
HOUSE BILL 2026

State of Washington **67th Legislature** **2022 Regular Session**

By Representatives Wicks, Fitzgibbon, Sells, Ramel, Dolan, and Macri

Read first time 01/18/22. Referred to Committee on Transportation.

1 AN ACT Relating to implementing a per mile charge on vehicles;
2 amending RCW 46.17.323, 46.17.324, and 42.56.330; adding new sections
3 to chapter 46.17 RCW; adding a new section to chapter 46.08 RCW; and
4 creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that increasing the
7 rate of adoption of electric and hybrid vehicles is helping to reduce
8 harmful air pollution from exhaust emissions, including greenhouse
9 gas emissions, in the state. At the same time, the legislature also
10 finds that a fair and equitable means of funding the statewide
11 transportation system in the long-term is needed as vehicles become
12 more fuel efficient. The legislature also finds that a road usage
13 charge or per mile fee is a viable funding method that more fairly
14 and accurately assesses road users for their use of public roads,
15 rather than doing so through registration fees or motor vehicle fuel
16 taxes. It is therefore the legislature's intent to establish a road
17 usage charge program that imposes a per mile fee for the use of
18 public roads.

19 The legislature further finds and declares that the road usage
20 charge system must at all times protect individuals' privacy and
21 civil liberties. Experience in states that collect road usage

1 charges, in addition to the research and year-long test of road usage
2 charging in Washington, demonstrates that mileage-based charges can
3 be implemented in a manner that ensures data security and protects
4 the privacy of vehicle owners. The legislature intends that the road
5 usage charge system authorized in this act be designed and
6 implemented in a manner that places privacy of the vehicle owner as a
7 first principle, especially with regard to location data.

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

10 (1) (a) (i) A road usage charge program is established that places
11 a per mile fee on vehicle usage of public roadways. The department
12 shall implement and administer the road usage charge program. The
13 vehicles specified in this section are subject to the requirements of
14 the road usage charge program.

15 (ii) The road usage charge rate is 2.5 cents per mile. This rate
16 may be adjusted in state law based on new information and changes in
17 legislative policy.

18 (iii) The electric and hybrid-electric vehicle registration
19 renewal fees specified in RCW 46.17.323 and the transportation
20 electrification fees specified in RCW 46.17.324 are waived for
21 vehicles participating in the road usage charge program.

22 (b) (i) (A) Beginning July 1, 2025, before accepting an application
23 for an initial annual vehicle registration or renewal for a new
24 vehicle purchased or leased on or after July 1, 2025 that solely uses
25 a method of propulsion that is reenergized by an external source of
26 electricity, the department, county auditor or other agent, or
27 subagent appointed by the director must require the applicant to pay
28 a road usage charge as specified in this section in the road usage
29 charge program established in this section. This charge is in
30 addition to all other fees and taxes required by law.

31 (B) The road usage charge due at each vehicle registration under
32 this subsection (1) (b) (i) may not exceed the combined amount in fees
33 required under RCW 46.17.323 and 46.17.324 that would be due if they
34 were not waived for the vehicle as a result of its enrollment in the
35 road usage charge program. This road usage charge cap may be adjusted
36 in state law based on new information and changes in legislative
37 policy.

38 (ii) (A) Beginning July 1, 2025, before accepting an application
39 for an initial annual vehicle registration or renewal for a vehicle

1 that solely uses a method of propulsion that is reenergized by an
2 external source of electricity and that does not qualify for
3 mandatory participation under this subsection (1)(b)(ii)(A), the
4 department, county auditor or other agent, or subagent appointed by
5 the director must require the applicant to pay a road usage charge as
6 specified in this section if the applicant volunteers to enroll the
7 vehicle in the road usage charge program established in this section.
8 This charge is in addition to all other fees and taxes required by
9 law.

10 (B) In consideration of a vehicle owner's voluntary participation
11 in the road usage charge program, the road usage charge due at each
12 vehicle registration under this subsection (1)(b)(ii) may not exceed
13 \$50 less than the combined amount in fees required under RCW
14 46.17.323 and 46.17.324 that would be due if they were not waived for
15 the vehicle as a result of its enrollment in the road usage charge
16 program.

17 (iii) In addition to the vehicles specified in (b)(ii)(A) of this
18 subsection, at least 500 electric, electric-hybrid, and internal
19 combustion state-owned passenger or light duty truck fleet vehicles
20 shall be included in the road usage charge program beginning July 1,
21 2025. These vehicles are not subject to the per mile fee specified in
22 (a) of this subsection until July 1, 2027. The department, in
23 consultation with the transportation commission, shall select the
24 types of state fleet vehicles that will be included in the road usage
25 charge program to further test the viability of a per mile fee on
26 electric-hybrid and internal combustion engine vehicles.

27 (c)(i) Beginning July 1, 2026, before accepting an application
28 for an initial annual vehicle registration or renewal for an
29 electric-hybrid vehicle that uses at least one method of propulsion
30 that is reenergized by an external source of electricity and an
31 internal combustion engine, the department, county auditor or other
32 agent, or subagent appointed by the director must require the
33 applicant to pay a per mile fee as specified in this section if the
34 applicant volunteers to enroll the vehicle in the road usage charge
35 program established in this section. This charge is in addition to
36 all other fees and taxes required by law.

37 (ii) In consideration of a vehicle owner's voluntary
38 participation in the road usage charge program, the road usage charge
39 due at each vehicle registration under this subsection (1)(c) may not
40 exceed \$50 less than the combined amount in fees required under RCW

1 46.17.323 and 46.17.324 that would be due if they were not waived for
2 the vehicle as a result of its enrollment in the road usage charge
3 program.

4 (d) (i) (A) Beginning July 1, 2027, before accepting an application
5 for an initial annual vehicle registration or renewal for a vehicle
6 that uses an internal combustion engine as its method of propulsion,
7 the department, county auditor or other agent, or subagent appointed
8 by the director must require the applicant to pay a per mile fee as
9 specified in this section if the applicant volunteers to enroll the
10 vehicle in the road usage charge program established in this section.
11 This charge is in addition to all other fees and taxes required by
12 law.

13 (B) The annual per mile fee due for a vehicle participating in
14 the road usage charge program at the time of initial annual vehicle
15 registration or renewal under this subsection (1) (d) (i) is reduced by
16 a fee credit in the amount of the motor vehicle fuel tax imposed
17 under chapter 82.38 RCW that is determined by the department to
18 correspond, either constructively or in actuality, to the vehicle's
19 annual motor vehicle fuel usage. The department shall adopt
20 methodologies used to determine constructive annual motor vehicle
21 fuel usage by vehicles, as well as requirements for the determination
22 of actual fuel usage by vehicles, by rule.

23 (ii) In addition to the vehicles specified in this subsection, at
24 least 500 electric, electric-hybrid, and internal combustion state-
25 owned passenger or light duty truck fleet vehicles shall be included
26 in the road usage charge program beginning July 1, 2027. These
27 vehicles are subject to the per mile fee specified in (a) of this
28 subsection. The department, in consultation with the transportation
29 commission, shall select the types of state fleet vehicles that will
30 be added to the road usage charge program to further testing of the
31 viability of a per mile fee.

32 (e) By December 1, 2024, after consultation with the
33 transportation commission on lessons learned from Washington's road
34 usage charge pilot and research, the department must adopt rules to
35 implement the portions of the road usage charge program specified in
36 (b) and (c) of this subsection (1).

37 (2) The department shall offer vehicle owners one or more methods
38 of reporting miles driven, one of which shall be based on submittal
39 of periodic odometer mileage. The department may also offer vehicle
40 owners the option of one or more automated methods of reporting miles

1 driven. The department may certify one or more private sector service
2 providers to provide the automated methods of reporting miles driven.

3 (3) The department shall offer periodic payment options to
4 participants in the road usage charge program.

5 (4) The department may retain third-party professional services
6 in implementing the road usage charge program.

7 (5) The department, in consultation with the transportation
8 commission, shall design and execute a public outreach and education
9 program to be carried out prior to implementation of the road usage
10 charge program under subsection (1) of this section.

11 (6) The department shall annually review the road usage charge
12 program and report to the legislature on its performance, including
13 in meeting its policy goals as specified in state law, and offer
14 recommendations as needed for program enhancements.

15 (7) The transportation commission, in collaboration with the
16 department, shall assess approaches to implementing a per mile fee
17 discount for low-income vehicle owners and report its findings and
18 recommendations to the transportation committees of the legislature
19 by January 10, 2024, as part of the commission's report on the
20 results of its federal research program.

21 (8) By January 1, 2029, the joint transportation committee shall
22 evaluate the road usage charge program in consultation with the
23 department to assess requirements for full implementation of the
24 program in the state and provide a report to the transportation
25 committees of the legislature. The evaluation must include an
26 assessment of the potential revenue impacts of full implementation in
27 place of the motor vehicle fuel tax. The evaluation must also
28 incorporate relevant findings from the department's annual reviews of
29 the road usage charge program under subsection (6) of this section.

30 (9) This section only applies to a vehicle that is designed to
31 have the capability to drive at a speed of more than 35 miles per
32 hour and that has a gross vehicle weight rating of 10,000 pounds or
33 less.

34 (10) Proceeds from the per mile fee imposed under this section
35 must be used for transportation purposes and must be deposited in the
36 road usage charge account created in section 7 of this act.

37 **Sec. 3.** RCW 46.17.323 and 2015 3rd sp.s. c 44 s 203 are each
38 amended to 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 (~~(thirty)~~) 30 miles using only battery power, the department,
6 county auditor or other agent, or subagent appointed by the director
7 must require the applicant to pay a (~~(one hundred dollar)~~) \$100 fee
8 in addition to any other fees and taxes required by law. The (~~(one~~
9 ~~hundred dollar)~~) \$100 fee is due only at the time of annual
10 registration renewal.

11 (2) This section only applies to a vehicle that is designed to
12 have the capability to drive at a speed of more than (~~(thirty-five)~~)
13 35 miles per hour.

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

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

26 (i) Seventy percent to the motor vehicle fund created in RCW
27 46.68.070;

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

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

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

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

3 (i) The first (~~one million dollars~~) \$1,000,000 raised by the
4 fee must be deposited into the multimodal transportation account
5 created in RCW 47.66.070; and

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

8 (5) This section applies to annual vehicle registration renewals
9 until the effective date of enacted legislation that imposes a
10 mandatory vehicle miles traveled fee or tax to apply to all vehicles
11 that are required to pay fees under this section.

12 (6) Beginning July 1, 2025, participants in the road usage charge
13 program described in section 2 of this act are exempt from the fees
14 specified in this section.

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

17 To realize the environmental benefits of electrification of the
18 transportation system it is necessary to support the adoption of
19 electric vehicles and other electric technology in the state by
20 incentivizing the purchase of these vehicles, building out the
21 charging infrastructure, developing greener transit options, and
22 supporting clean alternative fuel infrastructure. Therefore, it is
23 the intent of the legislature to support these activities through the
24 imposition of new transportation electrification fees in this
25 section.

26 (1) A vehicle that both (a) uses at least one method of
27 propulsion that is capable of being reenergized by an external source
28 of electricity and (b) is capable of traveling at least (~~thirty~~) 30
29 miles using only battery power, is subject to an annual (~~seventy-~~
30 ~~five dollar~~) \$75 transportation electrification fee to be collected
31 by the department, county auditor, or other agent or subagent
32 appointed by the director, in addition to any other fees and taxes
33 required by law. For administrative efficiencies, the transportation
34 electrification fee must be collected at the same time as vehicle
35 registration renewals and may only be collected for vehicles that are
36 renewing an annual vehicle registration.

37 (2) Beginning October 1, 2019, in lieu of the fee in subsection
38 (1) of this section for a hybrid or alternative fuel vehicle that is
39 not required to pay the fees established in RCW 46.17.323 (1) and

1 (4), for reasons other than participation in the road usage charge
2 program established in section 2 of this act, the department, county
3 auditor, or other agent or subagent appointed by the director must
4 require that the applicant for the annual vehicle registration
5 renewal of such hybrid or alternative fuel vehicle pay a (~~seventy-~~
6 ~~five-dollar~~) \$75 hybrid vehicle transportation electrification fee,
7 in addition to any other fees and taxes required by law.

8 (3) The fees required under this section must be deposited in the
9 electric vehicle account created in RCW 82.44.200, until July 1,
10 2025, when the fee must be deposited in the motor vehicle account.

11 (4) This section only applies to a vehicle that is designed to
12 have the capability to drive at a speed of more than (~~thirty-five~~)
13 35 miles per hour.

14 (5) Beginning July 1, 2025, participants in the road usage charge
15 program described in section 2 of this act are exempt from the fees
16 specified in this section.

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

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

25 (2) Per mile reporting methods may record or report general
26 location data under the following circumstances: (a) The vehicle
27 owner chooses that specific reporting method; (b) proper disclosure
28 of the reporting method was made pursuant to rules adopted by the
29 transportation commission; and (c) the vehicle owner specifically
30 consents to the reporting of general location data.

31 (3) Per mile reporting methods shall not report specific location
32 data to the department or any subdivision of the state, including
33 travel patterns, origins, destinations, waypoint locations, or times
34 of travel unless a vehicle owner specifically consents to the
35 recording or reporting of such location data.

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

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

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

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

10 (5) Per mile system data retained beyond the period of time
11 necessary to ensure proper mileage account payment must have all
12 personally identifying information removed and may only be used for
13 public purposes.

14 (6) For the purposes of this section:

15 (a) "General location data" means information about whether a
16 vehicle has traveled on taxable roadways within the state of
17 Washington.

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

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

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

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

31 **Sec. 6.** RCW 42.56.330 and 2017 c 333 s 6 are each amended to
32 read as follows:

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

35 (1) Records filed with the utilities and transportation
36 commission or attorney general under RCW 80.04.095 or 81.77.210 that
37 a court has determined are confidential under RCW 80.04.095 or
38 81.77.210;

1 (2) The addresses, telephone numbers, electronic contact
2 information, and customer-specific utility usage and billing
3 information in increments less than a billing cycle of the customers
4 of a public utility contained in the records or lists held by the
5 public utility of which they are customers, except that this
6 information may be released to the division of child support or the
7 agency or firm providing child support enforcement for another state
8 under Title IV-D of the federal social security act, for the
9 establishment, enforcement, or modification of a support order;

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

17 (4) The personally identifying information of current or former
18 participants or applicants in a paratransit or other transit service
19 operated for the benefit of persons with disabilities or elderly
20 persons;

21 (5) The personally identifying information of persons who acquire
22 and use transit passes or other fare payment media including, but not
23 limited to, stored value smart cards and magnetic strip cards, except
24 that an agency may disclose personally identifying information to a
25 person, employer, educational institution, or other entity that is
26 responsible, in whole or in part, for payment of the cost of
27 acquiring or using a transit pass or other fare payment media for the
28 purpose of preventing fraud. As used in this subsection, "personally
29 identifying information" includes acquisition or use information
30 pertaining to a specific, individual transit pass or fare payment
31 media.

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

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

37 (6) Any information obtained by governmental agencies that is
38 collected by the use of a motor carrier intelligent transportation
39 system or any comparable information equipment attached to a truck,
40 tractor, or trailer; however, the information may be given to other

1 governmental agencies or the owners of the truck, tractor, or trailer
2 from which the information is obtained. As used in this subsection,
3 "motor carrier" has the same definition as provided in RCW 81.80.010;

4 (7) The personally identifying information of persons who acquire
5 and use transponders or other technology to facilitate payment of
6 tolls. This information may be disclosed in aggregate form as long as
7 the data does not contain any personally identifying information. For
8 these purposes aggregate data may include the census tract of the
9 account holder as long as any individual personally identifying
10 information is not released. Personally identifying information may
11 be released to law enforcement agencies only for toll enforcement
12 purposes. Personally identifying information may be released to law
13 enforcement agencies for other purposes only if the request is
14 accompanied by a court order;

15 (8) The personally identifying information of persons who acquire
16 and use a driver's license or identicard that includes a radio
17 frequency identification chip or similar technology to facilitate
18 border crossing. This information may be disclosed in aggregate form
19 as long as the data does not contain any personally identifying
20 information. Personally identifying information may be released to
21 law enforcement agencies only for United States customs and border
22 protection enforcement purposes. Personally identifying information
23 may be released to law enforcement agencies for other purposes only
24 if the request is accompanied by a court order; (~~and~~)

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

27 (10) The personally identifying information of persons, as
28 defined in section 5 of this act, who report their vehicle odometer
29 mileage, including any vehicle location information, in relation to a
30 per mile fee imposed under section 2 of this act, or similar mileage
31 tax, collected by or on behalf of the state of Washington. This
32 information may be disclosed in aggregate form as long as the data
33 does not contain any personally identifying information. Personally
34 identifying information may be released to law enforcement agencies
35 only if the request is accompanied by a court order.

36 NEW SECTION. Sec. 7. A new section is added to chapter 46.17
37 RCW to read as follows:

38 The road usage charge account is created in the state treasury.
39 All receipts from the road usage charge program established in

1 section 2 of this act must be deposited in the account. Moneys in the
2 account may be spent only after appropriation. Expenditures from the
3 account may be used only for transportation purposes.

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