

CERTIFICATION OF ENROLLMENT

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1287**

Chapter 300, Laws of 2021

(partial veto)

67th Legislature  
2021 Regular Session

ZERO-EMISSION VEHICLES—PREPAREDNESS

EFFECTIVE DATE: July 25, 2021

Passed by the House April 14, 2021  
Yeas 54 Nays 43

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate April 10, 2021  
Yeas 25 Nays 23

DENNY HECK

**President of the Senate**

Approved May 13, 2021 11:47 AM with  
the exception of section 6, which is  
vetoed.

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1287** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

May 13, 2021

**Secretary of State  
State of Washington**

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**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1287**

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AS AMENDED BY THE SENATE

Passed Legislature - 2021 Regular Session

**State of Washington                      67th Legislature                      2021 Regular Session**

**By** House Transportation (originally sponsored by Representatives Ramel, Hackney, Bateman, Fitzgibbon, Berry, Goodman, Santos, Kloba, Macri, Bergquist, Ormsby, and Pollet)

READ FIRST TIME 02/22/21.

1            AN    ACT    Relating    to    preparedness    for    a    zero    emissions  
2    transportation    future;    amending    RCW    19.280.030,    19.27.540,    and  
3    82.44.200;    adding    a    new    section    to    chapter    47.01    RCW;    adding    a    new  
4    chapter    to    Title    70A    RCW;    and    creating    a    new    section.

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

6            NEW SECTION.    **Sec. 1.**    (1) Motor vehicles are a significant  
7    source of air pollution, including greenhouse gas emissions, in  
8    Washington. The transportation sector accounts for nearly one-half of  
9    greenhouse gas emissions in Washington, and on-road vehicle emissions  
10    are responsible for the vast majority of the transportation sector  
11    emissions.

12            (2) The widespread adoption of zero emissions vehicles is  
13    essential to the achievement of the state emissions limits  
14    established in RCW 70A.45.020, which, by 2050, requires a reduction  
15    of greenhouse gas emissions to 5,000,000 metric tons and the  
16    achievement of net zero greenhouse gas emissions. The rapid uptake of  
17    zero emissions vehicles is also an essential component of the state  
18    energy strategy, which calls for the phase out of vehicles powered by  
19    gasoline or diesel by mid-century. To ensure that the necessary  
20    infrastructure is in place to facilitate zero emissions vehicle  
21    adoption, the state energy strategy calls for the establishment of

1 building codes that require installation of the conduit, wiring, and  
2 panel capacity necessary to support electric vehicle charging in new  
3 and retrofitted buildings.

4 (3) In 2005, Washington first took action to adopt some of the  
5 motor vehicle emissions standards of the state of California, which  
6 are more protective of human health and the environment than federal  
7 motor vehicle emissions standards. In 2020, the legislature directed  
8 the department of ecology to adopt all of California's motor vehicle  
9 emissions standards, including California's zero emissions vehicles  
10 program.

11 (4) A Washington state transition to a zero emissions  
12 transportation future requires accurate forecasting of zero emissions  
13 vehicle adoption rates, comprehensive planning for the necessary  
14 electric vehicle charging and green hydrogen production  
15 infrastructure, including the siting of infrastructure in desirable  
16 locations with amenities, such as near convenience stores, gas  
17 stations, and other small retailers, and managing the load of  
18 charging and green hydrogen production and refueling infrastructure  
19 as a dynamic energy service to the electric grid.

20 (5) To ensure that the transition to a zero emissions  
21 transportation future proceeds efficiently and conveniently for users  
22 and operators of the multimodal transportation system, it is the  
23 intent of the legislature to:

24 (a) Require state government to provide resources that facilitate  
25 the planning and deployment of electric vehicle charging and  
26 refueling infrastructure in a transparent, effective, and equitable  
27 manner across the state;

28 (b) Ensure utility resource planning analyzes the impacts on  
29 electricity generation and delivery from growing adoption and usage  
30 of electric vehicles; and

31 (c) Require state building codes that support the anticipated  
32 levels of zero emissions vehicle use that result from the program  
33 requirements in chapter 70A.30 RCW and that achieve emissions  
34 reductions consistent with RCW 70A.45.020.

35 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.01  
36 RCW to read as follows:

37 (1) The department, through the department's public-private  
38 partnership office and in consultation with the department of  
39 ecology, the department of commerce, and the office of equity, must

1 develop and maintain a publicly available mapping and forecasting  
2 tool that provides locations and essential information of charging  
3 and refueling infrastructure to support forecasted levels of electric  
4 vehicle adoption, travel, and usage across Washington state.

5 (2) (a) The publicly available mapping and forecasting tool must  
6 be designed to enable coordinated, effective, efficient, and timely  
7 deployment of charging and refueling infrastructure necessary to  
8 support statewide and local transportation electrification efforts  
9 that result in emissions reductions consistent with RCW 70A.45.020.

10 (b) The tool must:

11 (i) Initially prioritize on-road transportation;

12 (ii) To the greatest extent possible, maintain the latest data;

13 (iii) Model charging and refueling infrastructure that may be  
14 used by owners and operators of light, medium, and heavy-duty  
15 vehicles; and

16 (iv) Incorporate the department's traffic data for passenger and  
17 freight vehicles.

18 (c) The tool must, if feasible:

19 (i) Provide the data necessary to support programs by state  
20 agencies that directly or indirectly support transportation  
21 electrification efforts;

22 (ii) Evolve over time to support future transportation  
23 electrification programs;

24 (iii) Provide data at a scale that supports electric utility  
25 planning for the impacts of transportation electrification both  
26 systemwide and on specific components of the distribution system; and

27 (iv) Forecast statewide zero emissions vehicle use that would  
28 achieve the emissions reductions consistent with RCW 70A.45.020. The  
29 department may reference existing zero emissions vehicle use  
30 forecasts, such as that established in the state energy strategy.

31 (3) The department, in consultation with the department of  
32 commerce, the department of ecology, and the office of equity, may  
33 elect to include other transportation charging and refueling  
34 infrastructure, such as maritime, public transportation, and aviation  
35 in the mapping and forecasting tool.

36 (4) The tool must include, to the extent feasible, the following  
37 elements:

38 (a) The amount, type, location, and year of installation for  
39 electric vehicle supply equipment that is expected to be necessary to

1 support forecasted electric vehicle penetration and usage within the  
2 state;

3 (b) Electric vehicle adoption, usage, technological profiles, and  
4 any other characteristics necessary to model future electric vehicle  
5 penetration levels and use cases that impact electric vehicle supply  
6 equipment needs within the state;

7 (c) The estimated energy and capacity demand based on inputs from  
8 (b) of this subsection;

9 (d) Boundaries of political subdivisions including, but not  
10 limited to:

11 (i) Retail electricity suppliers;

12 (ii) Public transportation agency boundaries;

13 (iii) Municipalities;

14 (iv) Counties; and

15 (v) Federally recognized tribal governments;

16 (e) Existing and known publicly or privately owned level 2,  
17 direct current fast charge, and refueling infrastructure. The  
18 department must identify gas stations, convenience stores, and other  
19 small retailers that are colocated with existing and known electric  
20 vehicle charging infrastructure identified under this subsection;

21 (f) A public interface designed to provide any user the ability  
22 to determine the forecasted charging and refueling infrastructure  
23 needs within a provided geographic boundary, including those listed  
24 under (d) of this subsection; and

25 (g) The ability for all data tracked within the tool to be  
26 downloadable or usable within a separate mapping and forecasting  
27 tool.

28 (5) The tool must, if feasible, integrate scenarios including:

29 (a) Varying levels of public transportation utilization;

30 (b) Varying levels of active transportation usage, such as biking  
31 or walking;

32 (c) Vehicle miles traveled amounts above and below the baseline;

33 (d) Adoption of autonomous and shared mobility services; and

34 (e) Forecasts capturing each utility service area's relative  
35 level of zero emissions vehicle use that would achieve each utility  
36 service area's relative emissions reductions consistent with RCW  
37 70A.45.020.

38 (6) To support highly impacted communities and vulnerable  
39 populations disproportionately burdened by transportation-related  
40 emissions and to ensure economic and mobility benefits flow to

1 communities that have historically received less investment in  
2 infrastructure, the mapping and forecasting tool must integrate  
3 population, health, environmental, and socioeconomic data on a census  
4 tract basis. The department may use existing data used by other state  
5 or federal agencies. The department must consult with the department  
6 of health, the office of equity, the department of ecology, and other  
7 agencies as necessary in order to ensure the tool properly integrates  
8 cumulative impact analyses best practices and to ensure that the tool  
9 is developed in coordination with other state government  
10 administrative efforts to identify disproportionately impacted  
11 communities.

12 (7) The mapping and forecasting tool must, to the extent  
13 appropriate, integrate related analyses, such as the department of  
14 commerce's state energy strategy, the joint transportation  
15 committee's public fleet electrification study, the west coast  
16 collaborative's alternative fuel infrastructure corridor coalition  
17 report, and other related electric vehicle supply equipment  
18 assessments as deemed appropriate. To the extent that the mapping and  
19 forecasting tool is used by the department as the basis for the  
20 identification of recommended future electric vehicle charging sites,  
21 the department must consider recommending sites that are colocated  
22 with small retailers, including gas stations and convenience stores,  
23 and other amenities.

24 (8) Where appropriate and feasible, the mapping and forecasting  
25 tool must incorporate infrastructure located at or near the border in  
26 neighboring state and provincial jurisdictions.

27 (9) In designing the mapping and forecasting tool, the department  
28 must coordinate with the department of commerce, the department of  
29 ecology, the utilities and transportation commission, and other state  
30 agencies as needed in order to ensure the mapping and forecasting  
31 tool is able to successfully facilitate other state agency programs  
32 that involve deployment of electric vehicle supply equipment.

33 (10) The department must conduct a stakeholder process in  
34 developing the mapping and forecasting tool to ensure the tool  
35 supports the needs of communities, public agencies, and relevant  
36 private organizations. The stakeholder process must involve  
37 stakeholders, including but not limited to electric utilities, early  
38 in the development of the tool.

39 (11) The department may contract with the department of commerce  
40 or consultants, or both, to develop and implement all or portions of

1 the mapping and forecasting tool. The department may rely on or, to  
2 the extent necessary, contract for privately maintained data  
3 sufficient to develop the elements specified in subsection (4) of  
4 this section.

5 (12) The definitions in this subsection apply throughout this  
6 section unless the context clearly requires otherwise:

7 (a) "Charging infrastructure" means a unit of fueling  
8 infrastructure that supplies electric energy for the recharging of  
9 battery electric vehicles.

10 (b) "Direct current fast charger" means infrastructure that  
11 supplies electricity to battery electric vehicles at capacities no  
12 less than 50 kilowatts, typically using 208/408 volt three-phase  
13 direct current electricity.

14 (c) "Electric vehicle" means any craft, vessel, automobile,  
15 public transportation vehicle, or equipment that transports people or  
16 goods and operates, either partially or exclusively, on electrical  
17 energy from an off-board source that is stored onboard for motive  
18 purpose.

19 (d) "Electric vehicle supply equipment" means charging  
20 infrastructure and hydrogen refueling infrastructure.

21 (e) "Level 2 charger" means infrastructure that supplies  
22 electricity to battery electric vehicles at 240 volts and equal to or  
23 less than 80 amps.

24 (f) "Refueling infrastructure" means a unit of fueling  
25 infrastructure that supplies hydrogen for the resupply of hydrogen  
26 fuel cell electric vehicles.

27 **Sec. 3.** RCW 19.280.030 and 2019 c 288 s 14 are each amended to  
28 read as follows:

29 Each electric utility must develop a plan consistent with this  
30 section.

31 (1) Utilities with more than twenty-five thousand customers that  
32 are not full requirements customers must develop or update an  
33 integrated resource plan by September 1, 2008. At a minimum, progress  
34 reports reflecting changing conditions and the progress of the  
35 integrated resource plan must be produced every two years thereafter.  
36 An updated integrated resource plan must be developed at least every  
37 four years subsequent to the 2008 integrated resource plan. The  
38 integrated resource plan, at a minimum, must include:

1 (a) A range of forecasts, for at least the next ten years or  
2 longer, of projected customer demand which takes into account  
3 econometric data and customer usage;

4 (b) An assessment of commercially available conservation and  
5 efficiency resources, as informed, as applicable, by the assessment  
6 for conservation potential under RCW 19.285.040 for the planning  
7 horizon consistent with (a) of this subsection. Such assessment may  
8 include, as appropriate, opportunities for development of combined  
9 heat and power as an energy and capacity resource, demand response  
10 and load management programs, and currently employed and new policies  
11 and programs needed to obtain the conservation and efficiency  
12 resources;

13 (c) An assessment of commercially available, utility scale  
14 renewable and nonrenewable generating technologies including a  
15 comparison of the benefits and risks of purchasing power or building  
16 new resources;

17 (d) A comparative evaluation of renewable and nonrenewable  
18 generating resources, including transmission and distribution  
19 delivery costs, and conservation and efficiency resources using  
20 "lowest reasonable cost" as a criterion;

21 (e) An assessment of methods, commercially available  
22 technologies, or facilities for integrating renewable resources,  
23 including but not limited to battery storage and pumped storage, and  
24 addressing overgeneration events, if applicable to the utility's  
25 resource portfolio;

26 (f) An assessment and ten-year forecast of the availability of  
27 regional generation and transmission capacity on which the utility  
28 may rely to provide and deliver electricity to its customers;

29 (g) A determination of resource adequacy metrics for the resource  
30 plan consistent with the forecasts;

31 (h) A forecast of distributed energy resources that may be  
32 installed by the utility's customers and an assessment of their  
33 effect on the utility's load and operations;

34 (i) An identification of an appropriate resource adequacy  
35 requirement and measurement metric consistent with prudent utility  
36 practice in implementing RCW 19.405.030 through 19.405.050;

37 (j) The integration of the demand forecasts, resource  
38 evaluations, and resource adequacy requirement into a long-range  
39 assessment describing the mix of supply side generating resources and  
40 conservation and efficiency resources that will meet current and



1 projected needs, including mitigating overgeneration events and  
2 implementing RCW 19.405.030 through 19.405.050, at the lowest  
3 reasonable cost and risk to the utility and its customers, while  
4 maintaining and protecting the safety, reliable operation, and  
5 balancing of its electric system;

6 (k) An assessment, informed by the cumulative impact analysis  
7 conducted under RCW 19.405.140, of: Energy and nonenergy benefits and  
8 reductions of burdens to vulnerable populations and highly impacted  
9 communities; long-term and short-term public health and environmental  
10 benefits, costs, and risks; and energy security and risk; ~~((and))~~

11 (l) A ten-year clean energy action plan for implementing RCW  
12 19.405.030 through 19.405.050 at the lowest reasonable cost, and at  
13 an acceptable resource adequacy standard, that identifies the  
14 specific actions to be taken by the utility consistent with the  
15 long-range integrated resource plan; and

16 (m) An analysis of how the plan accounts for:

17 (i) Modeled load forecast scenarios that consider the anticipated  
18 levels of zero emissions vehicle use in a utility's service area,  
19 including anticipated levels of zero emissions vehicle use in the  
20 utility's service area provided in section 2 of this act, if  
21 feasible;

22 (ii) Analysis, research, findings, recommendations, actions, and  
23 any other relevant information found in the electrification of  
24 transportation plans submitted under RCW 35.92.450, 54.16.430, and  
25 80.28.365; and

26 (iii) Assumed use case forecasts and the associated energy  
27 impacts. Electric utilities may, but are not required to, use the  
28 forecasts generated by the mapping and forecasting tool created in  
29 section 2 of this act. This subsection (l)(m)(iii) applies only to  
30 plans due to be filed after September 1, 2023.

31 (2) For an investor-owned utility, the clean energy action plan  
32 must: (a) Identify and be informed by the utility's ten-year cost-  
33 effective conservation potential assessment as determined under RCW  
34 19.285.040, if applicable; (b) establish a resource adequacy  
35 requirement; (c) identify the potential cost-effective demand  
36 response and load management programs that may be acquired; (d)  
37 identify renewable resources, nonemitting electric generation, and  
38 distributed energy resources that may be acquired and evaluate how  
39 each identified resource may be expected to contribute to meeting the  
40 utility's resource adequacy requirement; (e) identify any need to

1 develop new, or expand or upgrade existing, bulk transmission and  
2 distribution facilities; and (f) identify the nature and possible  
3 extent to which the utility may need to rely on alternative  
4 compliance options under RCW 19.405.040(1)(b), if appropriate.

5 (3)(a) An electric utility shall consider the social cost of  
6 greenhouse gas emissions, as determined by the commission for  
7 investor-owned utilities pursuant to RCW 80.28.405 and the department  
8 for consumer-owned utilities, when developing integrated resource  
9 plans and clean energy action plans. An electric utility must  
10 incorporate the social cost of greenhouse gas emissions as a cost  
11 adder when:

12 (i) Evaluating and selecting conservation policies, programs, and  
13 targets;

14 (ii) Developing integrated resource plans and clean energy action  
15 plans; and

16 (iii) Evaluating and selecting intermediate term and long-term  
17 resource options.

18 (b) For the purposes of this subsection (3): (i) Gas consisting  
19 largely of methane and other hydrocarbons derived from the  
20 decomposition of organic material in landfills, wastewater treatment  
21 facilities, and anaerobic digesters must be considered a nonemitting  
22 resource; and (ii) qualified biomass energy must be considered a  
23 nonemitting resource.

24 (4) To facilitate broad, equitable, and efficient implementation  
25 of chapter 288, Laws of 2019, a consumer-owned energy utility may  
26 enter into an agreement with a joint operating agency organized under  
27 chapter 43.52 RCW or other nonprofit organization to develop and  
28 implement a joint clean energy action plan in collaboration with  
29 other utilities.

30 (5) All other utilities may elect to develop a full integrated  
31 resource plan as set forth in subsection (1) of this section or, at a  
32 minimum, shall develop a resource plan that:

33 (a) Estimates loads for the next five and ten years;

34 (b) Enumerates the resources that will be maintained and/or  
35 acquired to serve those loads;

36 (c) Explains why the resources in (b) of this subsection were  
37 chosen and, if the resources chosen are not: (i) Renewable resources;  
38 (ii) methods, commercially available technologies, or facilities for  
39 integrating renewable resources, including addressing any

1 overgeneration event; or (iii) conservation and efficiency resources,  
2 why such a decision was made; (~~and~~)

3 (d) By December 31, 2020, and in every resource plan thereafter,  
4 identifies how the utility plans over a ten-year period to implement  
5 RCW 19.405.040 and 19.405.050; and

6 (e) Accounts for:

7 (i) Modeled load forecast scenarios that consider the anticipated  
8 levels of zero emissions vehicle use in a utility's service area,  
9 including anticipated levels of zero emissions vehicle use in the  
10 utility's service area provided in section 2 of this act, if  
11 feasible;

12 (ii) Analysis, research, findings, recommendations, actions, and  
13 any other relevant information found in the electrification of  
14 transportation plans submitted under RCW 35.92.450, 54.16.430, and  
15 80.28.365; and

16 (iii) Assumed use case forecasts and the associated energy  
17 impacts. Electric utilities may, but are not required to, use the  
18 forecasts generated by the mapping and forecasting tool created in  
19 section 2 of this act. This subsection (5)(e)(iii) applies only to  
20 plans due to be filed after September 1, 2023.

21 (6) Assessments for demand side resources included in an  
22 integrated resource plan may include combined heat and power systems  
23 as one of the measures in a conservation supply curve. The value of  
24 recoverable waste heat resulting from combined heat and power must be  
25 reflected in analyses of cost-effectiveness under this subsection.

26 (7) An electric utility that is required to develop a resource  
27 plan under this section must complete its initial plan by September  
28 1, 2008.

29 (8) Plans developed under this section must be updated on a  
30 regular basis, on intervals approved by the commission or the  
31 department, or at a minimum on intervals of two years.

32 (9) Plans shall not be a basis to bring legal action against  
33 electric utilities.

34 (10)(a) To maximize transparency, the commission, for investor-  
35 owned utilities, or the governing body, for consumer-owned utilities,  
36 may require an electric utility to make the utility's data input  
37 files available in a native format. Each electric utility shall  
38 publish its final plan either as part of an annual report or as a  
39 separate document available to the public. The report may be in an  
40 electronic form.

1 (b) Nothing in this subsection limits the protection of records  
2 containing commercial information under RCW 80.04.095.

3 (11) By December 31, 2021, the department and the commission must  
4 adopt rules establishing the requirements for incorporating the  
5 cumulative impact analysis developed under RCW 19.405.140 into the  
6 criteria for developing clean energy action plans under this section.

7 **Sec. 4.** RCW 19.27.540 and 2019 c 285 s 18 are each amended to  
8 read as follows:

9 (1) The building code council shall adopt rules for electric  
10 vehicle infrastructure requirements. Rules adopted by the state  
11 building code council must consider applicable national and  
12 international standards and be consistent with rules adopted under  
13 RCW 19.28.281.

14 (2)(a) Except as provided in (b) of this subsection, the rules  
15 adopted under this section must require electric vehicle charging  
16 capability at all new buildings that provide on-site parking. Where  
17 parking is provided, the greater of one parking space or ten percent  
18 of parking spaces, rounded to the next whole number, must be provided  
19 with wiring or raceway sized to accommodate 208/240 V 40-amp or  
20 equivalent electric vehicle charging. Electrical rooms serving  
21 buildings with on-site parking must be sized to accommodate the  
22 potential for electrical equipment and distribution required to serve  
23 a minimum of twenty percent of the total parking spaces with 208/240  
24 V 40-amp or equivalent electric vehicle charging. Load management  
25 infrastructure may be used to adjust the size and capacity of the  
26 required building electric service equipment and circuits on the  
27 customer facilities, as well as electric utility-owned  
28 infrastructure, as allowed by applicable local and national  
29 electrical code. For accessible parking spaces, the greater of one  
30 parking space or ten percent of accessible parking spaces, rounded to  
31 the next whole number, must be provided with electric vehicle  
32 charging infrastructure that may also serve adjacent parking spaces  
33 not designated as accessible parking.

34 (b) For occupancies classified as assembly, education, or  
35 mercantile, the requirements of this section apply only to employee  
36 parking spaces. The requirements of this section do not apply to  
37 occupancies classified as (~~residential—R-3~~) utility(~~(T)~~) or  
38 miscellaneous.

1 (c) ((The)) Except for rules related to residential R-3, the  
2 required rules required under this subsection must be implemented by  
3 July 1, 2021. The rules required under this subsection for  
4 occupancies classified as residential R-3 must be implemented by July  
5 1, 2024.

6 (3)(a) The rules adopted under this section must exceed the  
7 specific minimum requirements established under subsection (2) of  
8 this section for all types of residential and commercial buildings to  
9 the extent necessary to support the anticipated levels of zero  
10 emissions vehicle use that result from the zero emissions vehicle  
11 program requirements in chapter 70A.30 RCW and that result in  
12 emissions reductions consistent with RCW 70A.45.020.

13 (b) The rules required under this subsection must be implemented  
14 by July 1, 2024, and may be periodically updated thereafter.

15 **Sec. 5.** RCW 82.44.200 and 2019 c 287 s 15 are each amended to  
16 read as follows:

17 The electric vehicle account is created in the transportation  
18 infrastructure account. Proceeds from the principal and interest  
19 payments made on loans from the account must be deposited into the  
20 account. Expenditures from the account may be used only for the  
21 purposes specified in RCW 47.04.350, 82.08.9999, and 82.12.9999, and  
22 the support of other transportation electrification and alternative  
23 fuel related purposes, including section 2 of this act. Moneys in the  
24 account may be spent only after appropriation.

25 ***\*NEW SECTION. Sec. 6. (1) Once a road usage charge, or***  
26 ***equivalent fee or tax based on vehicle miles traveled, is in effect***  
27 ***in the state of Washington with at least 75 percent of the registered***  
28 ***passenger and light duty vehicles in the state participating, then a***  
29 ***goal is established for the state that all publicly owned and***  
30 ***privately owned passenger and light duty vehicles of model year 2030***  
31 ***or later that are sold, purchased, or registered in Washington state***  
32 ***be electric vehicles. The department of licensing shall provide***  
33 ***notice to the secretary of the senate and the chief clerk of the***  
34 ***house of representatives, and the office of the governor when the***  
35 ***road usage charge is in effect and the required number of registered***  
36 ***vehicles are participating.***

1           (2) *The goal established in this section does not supersede any*  
2 *other law, and the other law controls if inconsistent with the goal*  
3 *established in this section.*

4           (3) *For purposes of this section:*

5           (a) *"Electric vehicles" are vehicles that use energy stored in*  
6 *rechargeable battery packs or in hydrogen and which rely solely on*  
7 *electric motors for propulsion.*

8           (b) *"Passenger and light duty vehicles" are on-road motor*  
9 *vehicles with a scale weight of up to 10,000 pounds and three or more*  
10 *wheels. Emergency services vehicles are not passenger and light duty*  
11 *vehicles.*

12           (4) *Nothing in this section:*

13           (a) *Authorizes any state agency to restrict the purchase, sale,*  
14 *or registration of vehicles that are not electric vehicles; or*

15           (b) *Changes or affects the directive to the department of ecology*  
16 *to implement the zero emission vehicle program required under RCW*  
17 *70A.30.010.*

*\*Sec. 6 was vetoed. See message at end of chapter.*

18           NEW SECTION.   **Sec. 7.**   Section 6 of this act constitutes a new  
19 chapter in Title 70A RCW.

Passed by the House April 14, 2021.

Passed by the Senate April 10, 2021.

Approved by the Governor May 13, 2021, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 13, 2021.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 6, Grossed Second Substitute House Bill No. 1287 entitled:

"AN ACT Relating to preparedness for a zero emissions transportation future."

Section 6 of the bill ties a very important goal of electrifying our transportation sector to the implementation of a road usage charge program. Transportation is our state's greatest source of carbon emissions and we cannot afford to link an important goal like getting to 100% zero-emission vehicles to a separate policy that will take time to design and implement.

I am committed to getting to zero emission transportation as quickly as possible. In fact, Washington is leading the way by building electric vehicle charging infrastructure, procuring zero-emission transit vehicles and building electric ferries, providing financial incentives for electric vehicle purchases, and advocating for a national 100% zero-emission vehicle standard by 2035.

I am also open to exploring the potential of a road usage charge program as part of a larger transportation revenue discussion. I look

forward to working with legislators and stakeholders to figure out how to design a road usage charge that ensures the privacy of drivers, helps meet our zero-emission transportation goals, and ensures low-income and overburdened communities are not doubly penalized after already suffering through longer commutes.

Yet setting and achieving a goal of 100% electric vehicles is too important to tie to the implementation of a separate policy like the road usage charge.

For these reasons I have vetoed Section 6 of Engrossed Second Substitute House Bill No. 1287.

With the exception of Section 6, Engrossed Second Substitute House Bill No. 1287 is approved."

--- END ---