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**SENATE BILL NO. 237**

Offered January 12, 2022

Prefiled January 10, 2022

*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.*

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Patron—McPike

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Referred to Committee on Transportation

**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 ensure that the data collected concerning individual participants is protected, and the Commissioner shall issue guidelines concerning the collection and use of personally identifiable information. Such guidelines shall (i) guarantee participants the option to participate without the utilization of location tracking, (ii) limit the data that is collected to only that which is necessary for the administration of the program, (iii) require that data collected be retained only for so long as it is administratively necessary, (iv) prohibit disclosure of individual-level participant data, (v) limit the use of program data to administration or research purposes, and (vi) require that any research using program data be limited to aggregate rather than individual-level data and subject to approval by an institutional review board of an institution of the Commonwealth.*

INTRODUCED

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