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SENATE BILL 5397

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State of Washington

59th Legislature

2005 Regular Session

By Senators Rockefeller, Swecker, Poulsen, Oke, Kohl-Welles, Schmidt, Brown, Esser, Weinstein, Pridemore, Prentice, Keiser, Kline, Fairley, Regala, Fraser, Jacobsen, Shin and Spanel

Read first time 01/24/2005. Referred to Committee on Water, Energy & Environment.

1 AN ACT Relating to vehicle emission standards; amending RCW  
2 70.94.017, 46.68.020, and 70.120.170; 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 a new section; repealing RCW  
5 70.120.200; repealing 1991 c 199 s 229 (uncodified); providing an  
6 effective date; providing 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 conform to  
33 the requirements of the federal clean air act. Rules shall be  
34 applicable to motor vehicles with a model year 2009 and later. This  
35 section does not limit the department of ecology's authority to  
36 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 public sector diesel  
30 equipment if the director of ecology or the air pollution control  
31 officer finds that funding for other public sector 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 46.68.020 and 2004 c 200 s 3 are each amended to read  
7 as follows:

8 The director shall forward all fees for certificates of ownership  
9 or other moneys accruing under the provisions of chapter 46.12 RCW to  
10 the state treasurer, together with a proper identifying detailed  
11 report. The state treasurer shall credit such moneys as follows:

12 (1) The fees collected under RCW 46.12.040(1) and 46.12.101(6)  
13 shall be credited to the multimodal transportation account in RCW  
14 47.66.070.

15 (2)(a) Beginning July 27, 2003, and until July 1, (~~2008~~) 2020,  
16 the fees collected under RCW 46.12.080, 46.12.101(3), 46.12.170, and  
17 46.12.181 shall be credited as follows:

18 (i) 58.12 percent shall be credited to a segregated subaccount of  
19 the air pollution control account in RCW 70.94.015;

20 (ii) 16.60 percent shall be credited to the vessel response account  
21 created in RCW 90.56.335; and

22 (iii) The remainder shall be credited into the transportation 2003  
23 account (nickel account).

24 (b) Beginning July 1, (~~2008~~) 2020, and thereafter, the fees  
25 collected under RCW 46.12.080, 46.12.101(3), 46.12.170, and 46.12.181  
26 shall be credited to the transportation 2003 account (nickel account).

27 (3) The fees collected under RCW 46.12.040(3) and 46.12.060 shall  
28 be credited to the motor vehicle account.

29 **Sec. 5.** RCW 70.120.170 and 1998 c 342 s 4 are each amended to read  
30 as follows:

31 (1) The department shall administer a system for emission  
32 inspections of all motor vehicles, except those described in RCW  
33 46.16.015(2), that are registered within the boundaries of each  
34 emission contributing area. Under such system a motor vehicle shall be  
35 inspected biennially except where an annual program would be required

1 to meet federal law and prevent federal sanctions. In addition, motor  
2 vehicles shall be inspected at each change of registered owner of a  
3 licensed vehicle as provided under RCW 46.16.015.

4 (2) The director shall:

5 (a) Adopt procedures for conducting emission inspections of motor  
6 vehicles. The inspections may include idle and high revolution per  
7 minute emission tests. The emission test for diesel vehicles shall  
8 consist solely of a smoke opacity test.

9 (b) Adopt criteria for calibrating emission testing equipment.  
10 Electronic equipment used to test for emissions standards provided for  
11 in this chapter shall be properly calibrated. The department shall  
12 examine frequently the calibration of the emission testing equipment  
13 used at the stations.

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

21 (d) Beginning in 2012, authorize businesses other than those  
22 contracted to operate inspection stations under (c) of this subsection  
23 to conduct vehicle emission inspections. Businesses authorized under  
24 this subsection may also inspect and perform, for compensation, repairs  
25 on vehicles. The fee limitations under subsection (4) of this section  
26 do not apply to the fee charged for a vehicle emissions inspection by  
27 a business authorized to conduct vehicle emission inspections under  
28 this subsection. The director may establish by rule a fee to be paid  
29 to the department for the oversight costs for each vehicle emission  
30 inspection performed by a business authorized under this subsection  
31 (2)(d).

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

35 (a) Auditing;

36 (b) Contractor evaluation;

37 (c) Collection of data for establishing calibration and performance  
38 standards; or

1 (d) Public information and education.

2 (4)(a) The director shall establish by rule the fee to be charged  
3 for emission inspections. The inspection fee shall be a standard fee  
4 applicable statewide or throughout an emission contributing area and  
5 shall be no greater than fifteen dollars. Surplus moneys collected  
6 from fees over the amount due the contractor shall be paid to the state  
7 and deposited in the general fund. Fees shall be set at the minimum  
8 whole dollar amount required to (i) compensate the contractor or  
9 inspection facility owner, and (ii) offset the general fund  
10 appropriation to the department to cover the administrative costs of  
11 the motor vehicle emission inspection program.

12 (b) Before each inspection, a person whose motor vehicle is to be  
13 inspected shall pay to the inspection station the fee established under  
14 this section. The person whose motor vehicle is inspected shall  
15 receive the results of the inspection. If the inspected vehicle  
16 complies with the standards established by the director, the person  
17 shall receive a dated certificate of compliance. If the inspected  
18 vehicle does not comply with those standards, one reinspection of the  
19 vehicle shall be afforded without charge.

20 (5) All units of local government and agencies of the state with  
21 motor vehicles garaged or regularly operated in an emissions  
22 contributing area shall test the emissions of those vehicles annually  
23 to ensure that the vehicle's emissions comply with the emission  
24 standards established by the director. All state agencies outside of  
25 emission contributing areas with more than twenty motor vehicles housed  
26 at a single facility or contiguous facilities shall test the emissions  
27 of those vehicles annually to ensure that the vehicles' emissions  
28 comply with standards established by the director. A report of the  
29 results of the tests shall be submitted to the department.

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

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

33 After adoption of rules specified in section 2 of this act, no  
34 vehicle shall be registered in the state for model year 2009 or later  
35 unless the vehicle: (1) Is consistent with the vehicle emission  
36 standards adopted by the department of ecology; or (2) has seven

1 thousand five hundred miles or more. The department of licensing, in  
2 consultation with the department of ecology, may adopt rules necessary  
3 to implement this section.

4 **Sec. 7.** 2003 c 264 s 9 (uncodified) is amended to read as follows:  
5 Section(~~(s 1 and)~~) 3 of this act expires July 1, (~~(2008)~~) 2020.

6 NEW SECTION. **Sec. 8.** RCW 70.120.200 (Engine conformance) and 1991  
7 c 199 s 211 are each repealed.

8 NEW SECTION. **Sec. 9.** 1991 c 199 s 229 (uncodified) is repealed.

9 NEW SECTION. **Sec. 10.** Section 2 of this act constitutes a new  
10 chapter in Title 70 RCW.

11 NEW SECTION. **Sec. 11.** This act is necessary for the immediate  
12 preservation of the public peace, health, or safety, or support of the  
13 state government and its existing public institutions, and takes effect  
14 July 1, 2005.

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