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SENATE BILL NO. 237

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on January 27, 2022)

(Patron Prior to Substitute—Senator McPike)

A BILL to amend and reenact § 46.2-773, as it shall become effective, of the Code of Virginia, relating to Department of Motor Vehicles; mileage-based user fee program; protection of data.

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-773, as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 46.2-773. (Effective July 1, 2022; for contingent expiration, see Acts 2020, cc. 1230 and 1275) Mileage-based user fee program.

A. There is hereby established a mileage-based user fee program. The program shall be a voluntary program that allows owners of vehicles subject to the highway use fee pursuant to § 46.2-772 to pay a mileage-based fee in lieu of the highway use fee. No owner of a motor vehicle registered in the Commonwealth shall be required to participate in the program established pursuant to this section.

B. In any year that an owner pays the fee set forth in this section, such owner shall not be subject to the fee set forth in § 46.2-772 for the same vehicle. In no case shall the fees paid pursuant to this section during a 12-month period exceed the annual highway use fee that would have otherwise been paid.

C. The fee schedule for the mileage-based user fee program shall be calculated by dividing the amount of the highway use fee as determined pursuant to subsection B of § 46.2-772 by the average number of miles traveled by a passenger vehicle in the Commonwealth to determine a fee per mile driven.

D. The Department shall establish procedures for the collection of the fees set forth in this section. Such procedures may limit the total number of participants during the first four years of the program.

E. The Department shall offer program participants the option to participate without location tracking.

F. Information collected by the Department and any other entity pursuant to this chapter shall be limited exclusively to that information necessary for the administration of the mileage-based user fee, and shall be used solely for such purpose. Information collected shall not (i) be open to the public or subject to disclosure pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.); (ii) be sold for sales, solicitation, or marketing purposes; or (iii) be disclosed to any other entity except as may be necessary for the collection of unpaid mileage-based user fees or to the owner of a vehicle as part of the owner's challenge to the imposition of a mileage-based user fee.

G. The Department and any entity collecting information pursuant to this chapter on behalf of the Department may retain, aggregate, and use the information collected pursuant to this chapter for the purposes of traffic management, research, and analysis of the effectiveness of the program in such a manner that individuals cannot be identified.