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**SUBSTITUTE HOUSE BILL 1397**

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**State of Washington**

**59th Legislature**

**2005 Regular Session**

**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)

READ FIRST TIME 02/24/05.

1 AN ACT Relating to vehicle emission standards; amending RCW  
2 70.94.017, and 70.120.170; amending 2003 c 264 s 9 (uncodified); adding  
3 a new section to chapter 46.16 RCW; adding a new chapter to Title 70  
4 RCW; creating a new section; repealing RCW 70.120.200; repealing 1991  
5 c 199 s 229 (uncodified); providing an effective date; providing  
6 expiration dates; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that:

9 (1) Motor vehicles are the largest source of air pollution in the  
10 state of Washington, and motor vehicles contribute approximately fifty-  
11 seven percent of criteria air pollutant emissions, eighty percent of  
12 air toxics emissions, and fifty-five percent of greenhouse gas  
13 emissions;

14 (2) Air pollution levels routinely measured in the state of  
15 Washington continue to harm public health, the environment, and the  
16 economy. Air pollution causes or contributes to premature death,  
17 cancer, asthma, and heart and lung disease. Over half of the state's  
18 population suffers from one or more medical conditions that make them  
19 very vulnerable to air pollution. Air pollution increases pain and

1 suffering for vulnerable individuals. Air pollution imposes several  
2 hundred million dollars annually in added health care costs for air  
3 pollution-associated death and illness, reducing the quality of life  
4 and economic security of the citizens of Washington;

5 (3) Reductions of greenhouse gas emissions from transportation  
6 sources are necessary, and it is equitable to seek such reductions  
7 because reductions in greenhouse gas emissions have already been  
8 initiated in other sectors such as power generation;

9 (4) Reductions in greenhouse gas emissions made under this act  
10 should be credited toward any future federal, state, or regional  
11 comprehensive regulatory structure enacted to address reducing  
12 greenhouse gas emissions;

13 (5) Under the federal clean air act, the state of Washington has  
14 the option to implement either federal motor vehicle emission standards  
15 or California motor vehicle emission standards for passenger cars,  
16 light duty trucks, and medium duty passenger vehicles;

17 (6) Opting into the California motor vehicle standards will provide  
18 significant and necessary air quality benefits to residents of the  
19 state of Washington; and

20 (7) Adoption of the California motor vehicle standards will  
21 increase consumer choices of cleaner vehicles, provide better  
22 warranties to consumers, and provide sufficient air quality benefit to  
23 allow additional business and economic growth in the key airsheds of  
24 the state while maintaining conformance with federal air quality  
25 standards.

26 NEW SECTION. **Sec. 2.** (1) Pursuant to the federal clean air act,  
27 the legislature adopts the California motor vehicle emission standards  
28 in Title 13 of the California Code of Regulations, effective January 1,  
29 2005. By December 31, 2005, the department of ecology shall adopt  
30 rules to implement the emission standards of the state of California  
31 for passenger cars, light duty trucks, and medium duty passenger  
32 vehicles, and shall amend the rules from time to time, to maintain  
33 consistency with the California motor vehicle emission standards and  
34 U.S.C. Sec. 7507 (section 177 of the federal clean air act). Rules  
35 shall be applicable to motor vehicles with a model year 2009 and later.  
36 This section does not limit the department of ecology's authority to  
37 regulate motor vehicle emissions for any other class of vehicle.

1 (2) Motor vehicles with a model year equal to or later than the  
2 first model year for which new vehicles sold to Washington state  
3 residents are required to comply with California motor vehicle emission  
4 standards are exempt from emission inspections under chapter 70.120  
5 RCW.

6 **Sec. 3.** RCW 70.94.017 and 2003 c 264 s 1 are each amended to read  
7 as follows:

8 (1) Money deposited in the segregated subaccount of the air  
9 pollution control account under RCW 46.68.020(2) shall be distributed  
10 as follows:

11 (a) Eighty-five percent shall be distributed to air pollution  
12 control authorities created under this chapter. The money must be  
13 distributed in direct proportion with the amount of fees imposed under  
14 RCW 46.12.080, 46.12.170, and 46.12.181 that are collected within the  
15 boundaries of each authority. However, an amount in direct proportion  
16 with those fees collected in counties for which no air pollution  
17 control authority exists must be distributed to the department.

18 (b) The remaining fifteen percent shall be distributed to the  
19 department.

20 (2) Money distributed to air pollution control authorities and the  
21 department under subsection (1) of this section must be used as  
22 follows:

23 (a) Eighty-five percent of the money received by an air pollution  
24 control authority or the department (~~((must be used))~~) is available on a  
25 priority basis to retrofit school buses with exhaust emission control  
26 devices or to provide funding for fueling infrastructure necessary to  
27 allow school bus fleets to use alternative, cleaner fuels. In  
28 addition, the director of ecology or the air pollution control officer  
29 may direct funding under this section for other publicly owned diesel  
30 equipment if the director of ecology or the air pollution control  
31 officer finds that funding for other publicly owned diesel equipment  
32 will provide public health benefits and further the purposes of this  
33 chapter.

34 (b) The remaining fifteen percent may be used by the air pollution  
35 control authority or department to reduce (~~((vehicle))~~) transportation-  
36 related air contaminant emissions and clean up air pollution, or reduce  
37 and monitor toxic air contaminants.

1 (3) Money in the air pollution control account may be spent by the  
2 department only after appropriation.

3 (4) (~~The department shall provide a report to the legislative~~  
4 ~~transportation committees on the progress of the implementation of this~~  
5 ~~section by December 31, 2004~~) This section expires July 1, 2020.

6 **Sec. 4.** RCW 70.120.170 and 1998 c 342 s 4 are each amended to read  
7 as follows:

8 (1) The department shall administer a system for emission  
9 inspections of all motor vehicles, except those described in RCW  
10 46.16.015(2), that are registered within the boundaries of each  
11 emission contributing area. Under such system a motor vehicle shall be  
12 inspected biennially except where an annual program would be required  
13 to meet federal law and prevent federal sanctions. In addition, motor  
14 vehicles shall be inspected at each change of registered owner of a  
15 licensed vehicle as provided under RCW 46.16.015.

16 (2) The director shall:

17 (a) Adopt procedures for conducting emission inspections of motor  
18 vehicles. The inspections may include idle and high revolution per  
19 minute emission tests. The emission test for diesel vehicles shall  
20 consist solely of a smoke opacity test.

21 (b) Adopt criteria for calibrating emission testing equipment.  
22 Electronic equipment used to test for emissions standards provided for  
23 in this chapter shall be properly calibrated. The department shall  
24 examine frequently the calibration of the emission testing equipment  
25 used at the stations.

26 (c) Authorize, through contracts, the establishment and operation  
27 of inspection stations for conducting vehicle emission inspections  
28 authorized in this chapter. No person contracted to inspect motor  
29 vehicles may perform for compensation repairs on any vehicles. No  
30 public body may establish or operate contracted inspection stations.  
31 Any contracts (~~must be let in accordance~~) comply with the procedures  
32 established for competitive bids in chapter 43.19 RCW.

33 (d) Beginning in 2012, authorize businesses other than those  
34 contracted to operate inspection stations under (c) of this subsection  
35 to conduct vehicle emission inspections. Businesses authorized under  
36 this subsection may also inspect and perform, for compensation, repairs  
37 on vehicles. The fee limitations under subsection (4) of this section

1 do not apply to the fee charged for a vehicle emissions inspection by  
2 a business authorized to conduct vehicle emission inspections under  
3 this subsection. The director may establish by rule a fee to be paid  
4 to the department for the oversight costs for each vehicle emission  
5 inspection performed by a business authorized under this subsection  
6 (2)(d).

7 (3) Subsection (2)(c) of this section does not apply to volunteer  
8 motor vehicle inspections under RCW 70.120.020(1) if the inspections  
9 are conducted for the following purposes:

10 (a) Auditing;

11 (b) Contractor evaluation;

12 (c) Collection of data for establishing calibration and performance  
13 standards; or

14 (d) Public information and education.

15 (4)(a) The director shall establish by rule the fee to be charged  
16 for emission inspections. The inspection fee shall be a standard fee  
17 applicable statewide or throughout an emission contributing area and  
18 shall be no greater than fifteen dollars. Surplus moneys collected  
19 from fees over the amount due the contractor shall be paid to the state  
20 and deposited in the general fund. Fees shall be set at the minimum  
21 whole dollar amount required to (i) compensate the contractor or  
22 inspection facility owner, and (ii) offset the general fund  
23 appropriation to the department to cover the administrative costs of  
24 the motor vehicle emission inspection program.

25 (b) Before each inspection, a person whose motor vehicle is to be  
26 inspected shall pay to the inspection station the fee established under  
27 this section. The person whose motor vehicle is inspected shall  
28 receive the results of the inspection. If the inspected vehicle  
29 complies with the standards established by the director, the person  
30 shall receive a dated certificate of compliance. If the inspected  
31 vehicle does not comply with those standards, one reinspection of the  
32 vehicle shall be afforded without charge.

33 (5) All units of local government and agencies of the state with  
34 motor vehicles garaged or regularly operated in an emissions  
35 contributing area shall test the emissions of those vehicles annually  
36 to ensure that the vehicle's emissions comply with the emission  
37 standards established by the director. All state agencies outside of  
38 emission contributing areas with more than twenty motor vehicles housed

1 at a single facility or contiguous facilities shall test the emissions  
2 of those vehicles annually to ensure that the vehicles' emissions  
3 comply with standards established by the director. A report of the  
4 results of the tests shall be submitted to the department.

5 (6) This section expires January 1, 2020.

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

8 After adoption of rules specified in section 2 of this act, no  
9 vehicle shall be registered, leased, rented, or sold for use in the  
10 state for model year 2009 or later unless the vehicle: (1) Is  
11 consistent with the vehicle emission standards adopted by the  
12 department of ecology; or (2) has seven thousand five hundred miles or  
13 more. The department of licensing, in consultation with the department  
14 of ecology, may adopt rules necessary to implement this section and may  
15 provide for reasonable exemptions to these requirements.

16 **Sec. 6.** 2003 c 264 s 9 (uncodified) is amended to read as follows:  
17 Section(~~s 1 and~~) 3 of this act expires July 1, (~~(2008)~~) 2020.

18 NEW SECTION. **Sec. 7.** RCW 70.120.200 (Engine conformance) and 1991  
19 c 199 s 211 are each repealed.

20 NEW SECTION. **Sec. 8.** 1991 c 199 s 229 (uncodified) is repealed.

21 NEW SECTION. **Sec. 9.** Section 2 of this act constitutes a new  
22 chapter in Title 70 RCW.

23 NEW SECTION. **Sec. 10.** Sections 3, 4, and 6 of this act are  
24 necessary for the immediate preservation of the public peace, health,  
25 or safety, or support of the state government and its existing public  
26 institutions, and take effect July 1, 2005.

27 NEW SECTION. **Sec. 11.** Sections 1, 2, 5, and 7 through 9 of this  
28 act are necessary for the immediate preservation of the public peace,  
29 health, or safety, or support of the state government and its existing

1 public institutions, and take effect immediately.

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