**R926. Transportation, Program Development.**

**R926-17. Road Usage Charge Program.**

**R926-17-1. Purpose and Authority.**

(1) This rule is to administer the State's Road Usage Charge Program.

(2) Section 72-1-213.1 grants the department authority to make this rule.

**R926-17-2. Definitions.**

(1) "Account manager" means an entity under contract with the department to operate and manage the road usage charge program on the department's behalf.

(2) "Alternative fuel vehicle" means the same as that term defined in Section 72-1-213.1.

(3) "Alternative fuel vehicle fee" means the additional registration fee applied to alternative fuel vehicles as described in Subsection 41-1a-1206(1)(h).

(4) "Department" means the Utah Department of Transportation.

(5) "DMV" means the Utah Division of Motor Vehicles.

(6) "Owner or lessee" means an owner or lessee of an alternative fuel vehicle.

(7) "Program" means the RUC program established and described in this section.

(8) "RUC" means "road usage charge."

(9) "RUC cap" means the road usage charge cap defined in Section 72-1-213.1.

(10) "RUC fee" means the accrued amount owed to an account manager. The RUC fee is calculated as the number of the number of miles for which a RUC participant shall be charged under the program parameters multiplied by the RUC rate.

(11) "RUC participant" means the owner or lessee of an alternative fuel vehicle that is enrolled in the program.

(12) "RUC rate" means the amount of money per mile driven that RUC participants are required to pay as described in Section 72-1-213.1.

(13) "Value-added services" means amenities that an account manager may offer a RUC participant, but which are ancillary to the core RUC purpose of collecting and reporting miles driven.

**R926-17-3. Enrollment, Voluntary Withdrawal, and Removal Processes and Terms.**

(1) The department shall coordinate with the DMV and the account manager to notify owners or lessees of alternative fuel vehicles that they are eligible to enroll in the program as an alternative to paying the alternative fuel vehicle fee.

(2) The department shall provide a means of directing owners or lessees who want to enroll in the program to an account manager.

(3) An owner or lessee who wants to enroll in the program shall submit the information the account manager requires, including any information necessary to verify whether the owner's or lessee's vehicle is eligible for the program.

(4) The account manager shall charge a RUC participant a prorated amount of the alternative fuel vehicle fee for each month that the RUC participant does not provide the required information to establish the initial odometer value for an enrolled vehicle.

(5) A RUC participant may withdraw a vehicle from the program at any time.

(6) Before withdrawing from the program, a RUC participant shall:

(a) notify the account manager that the RUC participant intends to withdraw from the program;

(b) pay any outstanding RUC fees and penalties;

(c) if withdrawing before completing the RUC participant's full registration cycle, pay the difference between the alternative vehicle fuel fee and any RUC fees paid during the registration cycle; and

(d) fulfill the terms provided in the RUC participant's user agreement, including returning electronic mileage collection devices to the account manager.

(7) A RUC participant who withdraws from the program shall revert to paying the alternative fuel vehicle fee to the DMV until the RUC participant enrolls in the RUC program again.

(8) Involuntary removal of a RUC participant from the program is addressed in Section R926-17-8.

**R926-17-4. RUC Participant Payment Methods, Periods, and Procedures.**

(1) Each RUC participant shall provide electronic payment information and set up a prepaid wallet at enrollment and shall maintain a minimum balance in the prepaid wallet as described in the user agreement between the account manager and the RUC participant.

(2) RUC participants may only make electronic payments.

(3) The account manager shall send each RUC participant a statement, at least quarterly, that includes miles driven, RUC fees accrued, and amount of money added to the wallet during the previous month.

(4) For a given registration cycle, the maximum amount the account manager may charge in RUC fees to a RUC participant for an enrolled vehicle is equal to the amount of the alternative fuel vehicle fee in effect for that registration cycle. The account manager shall cease accruing RUC fees against an enrolled vehicle once the cumulative amount accrued for the current registration cycle is equal to the alternative fuel vehicle fee applicable to that vehicle type. Fee accrual will resume at the beginning of the next registration cycle.

(5) Notwithstanding Subsection (4), the account manager may still assess penalties against a RUC participant for a violation of terms and conditions, if applicable, even after RUC fees charged are equal to the alternative fuel vehicle fee as described in Subsection (4).

**R926-17-5. Mileage Reporting Mechanism Standards.**

(1)(a) Subject to approval by the department, the account manager may offer various mechanisms for RUC participants to report mileage.

(b) Through the account manager contract terms, the department may require RUC participants to aggregate mileage and report mileage with a specified frequency.

**R926-17-6. Privacy and Data Sharing Processes and Procedures.**

(1) The department and account manager shall comply with the privacy requirements described in Sections 63G-2-305 and 77-23c-102.

(2) The account manager may not enter into a user agreement with a RUC participant unless the agreement complies with the requirements of Section R926-17-8.

(3)(a) Before collecting and storing RUC participant data, the account manager shall:

(i) notify the RUC participant regarding what data the account manager would like to collect and store;

(ii) notify the RUC participant regarding the terms and conditions related to the data collection and storage; and

(iii) receive explicit consent from the RUC participant to allow the account manager to collect and store the RUC participant's data.

(b) Before changing the terms and conditions related to the collection of a RUC participant's data, the account manager shall again notify and receive consent as provided in Subsection (2)(b).

(c) An account manager shall allow a RUC participant to view any data the account manager has on file that is associated with the respective RUC participant.

(4) A RUC participant's personal information is protected from public disclosure in accordance with the Government Records Access and Management Act (GRAMA).

(5) A RUC participant may dispute a RUC fee, including the amount of eligible program mileage.

**R926-17-7. Security Processes and Procedures.**

If the account manager is required to directly process the electronic payments, the account manager shall process card payment data and transactions following the Payment Card Industry Data Security Standard (PCI DSS), which applies to the electronic payment card industry as a whole. Automated clearing house payment data and transactions shall be processed according to the rules published by the National Automated Clearing House Association (NACHA), which apply to the electronic payment card industry as a whole.

**R926-17-8. User Agreements Between Account Managers and RUC Participants.**

(1)(a) The account manager may not enter into a user agreement with a RUC participant unless the department has approved the agreement, including approval of any amendments to a previously approved agreement.

(b) The department shall review proposed user agreements for compliance with this rule and state statutes related to the program.

(2) The account manager and the department shall ensure that the user agreement clearly explains data collection and retention and privacy protection components of the program.

(3) The user agreement shall include the following components:

(a) a description of the mechanisms a RUC participant may use to report mileage for the vehicle being enrolled;

(b) a description of the electronic payment mechanism chosen by the RUC participant;

(c) a form for the RUC participant to give consent to have a bank account or credit card debited when the wallet balance drops below a defined minimum threshold, and commitment to keep payment information current while enrolled in the program;

(d) refund procedures for when a positive wallet balance exists when a RUC participant exits the program;

(e) a process for notifying the account manager when a RUC participant would like to withdraw from the program after meeting the requirements described in Section R926-17-3;

(f) information about how data may be aggregated, anonymized, or shared;

(g) a process for RUC participants to view their collected data and lodge a dispute if they believe charges have accrued to their accounts erroneously; and

(h) a processes and consequences of withdrawal from the program both before and after full completion of the current annual registration cycle applicable to the enrolled vehicle, as detailed in Section R926-17-3.

(4) The user agreement shall explain penalties associated with violation of its terms including penalties for nonpayment of RUC fees, not providing the odometer in a timely manner, or intentional tampering with mileage reporting mechanisms.

(5) Failure to comply with user agreement terms may result in the following enforcement actions:

(a) an initial warning about the violation and steps for becoming compliant;

(b) an automatic adjustment to a RUC participant's eligible program mileage to account for the time period in which the odometer value was not provided by the RUC participant;

(c) a penalty fee, assessed to the RUC participant's electronic wallet if a warning does not result in compliance;

(d) billing of the RUC participant's electronic wallet for outstanding fees owed; and

(e) notification by the account manager to the DMV that a RUC participant has unpaid fees owed to the account manager, and subsequent placement of a registration hold by the DMV on the enrolled vehicle if the RUC participant's electronic payment information is invalid or does not have enough balance to successfully pay the total fees owed. RUC participants with registration holds assessed shall successfully settle their RUC account with the account manager before having the hold released by the DMV and being able to register the vehicle again.

**R926-17-9. Contractual Terms Between the Department and Account Managers.**

(1) The department shall provide account manager oversight through a contractual relationship governing what the account manager may do on behalf of the department.

(2) Each contract between the department and an account manager shall contain, at a minimum, guidelines for the following:

(a) RUC participant enrollment, withdrawal, and removal processes;

(b) structure and content of user agreements between account managers and RUC participants;

(c) acceptable of mileage reporting mechanisms that account managers may offer to RUC participants;

(d) payment collection, transaction processing, and revenue remittance protocols;

(e) privacy and security protection processes, including parameters for data collection, retention, destruction, anonymization, aggregation, and sharing;

(f) system testing and certification approach;

(g) customer service level expectations and performance standards;

(h) requirements for coordination and interfacing with the DMV;

(i) reporting of data collected through the program;

(j) audit procedures for verifying account manager performance in areas such as privacy protection, data destruction, data collection accuracy, and, if applicable, remittance of funds to the State; and

(k) remedies available to the department if an account manager fails to fulfill contractual terms.

**KEY: road usage charge (RUC), alternative fuel vehicles, RUC program**

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