

FINAL BILL REPORT

ESHB 1397

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Synopsis as Enacted

Brief Description: Changing vehicle emission standards provisions.

Sponsors: By House Committee on Transportation (originally sponsored by Representatives Murray, Jarrett, Morris, B. Sullivan, Anderson, Appleton, Wallace, P. Sullivan, Kenney, Campbell, Rodne, Hunt, Priest, Springer, Tom, Lovick, Quall, Pettigrew, Kirby, Clibborn, Kilmer, Dunshee, Dickerson, Ericks, Green, Sells, Hasegawa, Upthegrove, Williams, Moeller, McIntire, Chase, Simpson, McDermott, Hudgins and Wood).

House Committee on Transportation
Senate Committee on Water, Energy & Environment

Background:

Under the federal Clean Air Act, the states have the option to implement either federal motor vehicle emission standards or California motor vehicle emissions standards for passenger cars, light duty trucks and medium duty passenger vehicles.

The Washington State Clean Air Act amendments passed in 1991 require engine manufacturers to conform with the exhaust emission standards of the federal Environmental Protection Agency (EPA). They also prohibit the Department of Ecology (DOE) from adopting the California vehicle emissions standards unless authorized by the Legislature.

California's low emission vehicle standards (called "LEV II") are being phased in over the 2004 through 2010 model years. The program reduces nitrogen oxides and hydrocarbons. The rules require that 90 percent of new cars and light duty trucks meet low emission standards and 10 percent of vehicles meet zero emission standards. Manufacturers may receive partial credits toward meeting the zero emissions requirements through the production of partial zero emission vehicles (PZEVs).

In 2002, the California Legislature approved Assembly Bill 1493 (Rep. Pavley) which would extend emissions controls to greenhouse gases, beginning with the 2009 model year. The California Air Resources Board has submitted proposed implementing rules to the 2005 California Legislature for approval. These changes have not yet been approved by the EPA and are under litigation in California.

A portion of the money in the Air Pollution Control Account has been appropriated to the DOE to retrofit school buses with exhaust emission control devices as well as fueling infrastructure necessary to allow school bus fleets to use alternative, cleaner fuels.

State law requires the DOE to administer a program to test vehicle emissions in those areas that violate or are likely to violate federal air quality standards. Vehicle emission tests are

required in the urban areas of Clark, King, Pierce, Snohomish and Spokane counties. Motor vehicles in these areas must be inspected every two years. Vehicles which are 25 years or older are exempt from emissions testing. The inspection stations are operated under contract with the DOE. No person contracted to inspect motor vehicles may perform repairs for compensation.

Summary:

The Legislature adopts the California motor vehicle emission standards, excluding zero emission vehicle program regulations, in effect on January 1, 2005. The rules will be effective only for those model years for which Oregon has adopted the California vehicle emission standards.

Beginning with the first applicable model year, no vehicle will be registered, leased, rented, or sold for use in the state unless the vehicle: (1) (a) is consistent with the vehicle emission standards as adopted by the DOE; (b) is consistent with the carbon dioxide equivalent emission standards as adopted by the DOE; and (c) has a California certification label for (i) all emission standards, and (ii) carbon dioxide equivalent emission standards necessary to meet fleet average requirements; or (2) has 7,500 miles or more. Starting with the first applicable model year, new vehicles are exempt from emission inspections.

The Department of Licensing and the DOE are granted rulemaking authority and may provide for reasonable exemptions to those requirements. In particular, the DOE may exempt public safety vehicles if the DOE finds that public safety vehicles are not reasonably available. For final adoption of the rules, the order of adoption must include the Governor's signature.

In its rulemaking, the DOE may provide for a system of awarding partial credits toward zero emission vehicle requirements. These credits will be awarded for partial zero emissions vehicles produced and sold prior to the first applicable model year. At the choice of the manufacturers, the early credits may reflect the Washington market, recognizing that there may be more early sales of partial zero emission vehicles in Washington.

Independent repair shops may be certified to perform warranty service. Manufacturers must compensate independent repair shops at the same rates as franchised dealers for covered warranty services.

In order to prevent tampering with odometers to avoid compliance with the new emissions standards, the bill makes it a gross misdemeanor to turn forward the odometer of any vehicle.

The Office of Financial Management, in conjunction with the Departments of Licensing, Revenue, and Ecology, must report annually on the availability of vehicles meeting the standards, the progress of automobile industries in meeting the requirements, and other relevant matters to the success of the industry in implementing these requirements.

Two 1991 statutes are repealed: (1) requiring engine manufacturers to certify that new engines conform with current exhaust emission standards of the EPA; and (2) prohibiting the DOE from adopting the California vehicle emission standards.

Monies formerly dedicated to retrofit school buses would also be used for other publicly-owned diesel equipment upon a finding of a public health benefit. The remaining monies may be used to reduce any transportation-related air contaminant emissions in addition to the other uses.

Beginning in 2012, the DOE may authorize businesses other than the emissions inspection contractor to conduct emission inspections. Authorized businesses may also perform repairs on any vehicles. The emission inspections program terminates in 2020.

Votes on Final Passage:

House	53	42	
Senate	29	19	(Senate amended)
House	55	42	(House concurred)

Effective: May 6, 2005
July 1, 2005 (Sections 5, 6, and 10)