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**SENATE BILL 5574**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senator Fortunato

AN ACT Relating to establishing a pay per mile fee system; amending RCW 42.56.330; adding a new section to chapter 46.17 RCW; and adding a new section to chapter 46.08 RCW.

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

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

(1)(a) Beginning July 1, 2027, before accepting an application for an initial annual vehicle registration or renewal, the department, county auditor or other agent, or subagent appointed by the director must require the applicant to pay a per mile fee as specified in this section. This fee is in addition to all other fees and taxes required by law.

(b) The rate of the per mile fee will be established in subsequent legislation and will be based on the annual miles driven as manually reported by the applicant pursuant to (c) of this subsection.

(i) Any miles driven on private property, on farmlands, outside the state of Washington, or as any other nonpublic highway travel, must be excluded from the per mile fee by affidavit signed by the applicant.

(ii) Miles driven on farmland may be excluded from the per mile fee only if the applicant maintains a log of the applicant's annual miles driven on farmland. Each log of annual miles driven on farmland must be maintained by the applicant for a minimum of three years.

(c) At the time of vehicle registration or renewal, the applicant must manually report the annual miles driven by submitting a copy of the vehicle's odometer. The difference in mileage between the mileage being currently reported on the application, and the mileage reported the previous year, constitutes the annual miles driven for purposes of paying the fee under this section.

(d) For purposes of making this calculation, the department shall adopt rules for determining the mileage reported for the previous year for vehicles being registered in the state for the first time because of a new vehicle purchase, a transfer of ownership, or being registered in Washington for the first time after being registered in another state. Prior to allowing a transfer of ownership, the department shall verify that all per mile fee obligations have been paid by the vehicle owner.

(e) The per mile funding system must be implemented by allowing the applicant to establish an account for the prepayment or monthly payment of the applicant's per mile fee obligation. The account may be reviewed by the following in order to determine if the applicant currently owes fees under this section:

(i) The department, county auditor or other agent, or subagent appointed by the director; or

(ii) Vehicle dealers under chapter 46.70 RCW.

(2) Proceeds from the per mile fee imposed under this section must be used for preservation and maintenance and must be deposited in the motor vehicle fund created in RCW 46.68.070.

(3) In administering the per mile fee system, the department shall only expend funds specifically appropriated for this purpose. These amounts must be separately identified in each transportation omnibus appropriations act.

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

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

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

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

(4) The department and any per mile account manager has an affirmative public duty regarding the collection of the per mile fee under section 1 of this act to:

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

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

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

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

(6) For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) The personally identifying information of persons who report their vehicle odometer mileage, including any vehicle location information, in relation to a per mile fee imposed under section 1 of this act, or similar mileage tax, collected by or on behalf of the state of Washington. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. Personally identifying information may be released to law enforcement agencies only if the request is accompanied by a court order.

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