a public utility contained in the records or lists held by the  
23 public utility of which they are customers, except that this  
24 information may be released to the division of child support or the  
25 agency or firm providing child support enforcement for another state  
26 under Title IV-D of the federal social security act, for the  
27 establishment, enforcement, or modification of a support order;

28       (3) The names, residential addresses, residential telephone  
29 numbers, and other individually identifiable records held by an  
30 agency in relation to a vanpool, carpool, or other ride-sharing  
31 program or service. Participants' names, general locations, and point  
32 of contact may be disclosed to other persons who apply for ride-  
33 matching services and who need that information in order to identify  
34 potential riders or drivers with whom to share rides;

35       (4) The personally identifying information of current or former  
36 participants or applicants in a paratransit or other transit service  
37 operated for the benefit of persons with disabilities or elderly  
38 persons;

1 (5) The personally identifying information of persons who acquire  
2 and use transit passes or other fare payment media including, but not  
3 limited to, stored value smart cards and magnetic strip cards, except  
4 that an agency may disclose personally identifying information to a  
5 person, employer, educational institution, or other entity that is  
6 responsible, in whole or in part, for payment of the cost of  
7 acquiring or using a transit pass or other fare payment media for the  
8 purpose of preventing fraud. As used in this subsection, "personally  
9 identifying information" includes acquisition or use information  
10 pertaining to a specific, individual transit pass or fare payment  
11 media.

12 (a) Information regarding the acquisition or use of transit  
13 passes or fare payment media may be disclosed in aggregate form if  
14 the data does not contain any personally identifying information.

15 (b) Personally identifying information may be released to law  
16 enforcement agencies if the request is accompanied by a court order;

17 (6) Any information obtained by governmental agencies that is  
18 collected by the use of a motor carrier intelligent transportation  
19 system or any comparable information equipment attached to a truck,  
20 tractor, or trailer; however, the information may be given to other  
21 governmental agencies or the owners of the truck, tractor, or trailer  
22 from which the information is obtained. As used in this subsection,  
23 "motor carrier" has the same definition as provided in RCW 81.80.010;

24 (7) The personally identifying information of persons who acquire  
25 and use transponders or other technology to facilitate payment of  
26 tolls. This information may be disclosed in aggregate form as long as  
27 the data does not contain any personally identifying information. For  
28 these purposes aggregate data may include the census tract of the  
29 account holder as long as any individual personally identifying  
30 information is not released. Personally identifying information may  
31 be released to law enforcement agencies only for toll enforcement  
32 purposes. Personally identifying information may be released to law  
33 enforcement agencies for other purposes only if the request is  
34 accompanied by a court order;

35 (8) The personally identifying information of persons who acquire  
36 and use a driver's license or identicard that includes a radio  
37 frequency identification chip or similar technology to facilitate  
38 border crossing. This information may be disclosed in aggregate form  
39 as long as the data does not contain any personally identifying  
40 information. Personally identifying information may be released to

1 law enforcement agencies only for United States customs and border  
2 protection enforcement purposes. Personally identifying information  
3 may be released to law enforcement agencies for other purposes only  
4 if the request is accompanied by a court order; (~~and~~)

5 (9) Personally identifying information included in safety  
6 complaints submitted under chapter 81.61 RCW; and

7 (10) The personally identifying information of persons, as  
8 defined in section 5 of this act, who report their vehicle odometer  
9 mileage or any vehicle location information, in relation to a per  
10 mile fee imposed under section 2 of this act, or similar mileage tax,  
11 collected by or on behalf of the state of Washington. This  
12 information may be disclosed in aggregate form as long as the data  
13 does not contain any personally identifying information. Personally  
14 identifying information may be released to law enforcement agencies  
15 only if the request is accompanied by a court order.

16 NEW SECTION. Sec. 9. A new section is added to chapter 46.68  
17 RCW to read as follows:

18 The road usage charge account is created in the state treasury.  
19 All receipts from the voluntary road usage charge program established  
20 in section 2 of this act must be deposited in the account. Moneys in  
21 the account may be spent only after appropriation. Expenditures from  
22 the account may be used only for transportation system preservation  
23 and maintenance purposes.

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