

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1397

59th Legislature
2005 Regular Session

Passed by the House April 20, 2005
Yeas 55 Nays 42

Speaker of the House of Representatives

Passed by the Senate April 13, 2005
Yeas 29 Nays 19

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1397** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1397

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

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, 70.120.170, and 46.37.540; amending 2003 c 264 s 9
3 (uncodified); adding a new section to chapter 46.16 RCW; adding a new
4 chapter to Title 70 RCW; creating new sections; repealing RCW
5 70.120.200; repealing 1991 c 199 s 229 (uncodified); prescribing
6 penalties; providing an effective date; providing expiration dates; and
7 declaring an emergency.

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

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

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

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

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

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

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

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

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

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

27 NEW SECTION. **Sec. 2.** (1) Pursuant to the federal clean air act,
28 the legislature adopts the California motor vehicle emission standards
29 in Title 13 of the California Code of Regulations, effective January 1,
30 2005, except as provided in this chapter. The department of ecology
31 shall adopt rules to implement the emission standards of the state of
32 California for passenger cars, light duty trucks, and medium duty
33 passenger vehicles, and shall amend the rules from time to time, to
34 maintain consistency with the California motor vehicle emission
35 standards and 42 U.S.C. Sec. 7507 (section 177 of the federal clean air
36 act). Notwithstanding other provisions of this chapter, the department
37 of ecology shall not adopt the zero emission vehicle program

1 regulations contained in Title 13 section 1962 of the California Code
2 of Regulations effective January 1, 2005. During rule development, the
3 department of ecology shall convene an advisory group composed of
4 industry and consumer group representatives. Any proposed rules or
5 changes to rules shall be subject to review and comment by the advisory
6 group, prior to rule adoption. The order of adoption for the rules
7 required in this section shall include the signature of the governor.
8 The rules shall be effective only for those model years for which the
9 state of Oregon has adopted the California motor vehicle emission
10 standards. This section does not limit the department of ecology's
11 authority to regulate motor vehicle emissions for any other class of
12 vehicle.

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

18 NEW SECTION. **Sec. 3.** (1) In recognition of the provisions of the
19 federal clean air act which require a minimum phase-in period of three
20 model years for adoption of California motor vehicle emission
21 standards, the implementing rules shall include a system of early
22 credits and banking for manufacturers for zero emission vehicles
23 produced and sold earlier than the implementation date for the
24 standards in Washington. Beginning with the model year in which the
25 new standards become effective, each manufacturer's fleet of passenger
26 cars and light duty trucks delivered for sale in the state of
27 Washington shall proportionately conform to the zero emission vehicle
28 requirements of Title 13 of the California Code of Regulations,
29 including early credit and banking provisions set forth in Title 13 of
30 the Code of California Regulations using Washington specific vehicle
31 numbers. A manufacturer shall be given early Washington zero emission
32 vehicle credits proportionally equivalent to the zero emission vehicle
33 credits possessed by the requesting manufacturer for use in the state
34 of California on January 1st of the model year the California standards
35 become effective in Washington.

36 (2) In addition, an alternative means of compliance with the
37 requirements of subsection (1) of this section shall be created in the

1 implementing rules provided for in section 2 of this act. The
2 alternative means of compliance shall allow a manufacturer to earn
3 Washington zero emission vehicle credits beginning with the 2005 model
4 year. The alternative means of compliance shall be developed to be
5 consistent in concept with the alternative compliance systems developed
6 for the states of Connecticut, New York, and Maine as they adopted the
7 zero emission vehicle provisions of the California motor vehicle
8 standards and shall contain a Washington multiplier consistent with the
9 multipliers in those systems. The implementing rules shall require
10 timely notification by the manufacturer to the department of ecology of
11 an election to use the alternative means of compliance.

12 NEW SECTION. **Sec. 4.** Individual automobile manufacturers may
13 certify independent automobile repair shops to perform warranty service
14 on the manufacturers' vehicles. Upon certification of the independent
15 automobile repair shops, the manufacturers shall compensate the repair
16 shops at the same rate as franchised dealers for covered warranty
17 repair services.

18 **Sec. 5.** RCW 70.94.017 and 2003 c 264 s 1 are each amended to read
19 as follows:

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

23 (a) Eighty-five percent shall be distributed to air pollution
24 control authorities created under this chapter. The money must be
25 distributed in direct proportion with the amount of fees imposed under
26 RCW 46.12.080, 46.12.170, and 46.12.181 that are collected within the
27 boundaries of each authority. However, an amount in direct proportion
28 with those fees collected in counties for which no air pollution
29 control authority exists must be distributed to the department.

30 (b) The remaining fifteen percent shall be distributed to the
31 department.

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

35 (a) Eighty-five percent of the money received by an air pollution
36 control authority or the department (~~must be used~~) is available on a

1 priority basis to retrofit school buses with exhaust emission control
2 devices or to provide funding for fueling infrastructure necessary to
3 allow school bus fleets to use alternative, cleaner fuels. In
4 addition, the director of ecology or the air pollution control officer
5 may direct funding under this section for other publicly owned diesel
6 equipment if the director of ecology or the air pollution control
7 officer finds that funding for other publicly owned diesel equipment
8 will provide public health benefits and further the purposes of this
9 chapter.

10 (b) The remaining fifteen percent may be used by the air pollution
11 control authority or department to reduce ((vehicle)) transportation-
12 related air contaminant emissions and clean up air pollution, or reduce
13 and monitor toxic air contaminants.

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

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

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

21 (1) The department shall administer a system for emission
22 inspections of all motor vehicles, except those described in RCW
23 46.16.015(2), that are registered within the boundaries of each
24 emission contributing area. Under such system a motor vehicle shall be
25 inspected biennially except where an annual program would be required
26 to meet federal law and prevent federal sanctions. In addition, motor
27 vehicles shall be inspected at each change of registered owner of a
28 licensed vehicle as provided under RCW 46.16.015.

29 (2) The director shall:

30 (a) Adopt procedures for conducting emission inspections of motor
31 vehicles. The inspections may include idle and high revolution per
32 minute emission tests. The emission test for diesel vehicles shall
33 consist solely of a smoke opacity test.

34 (b) Adopt criteria for calibrating emission testing equipment.
35 Electronic equipment used to test for emissions standards provided for
36 in this chapter shall be properly calibrated. The department shall

1 examine frequently the calibration of the emission testing equipment
2 used at the stations.

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

10 (d) Beginning in 2012, authorize businesses other than those
11 contracted to operate inspection stations under (c) of this subsection
12 to conduct vehicle emission inspections. Businesses authorized under
13 this subsection may also inspect and perform, for compensation, repairs
14 on vehicles. The fee limitations under subsection (4) of this section
15 do not apply to the fee charged for a vehicle emissions inspection by
16 a business authorized to conduct vehicle emission inspections under
17 this subsection. The director may establish by rule a fee to be paid
18 to the department for the oversight costs for each vehicle emission
19 inspection performed by a business authorized under this subsection
20 (2)(d).

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

24 (a) Auditing;

25 (b) Contractor evaluation;

26 (c) Collection of data for establishing calibration and performance
27 standards; or

28 (d) Public information and education.

29 (4)(a) The director shall establish by rule the fee to be charged
30 for emission inspections. The inspection fee shall be a standard fee
31 applicable statewide or throughout an emission contributing area and
32 shall be no greater than fifteen dollars. Surplus moneys collected
33 from fees over the amount due the contractor shall be paid to the state
34 and deposited in the general fund. Fees shall be set at the minimum
35 whole dollar amount required to (i) compensate the contractor or
36 inspection facility owner, and (ii) offset the general fund
37 appropriation to the department to cover the administrative costs of
38 the motor vehicle emission inspection program.

1 (b) Before each inspection, a person whose motor vehicle is to be
2 inspected shall pay to the inspection station the fee established under
3 this section. The person whose motor vehicle is inspected shall
4 receive the results of the inspection. If the inspected vehicle
5 complies with the standards established by the director, the person
6 shall receive a dated certificate of compliance. If the inspected
7 vehicle does not comply with those standards, one reinspection of the
8 vehicle shall be afforded without charge.

9 (5) All units of local government and agencies of the state with
10 motor vehicles garaged or regularly operated in an emissions
11 contributing area shall test the emissions of those vehicles annually
12 to ensure that the vehicle's emissions comply with the emission
13 standards established by the director. All state agencies outside of
14 emission contributing areas with more than twenty motor vehicles housed
15 at a single facility or contiguous facilities shall test the emissions
16 of those vehicles annually to ensure that the vehicles' emissions
17 comply with standards established by the director. A report of the
18 results of the tests shall be submitted to the department.

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

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

22 After adoption of rules specified in section 2 of this act, no
23 vehicle shall be registered, leased, rented, or sold for use in the
24 state starting with the model year as provided in section 2 of this act
25 unless the vehicle: (1)(a) Is consistent with the vehicle emission
26 standards as adopted by the department of ecology; (b) is consistent
27 with the carbon dioxide equivalent emission standards as adopted by the
28 department of ecology; and (c) has a California certification label for
29 (i) all emission standards, and (ii) carbon dioxide equivalent emission
30 standards necessary to meet fleet average requirements; or (2) has
31 seven thousand five hundred miles or more. The department of
32 licensing, in consultation with the department of ecology, may adopt
33 rules necessary to implement this section and may provide for
34 reasonable exemptions to these requirements. The department of ecology
35 may exempt public safety vehicles from meeting the standards where the
36 department finds that vehicles necessary to meet the needs of public
37 safety agencies are not otherwise reasonably available.

1 **Sec. 8.** RCW 46.37.540 and 1983 c 3 s 119 are each amended to read
2 as follows:

3 (1) The legislature intends to make it illegal for persons to turn
4 forward the odometer on a new car to avoid compliance with the
5 emissions standards required by this act.

6 (2) It shall be unlawful for any person to disconnect, turn back,
7 turn forward, or reset the odometer of any motor vehicle with the
8 intent to ((reduce)) change the number of miles indicated on the
9 odometer gauge. A violation of this subsection is a gross misdemeanor.

10 NEW SECTION. Sec. 9. The office of financial management shall
11 provide an annual progress report to the appropriate committees of the
12 legislature. The office of financial management, in conjunction with
13 the departments of licensing, revenue, and ecology, shall report on the
14 availability of vehicles meeting the standards, the progress of
15 automobile industries in meeting the requirements of the standards, and
16 any other matters relevant to the success of auto-related industries in
17 implementing these requirements.

18 **Sec. 10.** 2003 c 264 s 9 (uncodified) is amended to read as
19 follows:

20 Section(~~s 1 and~~) 3 of this act expires July 1, (~~(2008)~~) 2020.

21 NEW SECTION. Sec. 11. RCW 70.120.200 (Engine conformance) and
22 1991 c 199 s 211 are each repealed.

23 NEW SECTION. Sec. 12. 1991 c 199 s 229 (uncodified) is repealed.

24 NEW SECTION. Sec. 13. Sections 2 and 3 of this act constitute a
25 new chapter in Title 70 RCW.

26 NEW SECTION. Sec. 14. Sections 5, 6, and 10 of this act are
27 necessary for the immediate preservation of the public peace, health,
28 or safety, or support of the state government and its existing public
29 institutions, and take effect July 1, 2005.

30 NEW SECTION. Sec. 15. Sections 1, 2, 7, and 11 through 13 of this

1 act are necessary for the immediate preservation of the public peace,
2 health, or safety, or support of the state government and its existing
3 public institutions, and take effect immediately.

--- END ---