
SENATE BILL 5574

State of Washington

68th Legislature

2023 Regular Session

By Senator Fortunato

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

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.17
6 RCW to read as follows:

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

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

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

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

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

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

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

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

26 (ii) Vehicle dealers under chapter 46.70 RCW.

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

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

34 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.08
35 RCW to read as follows:

36 (1) The per mile system established to collect the per mile fee
37 under section 1 of this act may not involve the collection of any
38 personally identifying information beyond what is necessary to
39 properly calculate, report, and collect the per mile fee, unless the

1 vehicle owner provides his or her express written consent for the
2 collection of additional information.

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

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

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

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

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

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

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

30 (6) For the purposes of this section:

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

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

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

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

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

7 **Sec. 3.** RCW 42.56.330 and 2017 c 333 s 6 are each amended to
8 read as follows:

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

11 (1) Records filed with the utilities and transportation
12 commission or attorney general under RCW 80.04.095 or 81.77.210 that
13 a court has determined are confidential under RCW 80.04.095 or
14 81.77.210;

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

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

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

35 (5) The personally identifying information of persons who acquire
36 and use transit passes or other fare payment media including, but not
37 limited to, stored value smart cards and magnetic strip cards, except
38 that an agency may disclose personally identifying information to a
39 person, employer, educational institution, or other entity that is

1 responsible, in whole or in part, for payment of the cost of
2 acquiring or using a transit pass or other fare payment media for the
3 purpose of preventing fraud. As used in this subsection, "personally
4 identifying information" includes acquisition or use information
5 pertaining to a specific, individual transit pass or fare payment
6 media.

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

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

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

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

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

1 (9) Personally identifying information included in safety
2 complaints submitted under chapter 81.61 RCW; and
3 (10) The personally identifying information of persons who report
4 their vehicle odometer mileage, including any vehicle location
5 information, in relation to a per mile fee imposed under section 1 of
6 this act, or similar mileage tax, collected by or on behalf of the
7 state of Washington. This information may be disclosed in aggregate
8 form as long as the data does not contain any personally identifying
9 information. Personally identifying information may be released to
10 law enforcement agencies only if the request is accompanied by a
11 court order.

--- END ---