
SENATE BILL 6208

State of Washington

56th Legislature

2000 Regular Session

By Senators Fraser, Jacobsen, Kohl-Welles and Kline

Read first time 01/10/2000. Referred to Committee on Environmental Quality & Water Resources.

1 AN ACT Relating to providing incentives to reduce air pollution
2 through the use of clean-fuel vehicles; amending RCW 81.100.020; adding
3 a new section to chapter 46.16 RCW; adding a new section to chapter
4 46.61 RCW; adding new sections to chapter 70.120 RCW; creating a new
5 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
10 clean-fuel vehicles through the use on nonmonetary incentives. The
11 federal regulations adopted to implement the clean air act amendments
12 direct states to exempt federally certified and labeled clean-fuel
13 vehicles in fleets from high occupancy vehicle restrictions for single-
14 occupant vehicles. In addition, the federal transportation equity act
15 of the twenty-first century encourages and permits states to extend the
16 high occupancy vehicle lane access exemption to nonfleet owners of
17 clean-fuel 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 clean-fuel vehicles as long as the
2 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 clean-fuel license plates,
7 bearing the standard background, for passenger vehicles that are
8 federally certified as: (a) Inherently low-emission vehicles; (b)
9 ultra low-emission vehicles; or (c) zero-emission vehicles. The
10 license plates shall denote the vehicle's certification with the
11 inherently low-emission, ultra low-emission, or zero-emission
12 designation.

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

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

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

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 section 88.312-93(c) of that title, and bears a special
2 clean-fuel license 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 clean-fuel license plates shall
5 be allowed in the high occupancy vehicle lanes with only one occupant
6 in federally designated nonattainment air pollution areas. For the
7 purpose of this section "fleet" means a vehicle owner who is in a
8 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 clean-fuel vehicles to use the high occupancy vehicle lanes
15 regardless of the amount of traffic.

16 (4) The governor may, by executive order, remove or restore the
17 clean-fuel vehicle access to any high occupancy vehicle lane, or
18 portions of those lanes, during periods of peak congestion, if the
19 department of transportation finds the vehicles are a significant cause
20 of congestion in the high occupancy vehicle lanes.

21 (5) In making the decision to allow, remove, or restore a
22 classification of clean-fuel vehicles under this section, preference
23 shall be given to the class of vehicles that have the lowest emissions.

24 (6) Single-occupant inherently low-emission vehicles are not
25 authorized to operate in the high occupancy vehicle lanes after
26 September 30, 2003. Single-occupant ultra low-emission vehicles and
27 single-occupant zero-emission vehicles are not authorized to operate in
28 the high occupancy vehicle lanes after December 30, 2008.

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

31 If a vehicle with special clean-fuel license plates bearing the
32 designation inherently low-emission, ultra low-emission, or zero-
33 emission, as provided in section 2 of this act, fails an emission test
34 required under this chapter, the department shall immediately send
35 written notice of the failure to the department of licensing.

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

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout this chapter.

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

6 (2) The "high occupancy vehicle system" includes high occupancy
7 vehicle lanes, related high occupancy vehicle facilities, and high
8 occupancy vehicle programs.

9 (3) "High occupancy vehicle lanes" mean lanes reserved for public
10 transportation vehicles (~~(only or public transportation vehicles)~~) and
11 may include private vehicles carrying no fewer than a specified number
12 of passengers under RCW 46.61.165 or vehicles with special clean-fuel
13 license plates authorized in section 2 of this act.

14 (4) "Related facilities" means park and ride lots, park and pool
15 lots, ramps, bypasses, turnouts, signal preemption, and other
16 improvements designed to maximize use of the high occupancy vehicle
17 system.

18 (5) "High occupancy vehicle program" means advertising the high
19 occupancy vehicle system, promoting carpool, vanpool, and transit use,
20 providing vanpool vehicles, and enforcement of driving restrictions
21 governing high occupancy vehicle lanes.

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

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

31 The department shall report its findings under this section to the
32 legislature by January 1, 2007.

33 NEW SECTION. Sec. 7. This act takes effect January 1, 2001.

34 NEW SECTION. Sec. 8. This act expires January 1, 2008.

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