

October 7, 2024

The regular meeting of the Montoursville Borough Council held in the John Dorin Municipal Building was called to order by Council Vice President Robert Brown at 7:00 PM with the following answering roll call: Mark Tillson, Tina Kline, Misty Emick and Robert Brown. Absent: Eric Greenway and Chris Lucas

The Pledge of Allegiance was observed.

The September 9th, 2024 minutes were approved on a motion by Dr. Kline, second by Mrs. Emick. The motion carried.

TREASURERS REPORT/BOROUGH BILLS – Motion by Mrs. Emick to approve the September 2024 treasurer’s report, second by Dr. Kline. The motion carried.

VISITORS AND PUBLIC COMMENT FOR AGENDA ITEMS – Nothing at this time.

NEW BUSINESS –

PAYMENT APPLICATION #1—2024 CDBG CURB RAMP PROJECT –BIG ROCK PAVING LLC. – Council Vice President, Mr. Brown presented Payment Application #1 to Big Rock Paving LLC. for the 2024 Curb Ramp Project.

Motion by Dr. Kline to approve Payment Application #1 for the 2024 CDBG Curb Ramp Project to Big Rock Paving LLC. In the amount of \$106,539.65, second by Mrs. Emick. The motion carried.

GENERAL EASEMENT AGREEMENT –VERIZON - Council Vice President, Mr. Brown presented General Easement Agreement with Verizon for review. Solicitor, Chris Kenyon explained Verizon will be replacing a pole in the area with a slightly higher one.

Motion by Dr. Kline to approve General Easement with Verizon as presented; second by Mr. Brown. The motion carried.

APPROVAL TO BORROW UP TO THE RECOMMENDED AMOUNT BY WATER ENGINEER & TO ENGAGE BOND COUNCIL TO FACILITATE THE BORROWING – Water Engineer, Mr. Tom Levine discussed the need for a new reservoir. He summarized that the amount of \$1.7 million would be the public borrowing need and that the borough’s biggest asset is its water system. He stated that creating a new reservoir that meets the current needs would be the most economical and not need maintenance due to the nature of the construction. Water Engineer, Mr. Levine also stated that if we do not raise the water rates now we are handcuffing the future rate payers. He explained it comes down to whether or not the borough wants to be in the water business or not because not much has been put into maintenance of the water system over the past few decades. If it had been done a decade ago it would have probably been less money however you would not have gotten \$750,000.00 grant from Lycoming County. He continued stating that if this project is not done water charges will still need to go up 46% in order to operate the current water system. The cost must be passed on to the users of the water system in order to maintain it. Council Vice President, Mr. Brown then commented that this project has not just popped up, it has been in the works since 2011, sharing Water Engineer, Mr. Levine was not the water engineer at that time, it was however Larson Design Group who initially stated it as part of an ongoing 5-year plan. Water Engineer, Mr. Levine then informed the public that the 25% water increase in January of 2024 was to close the gap due to water rates previously not increasing in prior years as was needed in order to operate above costs. He also stated that council tries not to impose a rate increase every year, but in order to operate without a loss annually it is necessary.

Motion by Dr. Kline to approve the borrowing of up to the recommended amount by Water Engineer, Mr. Levine, and to engage with Bond Counsel to facilitate the borrowing as presented, second by Mrs. Emick. The motion carried.

PLANNING & ZONING – Central Keystone COG Reports September 2024.

RECREATION – Council Vice President, Mr. Brown reviewed and explained Event Permit 2024-26, as presented. **Motion** by Dr. Kline to approve Event Permit 2024-26 as presented, second by Mrs. Emick. The motion carried. Council member, Mrs. Emick announced the pumpkin decorating contest was coming up this month with final details still being worked out and thanked all volunteers of the Fall Festival, which was a fun time for all who attended.

STREETS/WATER – Nothing at this time.

MAYOR – Mayor Bagwell requested that the Fire Chief, Scott Konkle be given a few moments of his time to speak. Fire Chief, Scott Konkle announced that fire prevention week had been done throughout the local schools, such as Lyter and Bostley’s Academy this month. He continued stating that they will be acquiring the new truck in February, 2025. Fire Chief, Mr. Konkle announced that this year will be his last as Fire Chief and will be stepping down, however he will still be involved and available with the fire company. Council thanked Chief Konkle for his many years of service.

Mayor Bagwell explained and discussed some options for hiring a new police officer due to the recent lack of applicants. He suggested new or more creative ads and also brought up paying \$15,000.00 for the Act 120 training needed and explained prior to hiring in that case, make employment stipulations with the officer. Also, Council should consider raising the starting pay rate for a new officer. These are just a few options for the borough and council to consider if they want to keep a 24/7 police force. He stated that everything has a cost, and we have been spoiled with a 24/7 police force and the bottom line is that if we cannot find/attract people and don’t do anything the borough may need to consider regionalization as an option.

Mayor Bagwell then reminded residents in the audience that there is an order to the Council meeting and that Council members have been very kind with answering questions during the meeting however it is not required.

POLICE CHIEF – Chief Gyurina reviewed the September 2024 police report. He discussed the pros and cons of regionalizing the police force and what it would mean to the Borough of Montoursville. He stated that the state police would not respond to the small issues that the borough police take care of such as people sleeping in the park, issues with barking dogs, vehicles parked illegally during the snow falls and grass blown into the road as a few examples.

COUNCIL PERSONS – Nothing at this time.

SOLICITOR – Nothing at this time.

COUNCIL PRESIDENT – Council Vice President, Mr. Brown thanked all the residents in attendance at this evening’s meeting.. He continued by reading a statement and explained he would like his official statement to be recorded and included as part of the meeting minutes.

PENDING MATTERS – Nothing at this time.

CORRESPONDENCE AND ANNOUNCEMENTS – The next Council meeting will be held Tuesday, November 12th, 2024 @ 7:00PM due to Election Day & Veteran’s Day. Halloween will be held Thursday, October 31, 2024 from 6:00PM-8:00PM. An Executive session for Personnel & Legal will be held at the close of the meeting and will not be reconvened.

VISITOR AND PUBLIC COMMENTS – Solicitor, Chris Kenyon began by reminding residents to be respectful and courteous and limit comments to 3-5 minutes.

Resident, Mrs. Doreen Matty, 1129 Locust Street, stated that she saw the notice in the newspaper about landlords and renters and questioned how borough code can be changed. Council Vice President, Mr. Brown shared that he explained how the process to pass ordinances and resolutions were part of his official statement at the last Council meeting. He

stated in reference to Mrs. Matty's question that the notice that was published in the newspaper, to which she was referring, is required to be posted two times per year once in January and once in October. He explained this ordinance was passed and put into effect actually in 2011. He explained that no ordinance/codes were actually changed, but that the ordinance passed in 2011 specifically states that this notice be published twice per year.

Resident, Mrs. Theresa Detato, 106 N. Washington Street, inquired as to whether residents will still be responsible to pay for their curbs. Borough Solicitor, Chris Kenyon stated that nothing has been changed thus far and is still under review. Council Vice President, Mr. Brown stated the current paving project has just been postponed.

Resident, Mrs. Doreen Matty, 1129 Locust Street, questioned the issue with some sidewalks and asked why codes isn't handling this issue. It was then shared that sidewalks fall under property maintenance, CKCOG oversees this issue and again there is a process involved in handling any issues with sidewalks.

Resident, Ron Beach, 1217 Cedar Street, questioned how his neighbor's curbs failed the inspection before and after they were sealed. Borough Solicitor, Chris Kenyon then asked if he was speaking of Mr. Casner; if so it is an on-going legal matter of which is not appropriate for public meeting discussion due to Mr. Casner obtaining legal representation.

Resident, Cecil Casner, 1213 Cedar Street, stated that he brought his contractor with him to testify that his curb is sound and that he wants it off the record as "failed." He then asked for council's consideration on this matter. He stated the borough engineer recorded the conversation with the company that sealed the curbs and stated that the engineer was not fair to the gentleman from the company on the phone. Borough Solicitor, Chris Kenyon then tried to explain to Mr. Casner that this is not the place to solve this issue that is in litigation. Mr. Casner then stated that he does not want litigation. He then singled out Council Vice President, Mr. Brown as his ward representative, who visited the property. He asked him to represent him and fix the issue. Council Vice President, Mr. Brown told him that this is not the place to solve this issue. Mr. Casner then stated that he wants his curbs "passed" and the issue resolved here. Another resident then spoke out and said that the problem is that council doesn't want to fix the issues and that is the issue Council Vice President, Mr. Brown then spoke up stating that just because Council is not telling you what you want to hear doesn't mean they aren't representing the public. Mr. Casner continued stating he wants the truth and wants an answer tonight. He continued by asking what Street and Water Project Coordinator, Mr. Cliff Hoffman is doing about the issue as well as the Borough Engineer. Borough Solicitor, Chris Kenyon then requested Mr. Casner to have his counsel contact him to resolve the issue and to have his contractor/representative from Renovo contact the Borough Engineer.

There being no further business the meeting was adjourned at 8:25 PM on a motion by Dr. Kline, second by Mr. Brown. The motion carried.

Respectfully submitted,

Ginny Gardner, Borough Secretary

10/07/2024
Montoursville Borough Council
prepared remarks
Robert Brown

As a member of Montoursville Borough Council, I am enrolled as a member of PA State Association of Boroughs (PSAB). The following information came from the October 2024 issue of the PSAB Borough news magazine. This magazine is provided to members monthly and includes information pertaining to Pennsylvania Boroughs and governing.

As I read the magazine, I came across several articles that contained information that I thought might be applicable to residents of Montoursville. The information is NOT exclusive to Montoursville Borough, but applies equally to all residents of the Commonwealth of Pennsylvania. As we move closer to the end of the year and the upcoming holiday season, we get busy and sometimes fail to see or hear items of “news”. With that in mind, I wish to bring you this information.

1. The first article is titled “Electric vehicle fee legislation signed into law” and comes from Pennsylvania Borough News, October 2024, page 21
Act 85 of 2024 was signed into law by Gov. Shapiro on July 17, 2024.
]Prior to this law, the Alternative Fuels Tax relied on users to self report and remit any taxes that were due. This law puts in place an annual fee on electric vehicles.

In 2023, less than \$778,000 was collected.

Act 85 eliminates the Alternative fuel tax for residential charging but keeps it in place for public charging sites.

The new fee schedule is as follows

2025 - \$200 per year

2026 - \$ 250 per year

2027 & beyond - \$ 250 adjusted for inflation each year

Owners of plug in hybrid EV’s that operate using electric and gasoline will owe 25% of the fee each year.

Analysis by House Appropriations Committee projects it will generate \$16 million in taxes next year (2025) and as much as \$28.8 million by 2030.

Link to Act 85 of 2024

<https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2024&sessInd=0&act=85>

2. Remaining Session days in 2024 for State house & Senate. This information also came from Pennsylvania Borough News, October 2024, page 21

House & Senate – October – 5 days October 8, 9, 21, 22, 23, November
13, 14 (senate meets 10/12 instead of 10/14)
November – 2 days November 13, 14 (House)
November 12, 13 (Senate)
Total - 7 days

Note that the article lists additional days in October (1,2 & 7) for a total of 10 days, but those sessions have already been conducted, so I adjusted accordingly.

3. This article is titled “The Pennsylvania Turnpike Commission’s big switch: Open Road Tolling goes live in January 2025 and comes from Pennsylvania Borough News, October 2024, pages 42-44. The author is Mark Compton – CEO The Pennsylvania Turnpike Commission.

In January 2025, Open Road Tolling (ORT) launches East of Reading and on the Northeast Extension, with the rest of the system adopting the change two years later in 2027. Open road tolling goes live January 2025

Utilizing OTR , toll booths will be eliminated. Vehicles will be scanned as they pass under a gantries that extend across the roadway. You will no longer be required to stop or even slow down. Tolling takes place utilizing E-Z_Pass or Toll by plate.

Toll rate calculations influenced by 3 factors

5% increase to support debt related to act 44 of 2007 (obligated PTC to pay PA DOT \$ 450 million per year for NON TURNPIKE TRANSPORTATION NEEDS) totaling \$8 billion over 15 years

A new standardized toll schedule

A new vehicle classification system based on vehicle axles and height

The new schedule reflects a base \$0.07 per mile for typical 2 axle passenger cars using E-Z Pass**) plus a flat \$1.09 fee per segment (distance between interchanges)

*** Toll by plate rates are double the E-Z pass rate (\$.14 per mile + Flat \$2.18 per segment)

Cost of the system (planning, design, construction, demolition of existing toll plazas is estimated to be \$600 million. PTC estimates savings of at least \$25 million / year

Link to Act 44 of 2007, referenced in the article
<https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2007&sessInd=0&act=44>

Madam Secretary, I have supplied a digital copy of these these remarks in pdf format and ask that they be attached to the meeting minutes for the residents use.

Reference Materials

The below materials were not presented during the remarks at the meeting. They are simply reference materials to items that were mentioned in the remarks and are being listed here for use by the reader to verify the accuracy of the information that was presented

VEHICLE CODE (75 PA.C.S.) - IMPOSITION OF TAX, EXEMPTIONS AND DEDUCTIONS, ELECTRIC VEHICLE ROAD USER CHARGE AND PENALTY

Act of Jul. 17, 2024, P.L. 917, No. 85

Cl. 75

Session of 2024

No. 2024-85

SB 656

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in liquid fuels and fuels tax, further providing for definitions and for imposition of tax, exemptions and deductions and providing for electric vehicle road user charge; and imposing a penalty.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The definitions of "electric vehicle" and "hybrid electric vehicle" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes are amended and the section is amended by adding definitions to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Battery." An energy power storage system that stores electrical energy within the system's constituent parts.

* * *

"Electric vehicle." [A motor vehicle which operates solely by use of a battery or battery pack and which meets the applicable Federal motor vehicle safety standards. The term includes a motor vehicle which is powered mainly through the use of an electric battery or battery pack but which uses a flywheel that stores energy produced by the electric motor or through regenerative braking to assist in operation of the motor vehicle.] A motor vehicle that delivers power to its drive wheel or wheels solely by use of a battery-powered electric motor.

"Electric vehicle charging station." A facility or equipment designed to charge, by connective or inductive means, a battery within an electric vehicle or plug-in hybrid electric vehicle by permitting the transfer of electricity to a battery or other storage device in an electric vehicle.

* * *

"Hybrid electric vehicle." [An electric vehicle which allows power to be delivered to the drive wheels solely by a battery-powered electric motor but which also incorporates the use of a combustion engine to provide power to the battery and which meets the applicable Federal motor vehicle safety standards. The primary source of power for the motor must be the electric battery or battery pack and not the combustion engine.] As follows:

(1) A motor vehicle using a combustion engine or regenerative braking to charge a battery to deliver power to:

- (i) the drive wheel or wheels; or**
- (ii) vehicle systems other than propulsion.**

(2) The term does not include motor vehicles capable of receiving energy from an external source such as an outlet or charging station.

* * *

"Plug-in hybrid electric vehicle." A motor vehicle that can deliver power to the drive wheels solely by a battery-powered electric motor but which also incorporates the use of another fuel to power a combustion engine. The battery of the vehicle must be capable of receiving energy from an external source, such as an outlet or charging station.

* * *

Section 2. The definitions of "alternative fuel dealer-user" and "person" in section 9002 of Title 75 are amended and the section is amended by adding a definition to read:

§ 9002. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Alternative fuel dealer-user." As follows:

(1) Any person who delivers or places alternative fuels into the fuel supply tank or other device of a vehicle for use on the public highways.

(2) The term includes a person that provides an electric vehicle charging station for public use, regardless of whether compensation is received for the public use.

(3) The term does not include a person that provides an electric vehicle charging station used exclusively to charge:

(i) Electric vehicles or plug-in hybrid electric vehicles at a private residence.

(ii) Electric vehicles or plug-in hybrid electric vehicles owned by tenants, residents or nonlocal visitors of a common interest development or other group of private residences within a geographic location.

(4) The term does not include an owner or registrant of an electric vehicle or plug-in hybrid electric vehicle subject to an electric vehicle road user charge under section 9024 (relating to electric vehicle road user charge).

* * *

"Exempt entity." A person exempt under section 9004(e) (relating to imposition of tax, exemptions and deductions) from reporting and paying a tax on liquid fuels, fuels or alternative fuels imposed by this chapter.

* * *

"Person." Every natural person, **firm, copartnership**, association or corporation. Whenever used in any provision prescribing and imposing a fine or imprisonment, the [term as applied to associations means the partners or members and as applied to corporations means the officers thereof.] **terms firm, copartnership, association and corporation shall be subject to 18 Pa.C.S. § 307 (relating to liability of organizations and certain related persons). With respect only to the sale of alternative fuels, a Commonwealth agency and a political subdivision may be considered a "person."**

* * *

Section 3. Section 9004(e)(4) of Title 75 is amended and subsection (d) is amended by adding a paragraph to read:

§ 9004. Imposition of tax, exemptions and deductions.

* * *

(d) Alternative fuels tax.--

* * *

(3) Nothing contained in this chapter shall be construed to:

(i) Affect the duty of an alternative fuel dealer-user to report and pay to the department the tax under this subsection for electricity delivered through an electric vehicle charging station provided by the alternative fuel dealer-user to the owner or registrant of an electric vehicle or plug-in hybrid electric vehicle that is subject to the electric vehicle road user charge.

(ii) Prohibit the alternative fuel dealer-user from passing onto the owner or registrant of an electric vehicle or plug-in hybrid electric vehicle that is subject to the electric vehicle road user charge any costs associated with the reporting and payment of the tax under this subsection.

(e) Exceptions.--The tax imposed under subsections (b), (c) and (d) shall not apply to liquid fuels, fuels or alternative fuels:

* * *

(4) Delivered to this Commonwealth, a political subdivision, a volunteer fire company, a volunteer ambulance service, a volunteer rescue squad, a second class county port authority, **an electric cooperative corporation as defined under 15 Pa.C.S. § 7302(a) (relating to application of chapter)** or a nonpublic school not operated for profit on presentation of evidence satisfactory to the department.

* * *

Section 4. Title 75 is amended by adding a section to read:

§ 9024. Electric vehicle road user charge.

(a) Imposition.--Owners or registrants of electric vehicles and plug-in hybrid electric vehicles with a gross vehicle weight rating of not more than 14,000 pounds shall pay an annual electric vehicle road user charge as provided under subsection (c.1), which shall be concurrent with paying the vehicle registration fee imposed under Chapter 13 (relating to registration of vehicles).

(b) New or temporary vehicle registration.--New or temporary registration for an electric vehicle or plug-in hybrid electric vehicle issued on or after the effective date of this subsection shall be subject to the electric vehicle road user charge imposed under subsection (a). The Department of Transportation shall send a form to the owner or registrant for the payment of the electric vehicle road user charge for the initial registration consistent with Chapter 13.

(c) Renewal of vehicle registration.--At least 60 days prior to the expiration of registration for an electric vehicle or plug-in hybrid electric vehicle under subsection (a), the Department of Transportation shall send to the owner or registrant a form for the payment of the electric vehicle road user charge for the renewal of registration consistent with Chapter 13.

(c.1) Computation of electric vehicle road user charge.--

(1) The electric vehicle road user charge for an electric vehicle shall be as follows:

(i) \$200 upon initial registration in 2025 or upon renewal of registration submitted to the Department of Transportation for a registration that expires in 2025.

(ii) \$250 upon initial registration in 2026 or upon renewal of registration submitted to the Department of Transportation for a registration that expires in 2026.

(iii) The amount under paragraph (2) upon initial registration in 2027 and each year thereafter or upon renewal of registration submitted to the Department of Transportation for a registration that expires in 2027 and each year thereafter.

(2) On January 1, 2027, and each January 1 thereafter, the electric vehicle road user charge shall be fixed annually by the Department of Transportation based upon the electric vehicle road user charge in the prior year as adjusted to reflect the change in the Consumer Price Index for All Urban Consumers (CPI-U) for the United States for all items as published by the United States Department of Labor, Bureau of Labor Statistics, for the previous 12-month period. The electric vehicle road user charge as adjusted shall be rounded to the nearest multiple of \$1. The Department of Transportation shall transmit notice of the new electric vehicle road user charge to the Legislative Reference Bureau by the preceding

December 1 for publication in the next available issue of the Pennsylvania Bulletin no later than the preceding December 15.

(3) The electric vehicle road user charge for a plug-in hybrid electric vehicle shall be 25% of the electric vehicle road user charge for an electric vehicle under paragraph (1) and shall be rounded to the nearest multiple of \$1 as determined by the Department of Transportation.

(4) If an owner or registrant of an electric vehicle or plug-in hybrid electric vehicle elects to pay an annual registration fee for a two-year registration period as provided under section 1307(g) (relating to period of registration), the electric vehicle road user charge shall be two times the amount required by this section as determined by the Department of Transportation.

(d) Enrollment.--

(1) The Department of Transportation shall permit owners or registrants of electric vehicles and plug-in hybrid electric vehicles under subsection (a) to pay the electric vehicle road user charge as follows:

(i) Enroll in a flat charge of the amount required under subsection (c.1) per year to the Department of Transportation provided by credit or debit card, check or money order or any other payment method approved by the Department of Transportation. Owners or registrants who elect this option may enroll in a paper form prescribed and furnished by the Department of Transportation instead of electronically.

(ii) Enroll in a payment plan of the amount required under subsection (c.1) divided into monthly payments during the registration period to the Department of Transportation by credit or debit card, check or money order or any other payment method approved by the Department of Transportation. Owners or registrants who elect this option may enroll in a paper form prescribed and furnished by the Department of Transportation instead of electronically.

(2) The charges under paragraph (1) shall not include a Federal tax, fee, levy or charge, and an owner or registrant of an electric vehicle or plug-in hybrid electric vehicle shall be responsible for paying any tax, fee, levy or charge imposed by the Congress of the United States after the effective date of this paragraph.

(e) Concurrent registration.--The registration of electric vehicles and plug-in hybrid electric vehicles shall not be valid unless the owner or registrant enrolls in a payment option under subsection (d).

(f) Penalty.--Failure to pay the electric vehicle road user charge within 30 days of the enrollment date established by the Department of Transportation shall result in a prohibition on renewal of the electric vehicle's or plug-in hybrid electric vehicle's registration. The Department of Transportation may not prohibit the renewal of a vehicle registration under subsection (d)(1) (ii) if the electric vehicle's or plug-in hybrid electric vehicle's owner or registrant is enrolled in a payment plan and makes timely payments according to the schedule established by the Department of Transportation.

(g) Liability for unpaid tax amounts.--The owner or registrant of a vehicle subject to the electric vehicle road user charge under this section shall not be liable for any unpaid tax amount owed to the department prior to the effective date of this section for the tax imposed under section 9004(d) (relating to imposition of tax, exemptions and deductions).

(h) Liens, penalties and interest prohibited.--The department may not impose liens, penalties or interest on the owner or registrant of a vehicle subject to the electric vehicle road user charge under this section for any unpaid tax amount owed to the department prior to the effective date of this subsection for the tax imposed under section 9004(d).

(i) Criminal penalties and fines prohibited.--The owner of a vehicle subject to the electric vehicle road user charge under this section shall not be subject to any criminal penalties or fines under this chapter for any unpaid tax amounts owed to the department prior to the effective date of this section for the tax imposed under section 9004(d).

(j) Charges for highway maintenance and construction.--The electric vehicle road user charge collected by the Department of Transportation under this section shall be transmitted to the State Treasurer for deposit into the Motor License Fund in accordance with the allocations under section 9511 (relating to allocation of proceeds). For purposes of aligning the electric vehicle road user charge with the allocations of proceeds, the electric vehicle road user charge must be allocated in accordance with the oil company franchise tax for highway maintenance and construction under section 9502 (relating to imposition of tax).

(k) Exceptions.--The following electric vehicles and plug-in hybrid electric vehicles shall not be required to pay the electric vehicle road user charge under this section:

(1) A golf cart.

(2) A neighborhood electric vehicle.

(3) A motorcycle or other vehicle with less than four wheels.

(4) A vehicle that is not required to be registered with the Department of Transportation under this title.

(5) A vehicle registered to a person exempt under section 9004(e) from reporting and paying a tax on liquid fuels, fuels or alternative fuels.

(6) Qualified motor vehicles as defined under section 2101.1 (relating to definitions).

(7) A motor vehicle with a model year of 1990 or older.

(l) Exempt entities.--

(1) If a vehicle registered to an exempt entity is used for a nonexempt purpose during the registration year, the exempt entity shall pay an administrative penalty of \$500 to the department. An exempt entity that improperly uses a vehicle for nonexempt purposes is not eligible to claim a refund for the vehicle under the provisions of section 9017 (relating to refunds).

(2) An exempt entity applying for a refund under subsection (m) shall maintain records of vehicle usage certifying that an individual trip made by the vehicle was for a qualified exempt use. Individual trip logs, odometer readings and driver signatures shall be among the records required to substantiate exempt use.

(3) The department may inspect the substantiating records for an exempt entity at any time.

(4) The exempt entity shall cooperate with an agent of the department in an inspection under paragraph (3).

(5) An exempt entity that refuses to permit the department or an agent appointed by the department in writing to examine the books, records, papers or other equipment associated with the operation of an electric vehicle or plug-in hybrid electric vehicle as permitted under paragraph (3) commits a summary offense and shall pay a fine of \$500 for each electric vehicle and plug-in hybrid electric vehicle owned or operated by the exempt entity.

(m) Refunds.--A person may be entitled to a refund of the electric vehicle road user charge paid for a vehicle that would otherwise have been exempt under section 9004. A person entitled to a refund of the electric vehicle road use fee shall apply for an annual refund in a manner similar to the refund process used for liquid fuels, fuels and alternative fuels under section 9017.

(n) Rental vehicles.--The electric vehicle road user charge under this section shall be considered a rental vehicle licensing and title fee imposed by the Commonwealth under this title for the purposes of section 1603-A of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(o) Regulations.--The Department of Transportation, in consultation with the department, may promulgate regulations to implement this section.

(p) Temporary regulations.--In order to facilitate the prompt implementation of this section, regulations promulgated by the Department of Transportation in consultation with the department under this section during the two years following the effective date of this subsection shall be deemed temporary regulations, which shall expire no later than three years following the effective date of this subsection or upon the prompt promulgation of final regulations. The temporary regulations may not be subject to:

(1) Sections 201, 202, 203, 204 and 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(2) Section 204(b) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(3) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

Section 5. This act shall take effect as follows:

(1) The addition of 75 Pa.C.S. § 9024(d)(1)(ii) shall take effect in 24 months.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect January 1, 2025.

APPROVED--The 17th day of July, A.D. 2024.

JOSH SHAPIRO

On the Road tolling by PA Turnpike Authority

<https://www.paturndpike.com/news/details/2024/09/16/top-5-things-to-know-about-open-road-tolling-on-the-pa-turnpike>

Link to Act 44 of 2007, referenced in the article

<https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2007&sessInd=0&act=44>