
SUBSTITUTE SENATE BILL 6208

State of Washington**56th Legislature****2000 Regular Session**

By Senate Committee on Environmental Quality & Water Resources
(originally sponsored by Senators Fraser, Jacobsen, Kohl-Welles and
Kline)

Read first time 01/24/2000.

1 AN ACT Relating to providing incentives to reduce air pollution
2 through the use of low-emission vehicles; amending RCW 81.100.020;
3 adding a new section to chapter 46.16 RCW; adding a new section to
4 chapter 46.61 RCW; adding new sections to chapter 70.120 RCW; creating
5 a new section; prescribing penalties; providing an effective date; and
6 providing an expiration date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** The legislature finds that the federal clean
9 air act amendments of 1990 sought to accelerate the deployment of low-
10 emission vehicles through the use of nonmonetary incentives. The
11 federal regulations adopted to implement the clean air act amendments
12 allow states to exempt federally certified and labeled low-emission
13 vehicles from high occupancy vehicle restrictions for single-occupant
14 vehicles. In addition, the federal transportation equity act of the
15 twenty-first century encourages and permits states to extend the high
16 occupancy vehicle lane access exemption to nonfleet owners of low-
17 emission vehicles.

18 The legislature finds that the goals of the state and federal clean
19 air acts will be advanced by extending the use of the high occupancy

1 vehicle lanes to federally certified low-emission vehicles as long as
2 the vehicles are not a significant cause of congestion in the high
3 occupancy vehicle lanes.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.16 RCW
5 to read as follows:

6 (1) The department may issue special low-emission license plates,
7 bearing the standard background, for passenger vehicles that are
8 federally certified, pursuant to Title 40, Chapter 1, Part 88, Code of
9 Federal Regulations and labeled in accordance with that title, as: (a)
10 Inherently low-emission vehicles; (b) ultra low-emission vehicles; or
11 (c) zero-emission vehicles.

12 (2) The department shall issue the special low-emission license
13 plates upon payment by the applicant of all license fees, but the
14 department may not set or charge an additional fee for the special low-
15 emission license plates. The department shall replace, at cost,
16 license plates issued under this section if they are lost, stolen,
17 damaged, defaced, or destroyed. The low-emission license plates shall
18 remain with the vehicle for which they were initially issued and may
19 not be used on another vehicle.

20 (3) The department shall revoke the special low-emission
21 designation if the vehicle is required to have a standard emission
22 test, under chapter 70.120 RCW, and it fails the test. If the vehicle
23 fails the emission test the vehicle's owner shall return the special
24 low-emission license plates to the department within fifteen days and
25 apply for regular license plates.

26 (4) The use of a special low-emission license plate on a vehicle
27 that is not federally certified, or on a certified vehicle that has
28 failed an emission test more than fifteen days previous, is a traffic
29 infraction.

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.61 RCW
31 to read as follows:

32 (1) The state department of transportation and the local
33 authorities, in consultation with the department of ecology, may permit
34 a vehicle with one or more occupants to operate in high occupancy
35 vehicle lanes if it is certified as an inherently low-emission vehicle,
36 ultra low-emission vehicle, or zero-emission vehicle pursuant to Title
37 40, Chapter 1, Part 88, Code of Federal Regulations, is labeled in

1 accordance with that title, and bears a special low-emission license
2 plate as provided in section 2 of this act.

3 (2) Inherently low-emission fleet vehicles that have been
4 certified, labeled, and issued special low-emission license plates
5 shall be allowed in the high occupancy vehicle lanes with only one
6 occupant in federally designated nonattainment air pollution areas.
7 For the purpose of this section "fleet" means a vehicle owner who is in
8 a nonattainment area and owns a total of at least ten motor vehicles,
9 including the inherently low-emission vehicle, which operate in the
10 owner's fleet.

11 (3) The department of transportation, in consultation with the
12 department of ecology, may adopt rules establishing temporal
13 exemptions, such as time-of-day or day-of-week, which authorize various
14 classes of low-emission vehicles to use the high occupancy vehicle
15 lanes regardless of the amount of traffic.

16 (4) The department of transportation may remove or restore the low-
17 emission vehicle access to any high occupancy vehicle lane, or portions
18 of those lanes, during periods of peak congestion, if the department of
19 transportation finds the vehicles are a significant cause of congestion
20 in the high occupancy vehicle lanes. In making the decision to allow,
21 remove, or restore a classification of low-emission vehicles under this
22 section, preference shall be given to the class of vehicles that have
23 the lowest emissions.

24 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.120 RCW
25 to read as follows:

26 If a vehicle with special low-emission license plates authorized in
27 section 2 of this act fails an emission test required under this
28 chapter, the department shall immediately notify the department of
29 licensing of the failure.

30 **Sec. 5.** RCW 81.100.020 and 1990 c 43 s 13 are each amended to read
31 as follows:

32 Unless the context clearly requires otherwise, the definitions in
33 this section apply throughout this chapter.

34 (1) "Transit agency" means a city that operates a transit system,
35 a public transportation benefit area, a county transportation
36 authority, or a metropolitan municipal corporation.

1 (2) The "high occupancy vehicle system" includes high occupancy
2 vehicle lanes, related high occupancy vehicle facilities, and high
3 occupancy vehicle programs.

4 (3) "High occupancy vehicle lanes" mean lanes reserved for public
5 transportation vehicles (~~(only or public transportation vehicles)~~) and
6 may include private vehicles carrying no fewer than a specified number
7 of passengers under RCW 46.61.165 or vehicles with special low-emission
8 license plates authorized in section 2 of this act.

9 (4) "Related facilities" means park and ride lots, park and pool
10 lots, ramps, bypasses, turnouts, signal preemption, and other
11 improvements designed to maximize use of the high occupancy vehicle
12 system.

13 (5) "High occupancy vehicle program" means advertising the high
14 occupancy vehicle system, promoting carpool, vanpool, and transit use,
15 providing vanpool vehicles, and enforcement of driving restrictions
16 governing high occupancy vehicle lanes.

17 NEW SECTION. Sec. 6. A new section is added to chapter 70.120 RCW
18 to read as follows:

19 The departments of ecology, licensing, and transportation may adopt
20 rules as necessary to implement this act.

21 NEW SECTION. Sec. 7. A new section is added to chapter 70.120 RCW
22 to read as follows:

23 The department of ecology, in consultation with the department of
24 licensing and the department of transportation, shall review the
25 relevant data on low-emission vehicles licensed under section 2 of this
26 act, analyze their effects on improving air quality in this state,
27 review their impacts on traffic flows in the high occupancy vehicle
28 lanes, and make recommendations to the legislature regarding whether
29 the low-emission licensing program should be extended.

30 The department shall report its findings under this section to the
31 legislature by December 15, 2004.

32 NEW SECTION. Sec. 8. This act takes effect January 1, 2001.

33 NEW SECTION. Sec. 9. This act expires June 30, 2005.

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