

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill Number**

By Introduced January 19, 2024; Referred to the  
Committee on Technology and Infrastructure then

Finance

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
2 designated §17C-26-1, relating to the creation of the Road Usage Charge Pilot Program.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 26. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF  
EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.**

**§17C-26-1. Road Usage Charge Pilot Program.**

1 (a) As used in this section:

2 (1) "Account manager" means an entity under contract with the department to administer  
3 and manage the road usage charge program.

4 (2) "Alternative fuel vehicle" means the same as that term is defined in §11-6D-2 of this  
5 code.

6 (3) "Department" means the West Virginia Department of Transportation.

7 (4) "Payment period" means the interval during which an owner is required to report  
8 mileage and pay the appropriate road usage charge according to the terms of the program.

9 (5) "Program" means the road usage charge program established and described in this  
10 section.

11 (b) There is established a road usage charge pilot program as described in this section.

12 (c)(1) The department shall implement and oversee the administration of the pilot program,  
13 which shall begin on January 1, 2025.

14 (2) To implement and administer the program, the department may contract with an  
15 account manager.

16 (d)(1) The owner or lessee of an alternative fuel vehicle may apply for enrollment of the  
17 alternative fuel vehicle in the program.

18 (2) If an application for enrollment into the program is approved by the department, the  
19 owner or lessee of an alternative fuel vehicle may participate in the program in lieu of paying the

20 fee otherwise described in this code.

21 (e)(1) Consistent with this section, the department shall make rules to establish:

22 (A) Processes and terms for enrollment into and withdrawal or removal from the program;

23 (B) Payment periods and other payment methods and procedures for the program;

24 (C) Standards for mileage reporting mechanisms for an owner or lessee of an alternative  
25 fuel vehicle to report mileage as part of participation in the program;

26 (D) Standards for program functions for mileage recording, payment processing, account  
27 management, and other similar aspects of the program;

28 (E) Contractual terms between an owner or lessee of an alternative fuel vehicle owner and  
29 an account manager for participation in the program;

30 (F) Contractual terms between the department and an account manager, including  
31 authority for an account manager to enforce the terms of the program;

32 (G) Procedures to provide security and protection of personal information and data  
33 connected to the program, and penalties for account managers for violating privacy protection  
34 rules;

35 (H) Penalty procedures for a program participant's failure to pay a road usage charge or  
36 tampering with a device necessary for the program;

37 (I) Department oversight of an account manager, including privacy protection of personal  
38 information and access and auditing capability of financial and other records related to  
39 administration of the program; and

40 (J) May make rules to establish:

41 (i) An enrollment cap for certain alternative fuel vehicle types to participate in the program

42 (ii) A process for collection of an unpaid road usage charge or penalty; or

43 (iii) Integration of the program with other similar programs, such as tolling.

44 (f) The department shall make recommendations to and consult with the commission  
45 regarding road usage mileage rates for each type of alternative fuel vehicle.

46 (g) In accordance with the rulemaking provisions of this code, and consistent with this  
47 section, the commission shall, after consultation with the department, make rules to establish the  
48 road usage charge mileage rate for each type of alternative fuel vehicle.

49 (h)(1) Revenue generated by the road usage charge program and relevant penalties shall  
50 be deposited into the State Road Fund.

51 (2) The department may use revenue generated by the program to cover the costs of  
52 administering the program.

53 (i) The department may:

54 (1) Impose a penalty for failure to timely pay a road usage charge according to the terms of  
55 the program or tampering with a device necessary for the program; and

56 (2) Request that the Division of Motor Vehicles place a hold on the registration of the  
57 owner's or lessee's alternative fuel vehicle for failure to pay a road usage charge according to the  
58 terms of the program;

59 (3) Send correspondence to the owner of an alternative fuel vehicle to inform the owner or  
60 lessee of:

61 (A) The road usage charge program, implementation, and procedures;

62 (B) An unpaid road usage charge and the amount of the road usage charge to be paid to  
63 the department;

64 (C) The penalty for failure to pay a road usage charge within the time period described in  
65 this section;

66 (D) A hold being placed on the owner's or lessee's registration for the alternative fuel  
67 vehicle, if the road usage charge and penalty are not paid within the time period described in this  
68 section, which would prevent the renewal of the alternative fuel vehicle's registration; and

69 (E) Require that the owner or lessee of the alternative fuel vehicle pay the road usage  
70 charge to the department within 30 days of the date when the department sends written notice of  
71 the road usage charge to the owner or lessee.

72 (j) The department shall send the correspondence and notice described in this section to  
73 the owner of the alternative fuel vehicle according to the terms of the program.

74 (k) The Division of Motor Vehicles and the department shall share and provide access to  
75 information pertaining to an alternative fuel vehicle and participation in the program including:

76 (1) Registration and ownership information pertaining to an alternative fuel vehicle;

77 (2) Information regarding the failure of an alternative fuel vehicle owner or lessee to pay a  
78 road usage charge or penalty imposed under this section within the time period described in this  
79 section; and

80 (3) The status of a request for a hold on the registration of an alternative fuel vehicle.

81 (l) If the department requests a hold on the registration in accordance with this section, the  
82 Division of Motor Vehicles may not renew the registration of a motor vehicle under §17A-3-1 et  
83 seq. of this code, until the department withdraws the hold request.

84 (m) The owner of an alternative fuel vehicle may apply for enrollment in the program or  
85 withdraw from the program according to the terms established by the department pursuant to rules  
86 made under this section.

87 (n) If enrolled in the program, the owner or lessee of an alternative fuel vehicle shall:

88 (1) Report mileage driven as required by the department pursuant to this section;

89 (2) Pay the road usage fee for each payment period as set by the department and the  
90 commission pursuant to this section; and

91 (3) Comply with all other provisions of this section and other requirements of the program.

NOTE: The purpose of this bill is to create the Road Usage Charge Pilot Program.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.