

CHAPTER 43. ~~MILEAGE-BASED USER FEE~~ ROAD USAGE CHARGES

Subchapter 1. Mileage-Based User Fee

§ 4301. PURPOSE

The purpose of this chapter is to impose a mileage-based user fee for battery electric vehicle pleasure cars to ensure that battery electric vehicles contribute to the Transportation Fund in an amount that reflects the annual miles traveled by each vehicle.

§ 4302. DEFINITIONS

As used in this chapter:

(1) “Account manager” means a person that the Agency of Transportation or Department of Motor Vehicles contracts with to administer and manage the mileage-based user fee.

(2) “Annual vehicle miles traveled” means the total number of miles that a BEV is driven during the mileage reporting period.

(3) “BEV” means a battery electric vehicle pleasure car.

(4) “Mileage-based user fee” means the fee charged for the annual vehicle miles traveled by a BEV pursuant to section 4303 of this chapter.

(5) “Mileage-based user fee rate” means the per-mile usage fee charged to the owner or lessee of a BEV pursuant to section 4303 of this chapter.

(6) “Mileage reporting period” means:

(A) the time period between annual inspections; or

(B) the time period between the most recent annual inspection and a terminating event.

(7) “Terminating event” means any of the following:

(A) the registering of a BEV that had been registered in Vermont in a different state;

(B) a change in ownership or lesseeship of a BEV; or

(C) the termination of a BEV’s registration.

§ 4303. MILEAGE-BASED USER FEE; ASSESSMENT; CALCULATION;

PAYMENT; EXEMPTIONS

(a) Annual mileage-based user fee.

(1) ~~Except as otherwise provided pursuant to subsections (b) and (c) of this section, the~~The Commissioner shall, for each BEV registered in Vermont, calculate pursuant to subsection ~~(d)~~(b) of this section a mileage-based user fee within 14 days after the conclusion of the BEV’s mileage reporting period.

(2) As soon as practicable after calculating the amount of the mileage-based user fee due for a BEV, the Commissioner shall mail to the registered owner or lessee of the BEV a statement of the amount of the mileage-based user fee assessed pursuant to this section.

(3) Not more than 45 days after a mileage-based user fee assessment is mailed pursuant to ~~subdivision (2) of this subsection (a) of this section,~~ the owner or lessee of the BEV shall:

(A) remit the full amount of the mileage-based user fee to the Commissioner; or

(B) enter into an agreement with the Commissioner to pay the amount of the mileage-based user fee in quarterly or monthly installments.

~~(b) Pay as you go option.~~

~~(1) The Commissioner may, in the Commissioner's sole discretion, establish a pay as you go mileage based user fee program that BEV owners and lessees may opt into in lieu of paying an annual mileage based user fee pursuant to subsection (a) of this section.~~

~~(2) Owners and lessees that opt into the pay as you go mileage based user fee program shall report the mileage shown on the odometer of the owner or lessee's BEV at times and in a manner required by the Commissioner.~~

~~(3) As soon as practicable after receiving the report, the Commissioner shall calculate pursuant to subsection (d) of this section the applicable mileage based user fee due for the BEV and mail to the registered owner or lessee of the BEV a statement of the amount of the mileage based user fee assessed.~~

~~(4) The owner or lessee of the BEV shall remit the full amount due to the Commissioner within not more than 30 days after the assessment is mailed.~~

~~(5)(A) At the conclusion of each mileage reporting period for a BEV enrolled in the pay as you go mileage based user fee program, the Commissioner shall determine if the actual miles traveled by the BEV during the mileage reporting period were greater than or less than the miles reported by the owner or lessee during that period.~~

~~(B) If the actual mileage was less than the amount reported, the owner or lessee of the BEV shall receive a credit equal to the difference between the mileage reported and the actual miles traveled multiplied by the rate established pursuant to subsection (e) of this section. The credit shall be applied to reduce the next amount due from the owner or lessee pursuant to subdivision (3) of this subsection (b).~~

~~(C) If the actual mileage was greater, the owner or lessee of the BEV shall be assessed an amount equal to the difference between actual miles traveled and the mileage reported multiplied by the rate established pursuant to subsection (e) of this section. That amount shall be added to the next amount due from the owner or lessee pursuant to subdivision (3) of this subsection (b).~~

~~(c) Mileage-based user fee for newly registered vehicles:~~

~~(1) The owner or lessee of a BEV that is being registered in Vermont for the first time may elect to opt into the pay as you go mileage based user fee program established pursuant to subsection (b) of this section, provided the Commissioner has made the program available to owners and lessees of BEVs.~~

~~(2)(A) The owner or lessee of a BEV that is being registered in Vermont for the first time who does not opt into the pay as you go mileage based user fee program as provided in subdivision (1) of this subsection (c) shall be assessed upon registration of the BEV an estimated mileage based user fee equal to the rate established pursuant to subsection (e) of this section multiplied by the average annual vehicle miles traveled by pleasure cars registered in Vermont.~~

~~(B) The fee shall be paid as provided pursuant to subdivision (a)(3) of this section.~~

~~(C)(i) Upon completion of the first mileage reporting period for the BEV, the Commissioner shall determine if the actual miles traveled by the BEV during the mileage reporting period were greater than or less than the mileage that the fee assessed pursuant to subdivision (A) of this subsection (c)(2) was based on.~~

~~(ii) If the actual mileage was less, the owner or lessee of the BEV shall receive a credit equal to the difference between the mileage that the fee assessed pursuant to subdivision (A) of this subdivision (c)(2) was based on and the actual miles traveled multiplied by the rate established pursuant to subsection (e) of this section. The credit shall be applied to reduce the amount of the next mileage based user fee for the BEV that is assessed pursuant to subsection (a) or (b) of this section.~~

~~(iii) If the actual mileage was greater, the owner or lessee of the BEV shall be assessed an amount equal to the difference between actual miles traveled and the mileage that the fee assessed pursuant to subdivision (A) of this subdivision (c)(2) was based on multiplied by the rate established pursuant to subsection (e) of this section. That amount shall be added to the amount of the next mileage based user fee assessed for the BEV pursuant to subsection (a) or (b) of this section.~~

~~(d)(b) Calculation of the mileage-based user fee. The Commissioner shall calculate the mileage-based user fee of each BEV by multiplying the miles traveled by the BEV during the applicable period by the rate established pursuant to subsection (ec) of this section. The number of miles traveled shall be equal to:~~

~~(1) for a mileage reporting period, shall be equal to the difference between the mileage shown on the BEV's odometer at the end of the mileage reporting period and the mileage shown on the BEV's odometer at the beginning of the mileage reporting period;~~  
~~and.~~

~~(2) for a report filed by an owner or lessee as part of the pay as you go mileage-based user fee program pursuant to subsection (b) of this section, the difference between~~

~~the mileage reported by the owner or lessee and the most recent prior mileage reported for the BEV.~~

~~(e) Mileage-based user fee rate. For mileage reporting periods commencing in calendar year 2027, the~~ (c) Mileage-based user fee rate. The mileage-based user fee rate shall be \$0.014 per mile traveled by a BEV during its mileage reporting period.

~~(f)~~ Exemptions. The mileage-based user fee assessed pursuant to this section shall not apply to:

~~(1)~~ BEVs owned or operated by the ~~Government~~government of the United States.;

~~(g)(2)~~ BEVs that are owned or operated by the State; and

~~(3)~~ BEVs that are used in short-term rentals.

(e) Fee in addition to other fees and taxes. A mileage-based user fee assessed pursuant to this section shall be in addition to any other fees and taxes imposed by this title.

~~(h)~~ Review of amount assessed. A person may, within ~~1545~~ days after an assessment is mailed pursuant to ~~subsections~~subsection (a), ~~(b)~~, and ~~(e)~~ of this section, appeal the amount of the assessment to the Commissioner. The Commissioner shall establish procedures for filing and hearing appeals pursuant to this subsection that are consistent with the provisions of sections 105–107 of this title. The procedures shall include a process by which an appellant can resolve the dispute prior to the issuance of a final administrative decision on the appeal.

~~(i)~~ Refunds. Upon occurrence of a terminating event, the Commissioner shall issue a refund to the owner or lessee of a BEV for any amounts paid by the owner or lessee that are in excess of the amount due pursuant to this chapter.

§ 4304. REPORTS

(a) Upon completion of an inspection of a BEV pursuant to section 1222 of this title, an inspection mechanic shall report the mileage shown on the BEV's odometer to the Department in the manner required by the Commissioner.

(b) Upon the occurrence of a terminating event, the owner or lessee of a BEV shall report the mileage shown on the BEV's odometer at the time of the terminating event to the Department in the time and manner required by the Commissioner.

§ 4305. FAILURE TO PAY FEE WHEN DUE; INTEREST

(a) Any person who fails to pay the mileage-based user fee when due shall owe, in addition to the mileage-based user fee, interest calculated at one and one-half percent per month on the amount of the mileage-based user fee that remains unpaid. The maximum amount of interest that may accrue pursuant to this subsection shall not exceed 18 percent of the amount of the unpaid fee.

~~(b) The Commissioner~~(1) An individual may request at any time that the Commissioner waive some or all of the amount of the overdue fee or interest and penalties due, or both, pursuant to subsection (a) of this section.

(2) The Commissioner may, upon receiving a request pursuant to subdivision (1) of this subsection or on the Commissioner's own motion, waive some or all of the amount of the overdue fee and interest required pursuant to subsection (a) of this section if the Commissioner determines that good cause existed for the delay in payment ~~was due to excusable neglect~~ or that requiring repayment would constitute an economic hardship.

§ 4306. FAILURE TO FILE REPORT; PENALTY RATE

If the Commissioner is unable to determine the annual vehicle miles traveled for a BEV because a person failed to file a report required by section 4304 of this chapter or failed to have the BEV inspected as required pursuant to section 1222 of this title within a reasonable period of time after the report or inspection is due, the Commissioner shall calculate the mileage-based user fee for the BEV based on the 98th percentile of the miles traveled by BEVs registered in Vermont during mileage reporting periods ending in the preceding calendar year.

§ 4307. REGISTRATION; SUSPENSION OR REFUSAL

(a) Suspension of registration. The Commissioner may suspend or refuse to renew the registration of a BEV if the Commissioner determines, following notice and an opportunity for a hearing as provided pursuant to subsection (b) of this section, that the owner or lessee of the BEV:

(1) failed to file a report required pursuant to section 4304 of this chapter;

(2) filed a report containing an intentional misrepresentation, misstatement, or omission of material information required by this chapter; or

(3) is delinquent at the time of renewal in the payment amount due pursuant to the provisions of this chapter.

(b) Notice and opportunity for hearing. The Commissioner shall provide the owner or lessee of a BEV with not less than 15 days' notice of the intent to suspend or not to renew the registration of the BEV pursuant to the provisions of this section. The owner or lessee shall be provided with the opportunity for a hearing and shall be permitted to be represented by counsel at the hearing.

§ 4308. POWERS OF THE COMMISSIONER

(a) General authority. The Commissioner shall have the authority to administer and enforce the provisions of this chapter.

(b) Additional powers. In addition to any powers or authority specifically granted to the Commissioner pursuant to the provisions of this chapter, the Commissioner may do the following:

(1) Adopt rules pursuant to 3 V.S.A. chapter 25 as the Commissioner determines necessary to administer and enforce the provisions of this chapter.

(2) Prescribe forms appropriate to the purposes of this chapter.

(3) Contract with an account manager to administer and manage the mileage-based user fee.

~~(4) With the approval of the Governor and Secretary, enter into agreements with other states, the District of Columbia, and Canadian provinces, providing for the reciprocal enforcement of mileage-based user fee or tax laws imposed by the jurisdictions entering into such an agreement, which agreement may empower a duly authorized officer of any contracting jurisdiction that extends such authority to officers or employees of this State, to sue for the collection of that state's or province's mileage-based user fee or taxes in the courts of this State.~~

~~(5) Hold hearings, cause depositions to be taken, administer oaths, and examine under oath any person relating to any matter under this chapter.~~

~~(6) Compel the attendance of witnesses and order the production of any relevant books, records, papers, accounts, or other documents of any person the Commissioner has reason to believe is liable for the payment of a mileage-based user fee or of any person~~

~~believed to have information pertinent to any matter under investigation by the Commissioner at any hearing held under this chapter. The fees for travel and attendance of witnesses summoned or used by the Commissioner and fees for officers shall be the same as for witnesses and officers before a court and shall be paid by the State upon presentation of proper bills of cost to the Commissioner of Finance and Management, but no fees or expenses shall be payable to a witness charged with liability for reporting or paying a mileage-based user fee.~~

~~(c) Examinations under oath. Any examination under oath conducted by the Commissioner may, at the Commissioner's discretion, be reduced to writing, and intentional false testimony shall be deemed perjury and be punishable as such.~~

~~(d) Compulsory process. Upon application of the Commissioner, a superior judge may compel the attendance of witnesses, the giving of testimony, and the production of any books, records, papers, vouchers, accounts, or documents before the Commissioner in the same manner, to the same extent, and subject to the same penalties as if before a Superior Court.~~

#### § 4309. APPEALS; JUDICIAL REVIEW

~~(a) Notice of Administrative appeal. An aggrieved person may appeal any final decision, order, or finding of the Commissioner under this chapter within not more than 45 days after the decision is issued or the order or finding is made. The Commissioner shall establish procedures for filing and hearing appeals pursuant to this subsection that are consistent with the provisions of sections 105–107 of this title.~~

~~(b) Appeal to superior court. Following a final decision on an appeal pursuant to subsection (a) of this section or subsection 4303(f) of this chapter, the appellant may~~

appeal the decision pursuant to Rule 74 of the Vermont Rules of Civil Procedure. The appeal shall be to the Washington Superior Court or, in the discretion of the appellant, to the Superior Court in the county where the appellant resides or has a principal place of business.

~~(bc)~~ Exclusivity of ~~remedyremedies~~. The ~~appealappeals~~ provided by this section ~~and subsection 4303(f) of this chapter~~ shall be the exclusive ~~remedyremedies~~ available to any person for review of ~~a finalan assessment, decision, or order or finding~~ of the Commissioner under this chapter.

#### Subchapter 2. BEV Rental Vehicle Road Usage Charge

##### § 4321. BEV RENTAL VEHICLE ROAD USAGE CHARGE

(a) For any BEV pleasure car subject to use tax imposed pursuant to 32 V.S.A. § 8903(d), there is imposed on each rental transaction for a BEV a road usage charge equal to one percent of the rental charge, which shall be collected by the rental company from the renter and remitted to the Commissioner. Amounts collected pursuant to this section shall be deposited in the Transportation Fund.

(b) As used in this section, rental charge has the same meaning as in 32 V.S.A. § 8903(d).