



SB 612 OPPOSE

SB 612 adds further provisions to the existing mileage-based user fee and, in the process, excludes related data from public disclosure, thus denying oversight to a program that would have the authority to interfere with a person's otherwise valid car registration.

VCOG objects to the exclusion of information that is collected by a third-party then used by a government agency to deny individuals an otherwise legal privilege, thus depriving the public and public officials of valuable program oversight.

Lines 64-69 allow the Commissioner of Highways to deny vehicle registration or the license plate of any person enrolled in the mileage-based user fee program but who has not paid the assessed fees. The Commissioner will make this determination based on information collected by a third-party vendor. (Line 64)

The proposed section H states that "information" collected by the Department and the third party vendor shall not be "open to the public" (line 81) and shall not be subject to FOIA (lines 85-86).

Then, in the newly proposed section I, the department and the vendor are authorized to retain and aggregate information "for purposes of traffic management and research and to analyze the effectiveness of the program." (Lines 87-89)

- Because Section H says "information" will not be subject to FOIA or open to the public, and Section I contemplates the collection and handling of "information," the very information collected in I would also be shielded from public view.
- Yet, the information collected by section I will be used to make decisions on overall traffic management, potentially impacting every citizen traveling in the state.
- Further, the information relied upon to deny citizens the legal use of their vehicles (without a license plate or without registration) is being collected and managed by an unaccountable private third-party. It is impossible to monitor the administrative performance of the vendor or of the program without some way to assess the way the information is collected, handled and shared, or the appropriateness of the decisions being made based on that information.

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