

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO.

Road usage charge.

Sponsored by: Joint Transportation, Highways & Military  
Affairs Interim Committee

A BILL

for

1 AN ACT relating to highways; establishing a road usage  
2 charge; providing for the distribution of funds; creating  
3 penalties; providing for a fuel tax sunset; requiring  
4 reporting; requiring rulemaking; and providing for  
5 effective dates.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 24-8-201 through 24-8-210 are created

10 to read:

11

12

CHAPTER 8

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HIGHWAY FUNDING

ARTICLE 2

ROAD USAGE CHARGE

**24-8-201. Definitions.**

(a) As used in this article:

(i) "Commercial account manager" means a private entity the department selects to manage payer mileage reporting information, to collect road usage charge payments and to manage road usage charge accounts on behalf of the payer;

(ii) "Department" means the Wyoming department of transportation;

(iii) "Highway" means as defined in W.S. 31-1-101(a)(viii);

1           (iv) "Payer" means a vehicle's registered owner  
2 or lessee who is responsible for payment of the road usage  
3 charge;

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5           (v) "Road usage charge" means the per mile tax  
6 or flat tax charged to a payer for individual vehicle use  
7 on a Wyoming highway;

8

9           (vi) "State account manager" means an entity  
10 created by the department to oversee administration and  
11 enforcement of the road usage charge program, to collect  
12 road usage charge payments and to manage road usage charge  
13 accounts on behalf of the state;

14

15           (vii) "Vehicle categories" mean the types of  
16 vehicles to which the road usage charge applies as follows:

17

18           (A) "Category 1" means federal highway  
19 administration class 1 vehicles (motorcycles) and  
20 multipurpose vehicles (all terrain and off-road  
21 recreational vehicles);

22

23           (B) "Category 2" means passenger cars;

1

2 (C) "Category 3" means pickup trucks, vans,  
3 sports utility vehicles and crossovers (including gasoline  
4 and diesel powered);

5

6 (D) "Category 4" means federal highway  
7 administration class 4 (buses) through class 7 (single unit  
8 four (4) or more axle trucks);

9

10 (E) "Category 5" means federal highway  
11 administration class 8 through class 10 (single trailer  
12 trucks);

13

14 (F) "Category 6" means federal highway  
15 administration class 11 through class 13 (seven (7) or more  
16 axle multi-trailer trucks).

17

18 (viii) "Vehicle mileage metering system" means  
19 any mechanism that measures the number of miles a vehicle  
20 is driven.

21

22 **24-8-202. Administration; rulemaking.**

23

1           (a) The administration of this article is vested in  
2 the department, which shall prescribe the reporting format  
3 and forms for the reporting of mileage and assessing,  
4 invoicing and collection of road usage charges and the  
5 credit for fuel taxes. The department shall promulgate  
6 rules consistent with the provisions of this article as  
7 provided by the Wyoming Administrative Procedure Act as  
8 necessary to enforce this article.

9

10           (b) The department shall create a state account  
11 manager to oversee administration and enforcement of the  
12 road usage charge program. This entity may be established  
13 within the department using internal department resources  
14 or, if more economically feasible, may be a nongovernmental  
15 entity contracted to perform in that capacity. The state  
16 account manager shall collect road usage charge payments  
17 and manage road usage charge accounts on behalf of the  
18 state and shall deposit collected funds into the state  
19 highway fund with receipt and acknowledgement submitted to  
20 the state treasurer. The department shall distribute the  
21 funds according to W.S. 24-8-205(c).

22

1           (c) The department shall contract with one (1) or  
2 more private sector entities to serve as commercial account  
3 managers to manage customer mileage reporting information.  
4 A commercial account manager shall collect road usage  
5 charge payments and manage road usage charge accounts on  
6 behalf of the road usage charge payer and shall deposit  
7 collected funds, less any agreed upon administrative costs,  
8 into the state highway fund, with receipt and  
9 acknowledgement submitted to the state treasurer. The  
10 department shall distribute the funds according to  
11 W.S. 24-8-205(c). A commercial account manager may also  
12 provide value added services to payers and may collect data  
13 from road usage charge payers with their express consent.  
14 Commercial account managers may also compete for road usage  
15 charge payers through the use of technology and value-added  
16 services.

17

18           (d) The department shall by rule establish standards,  
19 administrative policies and requirements to ensure that:

20

21           (i) The state account manager shall not  
22 administer any account that is technology based. All

1 technology based accounts shall be administered by a  
2 commercial account manager;

3

4 (ii) Department authorized commercial account  
5 managers:

6

7 (A) Accurately report per-mile data  
8 collected from payers;

9

10 (B) Use a vehicle mileage metering system  
11 to ensure safe, accurate and reliable road usage charge  
12 data reporting, transaction processing, account management  
13 and financial reporting;

14

15 (C) Use methods for safeguarding and  
16 protecting the personally identifiable information of each  
17 payer;

18

19 (D) Convey privacy policies to payers and  
20 obtain payers' express consent to share any personally  
21 identifiable information;

22

1                   (E) Receive the contractually agreed upon  
2 administrative costs as specified in subsection (c) of this  
3 section provided that the commercial account manager shall  
4 not directly charge payers any additional fee;

5

6                   (F) Comply with Wyoming financial auditing  
7 and reporting standards, including generally acceptable  
8 accounting principles;

9

10                   (G) Employ additional reporting, accuracy  
11 and privacy practices as the department deems necessary.

12

13                   (iii) State and commercial account managers  
14 comply with the most recent federal and state data security  
15 standards and protocols.

16

17                   (e) All reports and records of the state and  
18 commercial account managers shall be open to examination by  
19 the department of audit, excluding any personally  
20 identifying information of individual payers.

21

22                   (f) Any contract with a commercial account manager  
23 shall be let to the responsible certified resident making



1 the lowest bid if the certified resident's bid is not more  
2 than five percent (5%) higher than that of the lowest  
3 responsible nonresident bidder.

4

5 **24-8-203. Road usage charge; rates; applicability.**

6

7 (a) There is assessed a road usage charge upon all  
8 Wyoming registered vehicles that travel on Wyoming's  
9 highways. Road usage charge rates are established for each  
10 vehicle category. Payers are responsible for the payment of  
11 all road usage charges as follows:

12

13 (i) Category 1 .....1.3 cents / mile;

14

15 (ii) Category 2 .....2.15 cents / mile;

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17 (iii) Category 3 .....2.87 cents / mile;

18

19 (iv) Category 4 .....6.5 cents / mile;

20

21 (v) Category 5 .....10.32 cents / mile;

22

23 (vi) Category 6 .....14.35 cents / mile.

1

2 (b) The department shall develop a procedure for non-  
3 Wyoming residents to apply for and use the Wyoming road  
4 usage charge program in any form provided to Wyoming  
5 resident payers. The department may develop procedures to  
6 apply road usage charge rates to out of state vehicles  
7 through the use of time and mileage permits at ports of  
8 entry.

9

10 **24-8-204. Road usage charge indexing.**

11

12 Every three (3) years, the department may adjust road usage  
13 charge rates to account for inflation. Rate adjustments  
14 shall be promulgated by rule pursuant to the Wyoming  
15 Administrative Procedure Act.

16

17 **24-8-205. Collection; distribution.**

18

19 (a) The department shall establish a means for the  
20 road usage charge to be paid through one (1) or both of the  
21 following methods:

22

1           (i) As a flat-fee based on the established per-  
2 mile rate for the eligible vehicle, multiplied by a maximum  
3 number of miles;

4

5           (ii) According to the miles recorded and  
6 reported from the vehicle mileage metering system based on  
7 the established per-mile rate for the eligible vehicle.

8

9           (b) The department shall establish procedures  
10 prescribing how frequently a payer shall be invoiced and  
11 make road usage charge payments according to the road usage  
12 charge payment method the payer selects.

13

14           (c) Any fuel taxes paid for the period immediately  
15 preceding the invoice period established in subsection (b)  
16 of this section shall be credited to the payer and  
17 reflected on the payer's invoice.

18

19           (d) Road usage charges collected for categories 1  
20 through 3 and deposited into the state highway fund  
21 according to W.S. 24-8-202(b) and (c) or collected directly  
22 by the department according to subsection (a) of this  
23 section shall be credited to the proper accounts as

1 specified by the department and in W.S. 39-17-111(c)(iv)  
2 and (d). Road usage charges collected for categories 4  
3 through 6 and deposited into the state highway fund  
4 according to W.S. 24-8-202(b) and (c) or collected directly  
5 by the department according to subsection (a) of this  
6 section shall be credited to the proper accounts as  
7 specified by the department and in W.S. 39-17-211(d).

8

9 **24-8-206. Mileage recording and reporting**  
10 **methodologies.**

11

12 (a) Vehicle miles traveled may be recorded, assessed  
13 and reported by multiple vehicle mileage metering system  
14 options, including technology and manual options.  
15 Recording, calculation, assessment and reporting shall be  
16 conducted through the use of a state or commercial account  
17 manager.

18

19 (b) The department shall provide the choice of at  
20 least one (1) vehicle mileage metering system option that  
21 does not require technology and one (1) option that allows  
22 for unlimited travel in a given time period. These options  
23 shall be provided by the state account manager.

1

2           **24-8-207. Exemptions.**

3

4           (a) The following vehicles are exempt from the  
5 Wyoming road usage charge program:

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7                   (i) Federally owned or operated vehicles;

8

9                   (ii) Tribal vehicles.

10

11           **24-8-208. Interest; enforcement; penalties; liens.**

12

13           (a) The road usage charge assessed under  
14 W.S. 24-8-203 shall be collected by the department or state  
15 or commercial account manager together with interest of one  
16 percent (1%) per month on the road usage charge from the  
17 due date until payment.

18

19           (b) No person shall knowingly:

20

21                   (i) Operate, nor shall an owner knowingly permit  
22 to be operated, upon any highway any Wyoming registered  
23 vehicle or any other vehicle participating in an applicable

1 road usage program unless a valid, up to date certificate  
2 of payment of the road usage charge has been issued for the  
3 vehicle or unless the person holds a valid exemption. If a  
4 person is found to be in control of a vehicle operated or  
5 driven upon any highway for which a road usage charge is  
6 required under subsection (a) of this section but for which  
7 the road usage charge has not been paid by the date due as  
8 shown on the invoice for the road usage charge, the person  
9 shall be charged a penalty equal to seventy-five percent  
10 (75%) of the unpaid road usage charge plus interest as  
11 provided in subsection (a) of this section;

12

13 (ii) Make a false mileage reporting or other  
14 statement in any application or other document required  
15 under this article. Any person convicted of a violation of  
16 this paragraph, or convicted for aiding or abetting any  
17 person in a violation or noncompliance with this paragraph,  
18 is guilty of a misdemeanor punishable by a fine of not more  
19 than seven hundred fifty dollars (\$750.00), imprisonment  
20 for not more than six (6) months, or both.

21

22 (c) Delinquent road usage charges, penalties and  
23 interest shall constitute a lien on the motor vehicles for

1 which payment has not been made. If any road usage charge,  
2 penalties or interest remains delinquent for thirty (30)  
3 days or more or if any vehicle subject to the lien is about  
4 to be removed from the state, the department or its  
5 authorized enforcement agent may seize and sell the vehicle  
6 subject to all existing liens and security interests held  
7 by others, at public auction upon notice to the owner and  
8 lienholder of record as provided by Rule 4 of the Wyoming  
9 Rules of Civil Procedure, and upon four (4) weeks notice of  
10 the sale in a newspaper published in the county in which  
11 the vehicle is titled and registered. The department may  
12 bring suit in any court of competent jurisdiction to  
13 collect any delinquent road usage charges, penalties and  
14 interest under this article.

15

16 (d) The department shall by rule establish procedures  
17 to manage compliance with road usage charge payments. The  
18 state account manager, Wyoming highway patrol and all peace  
19 officers of any county or municipality shall aid in the  
20 enforcement of this article.

21

22 (e) Any person aggrieved by any final administrative  
23 decision of the department concerning the assessment of the

1 road usage charge may appeal the decision to the state  
2 board of equalization pursuant to the Wyoming  
3 Administrative Procedure Act.

4

5 **24-8-209. Program expansion.**

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7 (a) The department shall develop plans to integrate  
8 Wyoming's road usage charge program into a larger regional  
9 or national program if established. Plans shall include:

10

11 (i) Collaboration with other state departments  
12 of transportation and the federal highway administration  
13 necessary to implement appropriate agreed upon rules and  
14 regulations;

15

16 (ii) Development of agreements to share vehicle  
17 registration and mileage data with safeguards of ensuring  
18 payer privacy and not sharing any personally identifying  
19 information without consent;

20

21 (iii) Implementation of additional payer privacy  
22 protections if required;

23



1           (iv) Other items the department may deem  
2 necessary or expedient to carry out the purposes of this  
3 article.

4

5           **24-8-210. Fuel tax sunset.**

6

7           (a) Beginning March 31, 2022, the road usage charge  
8 program shall supplement current fuel tax revenue to reduce  
9 the annual funding shortfalls the department, counties and  
10 municipalities experience each year to raise and maintain  
11 road surfaces and bridges. As revenue from fuel taxes  
12 continues to decline based upon increase vehicle fuel  
13 mileage and conversion to electric vehicle technology, the  
14 pay by mile system shall eventually replace fuel taxes and  
15 shall be the main funding mechanism to ensure a safe and  
16 effective surface transportation system in Wyoming. To  
17 achieve a smooth transition from fuel taxes to the road  
18 usage charge the department shall:

19

20           (i) Annually provide the joint revenue interim  
21 committee, the joint transportation, highways and military  
22 affairs interim committee and the joint appropriations  
23 committee:

1

2 (A) An annual assessment on the  
3 effectiveness of the road usage charge to eliminate revenue  
4 shortfalls;

5

6 (B) Changes in rates necessary to cover  
7 shortfalls;

8

9 (C) Annual projections indicating reduction  
10 in fuel taxes to meet the share of revenue replaced by the  
11 road usage charge;

12

13 (D) Recommendations on a fuel tax phase out  
14 timeline and updates to that timeline when conditions  
15 indicate it will likely change.

16

17 (ii) Support regional and national efforts to  
18 implement a road usage charge on a larger scale.

19

20 (b) Until a regional or national road usage charge is  
21 established and methods to collect a road usage charge on  
22 vehicles registered outside of Wyoming is determined, fuel  
23 taxes shall be set to approximate road usage per mile

1 charges to ensure that road usage charge registered  
2 vehicles do not inappropriately share more of the burden  
3 for transportation and highway revenue. The department  
4 shall make recommendations for the appropriate fuel tax  
5 rates once vehicle road usage charge rates are established.  
6 Fuel tax rates shall also be indexed by rules consistent  
7 with W.S. 24-8-204 to maintain alignment with road usage  
8 charge rates until fuel taxes are replaced according to  
9 subsection (a) of this section.

10

11 **Section 2.** Not later than July 1, 2021, the  
12 department of transportation, state treasurer and  
13 department of revenue shall promulgate any rules necessary  
14 to administer this act.

15

16 **Section 3.**

17

18 (a) Except as provided in subsection (b) of this  
19 section, this act is effective immediately upon completion  
20 of all acts necessary for a bill to become law as provided  
21 by Article 4, Section 8 of the Wyoming Constitution.

22

1           (b) Section 1 of this act is effective  
2 March 31, 2022.

3

4   ( END )