

DEPARTMENT OF TRANSPORTATION

Amendment and Compilation of Chapter 19-154
Hawaii Administrative Rules

(Adoption Date)

1. Chapter 19-154, Hawaii Administrative Rules, entitled "State Mileage-Based Road Usage Charge", is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 4

HIGHWAYS DIVISION

CHAPTER 154

STATE MILEAGE-BASED ROAD USAGE CHARGE

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generally
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SUBCHAPTER 1

GENERAL PROVISIONS

§19-154-1 Purpose. Pursuant to section 249-36, Hawaii Revised Statutes, the purpose of this chapter is to establish the rules for the administration of the state mileage-based road usage charge. [Eff 6/13/25; comp] (Auth: HRS §249-36) (Imp: HRS §249-36)

§19-154-2 Definitions. Unless the context clearly indicated otherwise, as used in this chapter:

"Electric vehicle" means the same as defined in section 249-36, Hawaii Revised Statutes.

"Ending odometer reading" means the most recent odometer reading captured during the PMVI.

"Flat annual road usage charge" means the flat annual road usage charge of \$50 as established in section 249-36(d), Hawaii Revised Statutes, that an owner may choose to pay at their annual vehicle registration in lieu of a per-mile road usage charge until June 30, 2028.

"Permanent fleet" means a fleet of twenty-five or more vehicles owned or leased by a person or entity, as described in Chapter 286-53.5, Hawaii Revised Statutes.

"Registered owner" or "owner" includes a legal owner where there is no security interest held by anyone on the vehicle, a buyer under a purchase money security interest, or a debtor under any security interest.

"Per-mile road usage charge" means the state mileage-based road usage charge assessed based on the number of miles driven multiplied by the rate established in section 249-36, Hawaii Revised Statutes, that a driver pays at their annual vehicle registration.

"Periodic Motor Vehicle Inspections" (PMVI) means the intermittent observation of vehicle equipment at an official inspection station by a certified vehicle inspector for the purpose of evaluating compliance with Chapter 19-133.2, Hawaii Administrative Rules.

"Registration" means the same as described in Chapter 286, Part III, Hawaii Revised Statutes.

"Starting odometer reading" means the second most recent odometer reading captured during the second most recent PMVI.

"State default road usage charge" means the state charge applied when there is missing, incomplete, or incorrect odometer reading information such that a state per-mile road usage charge cannot be calculated, as described in section 19-154-20.

"State mileage-based road usage charge" means either the state per-mile road usage charge or the state flat annual road usage charge a driver pays at their annual vehicle registration. [Eff 6/13/25; comp] (Auth: HRS §249-36)(Imp: HRS §249-36)

§19-154-3 Scope of Chapter. This chapter shall apply to all owners of vehicles subject to a state mileage-based road usage charge pursuant to section 249-36, Hawaii Revised Statutes. [Eff 6/13/25; comp] (Auth: HRS §249-36)(Imp: HRS §249-36)

§§19-154-4 to 19-154-6 (Reserved) .

SUBCHAPTER 2

CALCULATION OF ROAD USAGE CHARGE

§19-154-7 Calculation of road usage charge; generally. Pursuant to section 249-36, Hawaii Revised Statutes, the state mileage-based road usage charge will be calculated as follows:

(a) When a vehicle becomes subject to the state mileage-based road usage charge, a vehicle's state mileage-based road usage charge shall be calculated as the difference between the vehicle's most recent odometer reading captured during the most recent PMVI and the second most recent odometer reading captured during the second most recent PMVI.

(1) During a vehicle's first year of state mileage-based road usage charge eligibility, the ending odometer reading used to calculate the state per-mile road usage charge must be at least 180 days from the starting odometer reading.

(2) If the ending odometer reading is not at least 180 days from the starting odometer reading, the state per-mile road usage charge shall be calculated as the difference between the most current odometer reading captured during the PMVI which has not already been used and the third most recent odometer reading captured during the third most recent PMVI.

(3) If the third most recent odometer reading captured during the third most recent PMVI is not at least 180 days from the ending odometer reading, the state default road usage charge will be used.

(b) After a vehicle's initial year of state mileage-based road usage charge eligibility, a vehicle's per-mile road usage charge shall be calculated as the difference of the vehicle's most current odometer reading captured during the most recent PMVI which has not already been used for calculation of road usage charge and the last paid odometer reading.

(c) If an eligible vehicle owner has a delinquent registration greater than one year, the owner shall automatically pay the state default road

usage charge. The state default road usage charge shall be multiplied by the delinquent number of state mileage-based road usage charge eligible years past due, together with all other registration fees pursuant to section 249-36(b), Hawaii Revised Statutes.

(d) If an eligible vehicle owner has a current and valid registration, has paid the state default road usage charge in the prior registration renewal period, and the ending odometer reading is at least 540 days from the starting odometer reading, the state per-mile road usage charge shall be calculated as the difference between the vehicle's ending odometer reading and the vehicle's starting odometer reading. The state default road usage charge paid at the vehicle's prior registration renewal period shall then be deducted from that total. [Eff 6/13/25; am and comp] (Auth: HRS §249-36) (Imp: HRS §249-36)

§19-154-8 Calculation of road usage charge; new vehicles. (a) Pursuant to section 286-26, as part of the registration of a new vehicle, the vehicle owner must provide the initial odometer value of the vehicle. This initial odometer value will be recorded and serve as the starting odometer reading for the purposes of calculating the state mileage-based road usage charge.

(b) At the first registration renewal of a new motor vehicle purchased on or after July 1, 2025, for which no certificate of inspection is required, a state mileage-based road usage charge shall be paid pursuant to section 249-36(a), Hawaii Revised Statutes.

(c) At the second registration renewal, the state mileage-based road usage charge will be calculated as the difference of the vehicle's most current odometer reading captured during the most recent PMVI and vehicle's initial odometer value. The state mileage-based road usage charge paid at the

vehicle's first registration renewal shall then be deducted from that total.

- (1) When there is missing, incomplete, or incorrect odometer reading information such that a state per-mile road usage charge cannot be calculated, the state default road usage charge will be applied and the state mileage-based road usage charge paid at the first registration renewal shall be subtracted from the total due. [Eff 6/13/25; comp] (Auth: HRS §§249-36, 286-26) (Imp: HRS §249-36)

§§19-154-9 to 19-154-11 (Reserved).

SUBCHAPTER 3

ROAD USAGE CHARGE CHOICE

§19-154-12 State Road Usage Charge between July 1, 2025 and June 30, 2028. (a) Upon the first registration renewal notice of an electric vehicle after July 1, 2025, the owner shall be offered a choice between paying the per-mile road usage charge or the flat annual road usage charge.

(b) Once an owner chooses the per-mile road usage charge at any registration renewal after July 1, 2025, the owner shall not be offered the choice of the flat annual road usage charge upon any subsequent registrations thereafter. This rule applies to any new or subsequent owner of the same vehicle.

(c) If an owner does not choose either the per-mile road usage charge or the flat annual road usage charge, the choice will default to the per-mile road usage charge.

(d) Vehicles subject to section 249-36, Hawaii Revised Statutes, that are also part of a permanent fleet of vehicles, shall automatically pay the per-

mile road usage charge. [Eff 6/13/25;
comp] (Auth: HRS §249-36) (Imp: HRS
§249-36)

§§19-154-13 to 19-154-15 (Reserved).

SUBCHAPTER 4

OUT OF STATE PERMITS

§19-154-16 Out of state permits. (a) Pursuant to Chapter 249, Hawaii Revised Statutes, beginning July 1, 2025, vehicles which obtain an out of state permit pursuant to section 286-54, Hawaii Revised Statutes, are subject to a state mileage-based road usage charge. Upon the vehicle's first registration renewal in Hawaii, which includes a renewal for an out of state permit, the driver shall be subject to a state mileage-based road usage charge.

(b) Until June 30, 2028, the driver will be provided a choice of the per-mile road usage charge or the flat annual road usage charge in accordance with HAR §19-154-12.

(c) Beginning July 1, 2028, the state mileage-based road usage charge will be calculated in accordance with section 19-154-7, Hawaii Administrative Rules. [Eff 6/13/25;
comp] (Auth: HRS §§249-36, 286-54) (Imp: HRS §249-36)

§§19-154-17 to 19-154-19 (Reserved).

SUBCHAPTER 5

STATE DEFAULT ROAD USAGE CHARGE

§19-154-20 State default road usage charge. If, due to missing, incomplete, or incorrect odometer reading information, a per-mile road usage charge cannot be calculated:

(a) Until June 30, 2028, the vehicle shall be subject to a default road usage charge of \$50.

(b) Beginning July 1, 2028, the vehicle shall be subject to a default road usage charge of \$80. [Eff 6/13/25; comp] (Auth: HRS §249-36) (imp: HRS §249-36)

§§19-154-21 to 19-154-23 (Reserved).

SUBCHAPTER 6

RECORDS AND REPORTING

§19-154-24 Privacy. Data records, including odometer readings and odometer images, used to calculate a driver's state mileage-based road usage charge, shall follow existing Hawaii state data retention schedules. [Eff 6/13/25; comp] (Auth: HRS §249-36) (Imp: HRS §249-36)

§§19-154-25 to 19-154-27 (Reserved).

SUBCHAPTER 7

SEVERABILITY

§19-154-28 Severability. If any section or part of this chapter is held invalid for any reason, the invalidity shall not affect the validity of the remaining sections of this chapter." [Eff 6/13/25; comp] (Auth: HRS §249-36) (Imp: HRS §249-36)

2. New material is underscored.

3. Additions to update source notes and other notes to reflect these amendments and compilation are not underscored.

4. These amendments to chapter 19-154, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules,
drafted in the Ramseyer format, pursuant to the
requirements of section 91-4.1, Hawaii Revised
Statutes, which were adopted on _____,
and filed with the Office of the Lieutenant Governor.

EDWIN H. SNIFFEN
Director of Transportation

APPROVED AS TO FORM:



Deputy Attorney General

Filed