2024 Regular Session

HOUSE BILL NO. 645

BY REPRESENTATIVE FREIBERG

TRANSPORTATION DEPT: Moves responsibility for the collection of the electric and hybrid vehicle fee from the Department of Revenue to the office of motor vehicles

1	AN ACT
2	To amend and reenact R.S. 32:461(A)(1) and (2), (B)(3) and (4), and (C), relative to road
3	usage fee collection; to provide for collection and administration of the road usage
4	fee on hybrid and electric vehicles; to provide certain definitions; to provide for the
5	rate of fees; to provide for a special effective date; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 32:461(A)(1) and (2), (B)(3) and (4), and (C) are hereby amended
8	and reenacted to read as follows:
9	§461. Imposition of road usage fee; electric vehicles; hybrid vehicles;
10	administration and collection; use of proceeds
11	A.(1) There is hereby levied a road usage fee \underline{of} not to exceed one hundred
12	ten dollars per year on each electric vehicle which is operated upon the highways of
13	this state and which is required to be registered in accordance with the provisions of
14	Chapter 4 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, as
15	amended the registration license tax.
16	(2) There is hereby levied a road usage fee not to exceed of sixty dollars per
17	year on each hybrid vehicle which is operated upon the highways of this state and
18	which is required to be registered in accordance with the provisions of Chapter 4 of
19	Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, as amended the
20	registration license tax.
21	* * *

Page 1 of 4

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	B. For purposes of this Section, the following terms shall have the following
2	meanings unless the context clearly indicates otherwise:
3	* * *
4	(3) "Owner" shall have the same meaning as defined by R.S. 47:451
5	"Registration license tax" shall have the meaning provided for in Chapter 4 of
6	Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, as amended.
7	(4) "Secretary" shall mean the secretary of the Louisiana Department of
8	Revenue.
9	C. Administration and collection of the road usage fee.
10	(1) The fees imposed by Subsection A of this Section shall be paid by the
11	owner of the electric vehicle and the owner of the hybrid vehicle on a calendar year
12	basis. The fee shall be due on or before May 15th for the preceding year in which
13	the electric vehicle or hybrid vehicle was operated upon the highways of this state
14	The commissioner of the office of motor vehicles or an agent authorized to collect
15	the registration license tax pursuant to R.S. 47:532.1, shall collect the fee levied
16	pursuant to the provisions of this Section at the same time, for the same period, and
17	in the same manner as the registration license tax.
18	(2) The secretary shall administer and is authorized to collect the fees
19	imposed by Subsection A of this Section with all the duties and powers authorized
20	by Chapter 18 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950,
21	as amended The commissioner of the office of motor vehicles may promulgate rules
22	in accordance with the Administrative Procedure Act to provide for collection and
23	administrative procedures that the commissioner determines necessary to administer
24	this Section, including procedures for the collection of the road usage fee applicable
25	to vehicles first registered in the state during calendar year 2025.
26	(3) In consultation with the secretary of the Department of Transportation
27	and Development, the secretary shall promulgate rules in accordance with the
28	Administrative Procedure Act relative to the following:

ENGROSSED HB NO. 645

1	(a) To develop a prorated fee schedule applicable to electric vehicles and
2	hybrid vehicles that are registered to be operated upon the highways of this state for
3	less than one year. The fee schedule may consider mileage, weight, days operated,
4	and other relevant factors to reasonably determine a fee that is commensurate and in
5	proportion with actual road usage in this state.
6	(b) To prescribe and publish forms, schedules, and methods upon which the
7	fee levied pursuant to this Section may be reported and remitted to the secretary,
8	including through the use of existing forms and schedules.
9	(c) To provide for collection and administrative procedures that the secretary
10	determines necessary to administer this Section.
11	* * *
12	Section 3. The provisions of this Act shall be applicable to each hybrid and electric
13	vehicle subject to the registration license tax on or after January 1, 2026. The responsibility
14	for collection and oversight shall transfer from the secretary of the Department of Revenue
15	to the commissioner of the office of motor vehicles on January 1, 2026. However, the
16	commissioner shall be authorized to take whatever preliminary steps are necessary to
17	implement the provisions of this Act.
18	Section 4. This Act shall become effective upon signature by the governor or, if not,
19	signed by the governor, as provided by Article III, Section 18 of the Constitution of
20	Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act
21	shall become effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 645 Engrossed

2024 Regular Session

Freiberg

Abstract: Provides for collection and administration of the road usage fee on hybrid and electric vehicles. Provides certain definitions and a special effective date. Provides for the allocation of fees levied.

<u>Present law</u> provides for a road usage fee not to exceed \$110 per year for electric vehicles and not to exceed \$60 for hybrid vehicles in accordance with provisions of <u>present law</u>.

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<u>Proposed law</u> eliminates the not to exceed provision and identifies the fee as \$110 and \$60, respectively.

Present law defines terms used in present law.

<u>Proposed law</u> retains <u>present law</u> except it removes the definitions for "owner" and "secretary" and adds a definition for "registration license tax".

<u>Present law</u> provides for the secretary of the La. Dept. of Revenue to collect the road usage fee in <u>present law</u>.

Proposed law repeals present law.

<u>Proposed law</u> designates the commissioner or an authorized agent to collect the road usage fee at the same time and in the same manner as the registration license tax.

<u>Proposed law</u> allows the commissioner to promulgate rules in accordance with the Administrative Procedure Act necessary to administer and collect fees authorized in this Section, including procedures for the collection of the road usage fee applicable to vehicles first registered in 2025.

<u>Present law</u> requires the secretary to promulgate rules in consultation with the Dept. of Transportation and Development to develop a prorated fee schedule for electric and hybrid vehicles and to prescribe methods to report and remit the fee levied by <u>present law</u> and to provide collection and administrative procedures to administer <u>present law</u>.

Proposed law repeals present law.

Present law specifies that the proceeds of the fees collected to be allocated in specified ways.

Proposed law retains present law.

Applies the provisions of this Act to hybrid and electric vehicles subject to the registration license tax on or after Jan. 1, 2026.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 32:461(A)(1) and (2), (B)(3) and (4), and (C))

Summary of Amendments Adopted by House

- The Committee Amendments Proposed by <u>House Committee on Transportation</u>, <u>Highways and Public Works</u> to the <u>original bill</u>:
- 1. Change the year the commissioner of the office of motor vehicles can promulgate rules to provide for collection and administrative procedures to administer proposed law, including procedures for the collection of road usage fees, from vehicles first registered in 2024 to vehicles first registered in 2025.