

1 **ROAD USAGE CHARGE PROGRAM SPECIAL REVENUE**

2 **FUND**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Wayne A. Harper**

6 House Sponsor: Jeffrey D. Stenquist

7

8 **LONG TITLE**

9 **General Description:**

10 This bill creates the Road Usage Charge Program Special Revenue Fund.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ amends definitions;
- 14 ▶ creates the Road Usage Charge Program Special Revenue Fund;
- 15 ▶ defines sources of revenue to be deposited into the Road Usage Charge Program

16 Special Revenue Fund;

- 17 ▶ defines allowed uses for revenue in the Road Usage Charge Program Special

18 Revenue Fund; and

- 19 ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **72-1-213.1**, as last amended by Laws of Utah 2020, Chapter 377

27 **72-5-102**, as last amended by Laws of Utah 2019, Chapter 431



28 ENACTS:

29 [72-1-213.2](#), Utah Code Annotated 1953

30

31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section [72-1-213.1](#) is amended to read:

33 **[72-1-213.1. Road usage charge program.](#)**

34 (1) As used in this section:

35 (a) "Account manager" means an entity under contract with the department to
36 administer and manage the road usage charge program.

37 (b) "Alternative fuel vehicle" means the same as that term is defined in Section
38 [41-1a-102](#).

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

41 (d) "Program" means the road usage charge program established and described in this
42 section.

43 (2) There is established a road usage charge program as described in this section.

44 (3) (a) The department shall implement and oversee the administration of the program,
45 which shall begin on January 1, 2020.

46 (b) To implement and administer the program, the department may contract with an
47 account manager.

48 (4) (a) The owner or lessee of an alternative fuel vehicle may apply for enrollment of
49 the alternative fuel vehicle in the program.

50 (b) If an application for enrollment into the program is approved by the department, the
51 owner or lessee of an alternative fuel vehicle may participate in the program in lieu of paying
52 the fee described in Subsection [41-1a-1206](#)(1)(h) or (2)(b).

53 (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
54 and consistent with this section, the department:

55 (i) shall make rules to establish:

56 (A) processes and terms for enrollment into and withdrawal or removal from the
57 program;

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

- 59 (C) standards for mileage reporting mechanisms for an owner or lessee of an
60 alternative fuel vehicle to report mileage as part of participation in the program;
- 61 (D) standards for program functions for mileage recording, payment processing,
62 account management, and other similar aspects of the program;
- 63 (E) contractual terms between an owner or lessee of an alternative fuel vehicle owner
64 and an account manager for participation in the program;
- 65 (F) contractual terms between the department and an account manager, including
66 authority for an account manager to enforce the terms of the program;
- 67 (G) procedures to provide security and protection of personal information and data
68 connected to the program, and penalties for account managers for violating privacy protection
69 rules;
- 70 (H) penalty procedures for a program participant's failure to pay a road usage charge or
71 tampering with a device necessary for the program; and
- 72 (I) department oversight of an account manager, including privacy protection of
73 personal information and access and auditing capability of financial and other records related to
74 administration of the program; and
- 75 (ii) may make rules to establish:
- 76 (A) an enrollment cap for certain alternative fuel vehicle types to participate in the
77 program;
- 78 (B) a process for collection of an unpaid road usage charge or penalty; or
- 79 (C) integration of the program with other similar programs, such as tolling.
- 80 (b) The department shall make recommendations to and consult with the commission
81 regarding road usage mileage rates for each type of alternative fuel vehicle.
- 82 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
83 consistent with this section, the commission shall, after consultation with the department, make
84 rules to establish the road usage charge mileage rate for each type of alternative fuel vehicle.
- 85 (7) ~~[(a)]~~ Revenue generated by the road usage charge program and relevant penalties
86 shall be deposited into the ~~[Transportation Fund]~~ Road Usage Charge Program Special
87 Revenue Fund.
- 88 ~~[(b) The department may use revenue generated by the program to cover the costs of~~
89 ~~administering the program.]~~

90 (8) (a) The department may:

91 (i) (A) impose a penalty for failure to timely pay a road usage charge according to the

92 terms of the program or tampering with a device necessary for the program; and

93 (B) request that the Division of Motor Vehicles place a hold on the registration of the

94 owner's or lessee's alternative fuel vehicle for failure to pay a road usage charge according to

95 the terms of the program;

96 (ii) send correspondence to the owner of an alternative fuel vehicle to inform the owner

97 or lessee of:

98 (A) the road usage charge program, implementation, and procedures;

99 (B) an unpaid road usage charge and the amount of the road usage charge to be paid to

100 the department;

101 (C) the penalty for failure to pay a road usage charge within the time period described

102 in Subsection (8)(a)(iii); and

103 (D) a hold being placed on the owner's or lessee's registration for the alternative fuel

104 vehicle, if the road usage charge and penalty are not paid within the time period described in

105 Subsection (8)(a)(iii), which would prevent the renewal of the alternative fuel vehicle's

106 registration; and

107 (iii) require that the owner or lessee of the alternative fuel vehicle pay the road usage

108 charge to the department within 30 days of the date when the department sends written notice

109 of the road usage charge to the owner or lessee.

110 (b) The department shall send the correspondence and notice described in Subsection

111 (8)(a) to the owner of the alternative fuel vehicle according to the terms of the program.

112 (9) (a) The Division of Motor Vehicles and the department shall share and provide

113 access to information pertaining to an alternative fuel vehicle and participation in the program

114 including:

115 (i) registration and ownership information pertaining to an alternative fuel vehicle;

116 (ii) information regarding the failure of an alternative fuel vehicle owner or lessee to

117 pay a road usage charge or penalty imposed under this section within the time period described

118 in Subsection (8)(a)(iii); and

119 (iii) the status of a request for a hold on the registration of an alternative fuel vehicle.

120 (b) If the department requests a hold on the registration in accordance with this section,

121 the Division of Motor Vehicles may not renew the registration of a motor vehicle under Title
122 41, Chapter 1a, Part 2, Registration, until the department withdraws the hold request.

123 (10) The owner of an alternative fuel vehicle may apply for enrollment in the program
124 or withdraw from the program according to the terms established by the department pursuant to
125 rules made under Subsection (5).

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

127 (a) report mileage driven as required by the department pursuant to Subsection (5);

128 (b) pay the road usage fee for each payment period as set by the department and the
129 commission pursuant to Subsections (5) and (6); and

130 (c) comply with all other provisions of this section and other requirements of the
131 program.

132 (12) (a) On or before June 1, 2021, and except for the vehicles excluded in Subsection
133 (12)(b), the department shall submit to a legislative committee designated by the Legislative
134 Management Committee a written plan to enroll all vehicles registered in the state in the
135 program by December 31, 2031.

136 (b) The plan described in Subsection (12)(a) may exclude authorized carriers described
137 in Subsection 59-12-102(17)(a).

138 (c) Beginning in 2021, on or before October 1 of each year, the department shall
139 submit annually an electronic report recommending strategies to expand enrollment in the
140 program to meet the deadline provided in Subsection (12)(a).

141 (13) Beginning in 2021, the department shall submit annually, on or before October 1,
142 to the legislative committee that receives the report described in Subsection (12)(a), an
143 electronic report that:

144 (a) states for the preceding fiscal year:

145 (i) the amount of revenue collected from the program;

146 (ii) the participation rate in the program; and

147 (iii) the department's costs to administer the program; and

148 (b) provides for the current fiscal year, an estimate of:

149 (i) the revenue that will be collected from the program;

150 (ii) the participation rate in the program; and

151 (iii) the department's costs to administer the program.

152 Section 2. Section **72-1-213.2** is enacted to read:

153 **72-1-213.2. Road Usage Charge Program Special Revenue Fund -- Revenue.**

154 (1) There is created a special revenue fund within the Transportation Fund known as
155 the "Road Usage Charge Program Special Revenue Fund."

156 (2) The fund shall be funded from the following sources:

157 (a) revenue collected by the department under Section [72-1-213.1](#);

158 (b) appropriations made to the fund by the Legislature;

159 (c) contributions from other public and private sources for deposit into the fund;

160 (d) interest earnings on cash balances; and

161 (e) money collected for repayments and interest on fund money.

162 (3) (a) Revenue generated by the road usage charge program and relevant penalties
163 shall be deposited into the Road Usage Charge Program Special Revenue Fund.

164 (b) Revenue in the Road Usage Charge Program Special Revenue Fund is nonlapsing.

165 (4) Upon appropriation by the Legislature, the department may use revenue deposited
166 into the Road Usage Charge Program Special Revenue Fund:

167 (a) to cover the costs of administering the program; and

168 (b) for state transportation purposes.

169 Section 3. Section **72-5-102** is amended to read:

170 **72-5-102. Definitions.**

171 As used in this part, "state transportation purposes" includes:

172 (1) highway and ~~public~~ transportation rights-of-way, including those necessary within
173 cities and towns;

174 (2) the construction, reconstruction, relocation, improvement, maintenance, and
175 mitigation from the effects of these activities on state highways and other transportation
176 facilities, including parking facilities, under the control of the department;

177 (3) limited access facilities, including rights of access, air, light, and view and frontage
178 and service roads to highways;

179 (4) adequate drainage in connection with any highway, cut, fill, or channel change and
180 the maintenance of any highway, cut, fill, or channel change;

181 (5) weighing stations, shops, offices, storage buildings and yards, and road
182 maintenance or construction sites;

- 183 (6) road material sites, sites for the manufacture of road materials, and access roads to
184 the sites;
- 185 (7) the maintenance of an unobstructed view of any portion of a highway to promote
186 the safety of the traveling public;
- 187 (8) the placement of traffic signals, directional signs, and other signs, fences, curbs,
188 barriers, and obstructions for the convenience of the traveling public;
- 189 (9) the construction and maintenance of storm sewers, sidewalks, and highway
190 illumination;
- 191 (10) the construction and maintenance of livestock highways;
- 192 (11) the construction and maintenance of roadside rest areas adjacent to or near any
193 highway; and
- 194 (12) the mitigation of impacts from [public] transportation projects.