

2 2E2SHB 1354 - S COMM AMD
3 By Committee on Agriculture & Environment

4 ADOPTED AS AMENDED 3/3/98

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 70.94.130 and 1991 c 199 s 705 are each amended to
8 read as follows:

9 The board shall exercise all powers of the authority except as
10 otherwise provided. The board shall conduct its first meeting within
11 thirty days after all of its members have been appointed or designated
12 as provided in RCW 70.94.100. The board shall meet at least ten times
13 per year. All meetings shall be publicly announced prior to their
14 occurrence. All meetings shall be open to the public. A majority of
15 the board shall constitute a quorum for the transaction of business and
16 shall be necessary for any action taken by the board. The board shall
17 elect from its members a chair and such other officers as may be
18 necessary. Any member of the board may designate a regular alternate
19 to serve on the board in his or her place with the same authority as
20 the member when he or she is unable to attend. In no event may a
21 regular alternate serve as the permanent chair. Each member of the
22 board, or his or her representative, shall receive from the authority
23 compensation consistent with such authority's rates (but not to exceed
24 one thousand dollars per year) for time spent in the performance of
25 duties under this chapter, plus the actual and necessary expenses
26 incurred by the member in such performance. The board may appoint a
27 control officer, and any other personnel, and shall determine their
28 salaries, and pay same, together with any other proper indebtedness,
29 from authority funds.

30 Sec. 2. RCW 70.94.100 and 1991 c 199 s 704 are each amended to
31 read as follows:

32 (1) The governing body of each authority shall be known as the
33 board of directors.

34 (2) In the case of an authority comprised of one county the board
35 shall be comprised of (~~two appointees~~) one appointee of the city

1 selection committee, ~~((at least))~~ one ~~((of whom))~~ appointee who shall
2 be appointed by the legislative authority of and represent the city
3 having the most population in the county, and two representatives to be
4 designated by the ~~((board of))~~ county ~~((commissioners))~~ legislative
5 authority. In the case of an authority comprised of two, three, four,
6 or five counties, the board shall be comprised of one appointee from
7 each county, who shall represent the city having the most population in
8 such county, to be designated by the mayor and ~~((city council))~~
9 legislative authority of such city, and one representative from each
10 county to be designated by the ~~((board of))~~ county ~~((commissioners))~~
11 legislative authority of each county making up the authority. In the
12 case of an authority comprised of six or more counties, the board shall
13 be comprised of one representative from each county to be designated by
14 the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of each
15 county making up the authority, and three appointees, one each from the
16 three largest cities within the local authority's jurisdiction to be
17 appointed by the mayor and ~~((city council))~~ legislative authority of
18 such city.

19 (3) If the board of an authority otherwise would consist of an even
20 number, the members selected as above provided shall agree upon and
21 elect an additional member who shall be either a member of the
22 ~~((governing body))~~ legislative authority of one of the towns, cities,
23 or counties comprising the authority, or a private citizen residing in
24 the authority.

25 (4) The terms of office of board members shall be four years.

26 (5) Wherever a member of a board has a potential conflict of
27 interest in an action before the board, the member shall declare to the
28 board the nature of the potential conflict prior to participating in
29 the action review. The board shall, if the potential conflict of
30 interest, in the judgment of a majority of the board, may prevent the
31 member from a fair and objective review of the case, remove the member
32 from participation in the action.

33 **Sec. 3.** RCW 70.120.070 and 1991 c 199 s 203 are each amended to
34 read as follows:

35 (1) Any person:

36 (a) Whose motor vehicle is tested pursuant to this chapter and
37 fails to comply with the emission standards established for the
38 vehicle; and

1 (b) Who, following such a test, expends more than one hundred
2 dollars on a 1980 or earlier model year motor vehicle or expends more
3 than one hundred fifty dollars on a 1981 or later model year motor
4 vehicle for repairs solely devoted to meeting the emission standards
5 and that are performed by a certified emission specialist authorized by
6 RCW 70.120.020(2)(a); and

7 (c) Whose vehicle fails a retest, may be issued a certificate of
8 acceptance if (i) the vehicle has been in use for more than five years
9 or fifty thousand miles, and (ii) any component of the vehicle
10 installed by the manufacturer for the purpose of reducing emissions, or
11 its appropriate replacement, is installed and operative.

12 To receive the certificate, the person must document compliance
13 with (b) and (c) of this subsection to the satisfaction of the
14 department.

15 Should any provision of (b) of this subsection be disapproved by
16 the administrator of the United States environmental protection agency,
17 all vehicles shall be required to expend at least four hundred fifty
18 dollars to qualify for a certificate of acceptance.

19 (2) Persons who fail the initial tests shall be provided with:

20 (a) Information regarding the availability of federal warranties
21 and certified emission specialists;

22 (b) Information on the availability and procedure for acquiring
23 license trip-permits;

24 (c) Information on the availability and procedure for receiving a
25 certificate of acceptance; and

26 (d) The local phone number of the department's local vehicle
27 specialist.

28 **Sec. 4.** RCW 70.120.100 and 1979 ex.s. c 163 s 10 are each amended
29 to read as follows:

30 The department shall investigate complaints received regarding the
31 operation of emission testing stations and shall require corrections or
32 modifications in those operations when deemed necessary.

33 The department shall also review complaints received regarding the
34 maintenance or repairs secured by owners of motor vehicles for the
35 purpose of complying with the requirements of this chapter. When
36 possible, the department shall assist such owners in determining the
37 merits of the complaints.

1 The department shall keep a copy of all complaints received, and on
2 request, make copies available to the public. This is not intended to
3 require disclosure of any information that is exempt from public
4 disclosure under chapter 42.17 RCW.

5 **Sec. 5.** RCW 70.120.170 and 1991 c 199 s 208 are each amended to
6 read as follows:

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

15 (2) The director shall:

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

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

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

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 state-wide or throughout an emission contributing area and
5 shall be no greater than ((eighteen)) fifteen dollars. Surplus moneys
6 collected from fees over the amount due the contractor shall be paid to
7 the state and deposited in the general fund. Fees shall be set at the
8 minimum whole dollar amount required to (i) compensate the contractor
9 or 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 NEW SECTION. Sec. 6. A new section is added to chapter 70.120 RCW
31 to read as follows:

32 The department shall establish a scientific advisory board to
33 review plans to expand the geographic area where an inspection and
34 maintenance system for motor vehicle emissions is required. The board
35 shall consist of three to five members. All members shall have at
36 least a master's degree in physics, chemistry, or engineering, or a
37 closely related field. No member may be a current employee of a local
38 air pollution control authority, the department, the United States

1 environmental protection agency, or a company that may benefit from a
2 review by the board.

3 The board shall review an inspection and maintenance plan at the
4 request of a local air pollution control authority, the department, or
5 by a petition of at least fifty people living within the proposed
6 boundaries of a vehicle emission inspection and maintenance system.
7 The entity or entities requesting a scientific review may include
8 specific issues for the board to consider in its review. The board
9 shall limit its review to matters of science and shall not provide
10 advice on penalties or issues that are strictly legal in nature.

11 The board shall provide a complete written review to the
12 department. If the board members are not in agreement as to the
13 scientific merit of any issue under review, the board may include a
14 dissenting opinion in its report to the department. The department
15 shall immediately make copies available to the local air pollution
16 control authority and to the public.

17 The department shall conduct a public hearing, within the area
18 affected by the proposed rule, if any significant aspect of the rule is
19 in conflict with a majority opinion of the board. The department shall
20 include in its responsiveness summary the rationale for including a
21 rule that is not consistent with the review of the board, including a
22 response to the issues raised at the public hearing.

23 Members shall be reimbursed for travel expenses as provided in RCW
24 43.03.050 and 43.03.060.

25 **Sec. 7.** RCW 46.16.015 and 1991 c 199 s 209 are each amended to
26 read as follows:

27 (1) Neither the department of licensing nor its agents may issue or
28 renew a motor vehicle license for any vehicle or change the registered
29 owner of a licensed vehicle, for any vehicle that is required to be
30 inspected under chapter 70.120 RCW, unless the application for issuance
31 or renewal is: (a) Accompanied by a valid certificate of compliance or
32 a valid certificate of acceptance issued pursuant to chapter 70.120
33 RCW; or (b) exempted from this requirement pursuant to subsection (2)
34 of this section. The certificates must have a date of validation which
35 is within six months of the date of application for the vehicle license
36 or license renewal. Certificates for fleet or owner tested diesel
37 vehicles may have a date of validation which is within twelve months of
38 the assigned license renewal date.

1 (2) Subsection (1) of this section does not apply to the following
2 vehicles:

3 (a) New motor vehicles whose equitable or legal title has never
4 been transferred to a person who in good faith purchases the vehicle
5 for purposes other than resale;

6 (b) Motor vehicles with a model year of 1967 or earlier;

7 (c) Motor vehicles that use propulsion units powered exclusively by
8 electricity;

9 (d) Motor vehicles fueled by propane, compressed natural gas, or
10 liquid petroleum gas, unless it is determined that federal sanctions
11 will be imposed as a result of this exemption;

12 (e) Motorcycles as defined in RCW 46.04.330 and motor-driven cycles
13 as defined in RCW 46.04.332;

14 (f) Farm vehicles as defined in RCW 46.04.181;

15 (g) Used vehicles which are offered for sale by a motor vehicle
16 dealer licensed under chapter 46.70 RCW; (~~or~~)

17 (h) Classes of motor vehicles exempted by the director of the
18 department of ecology;

19 (i) Collector cars as identified by the department of licensing
20 under RCW 46.16.305(1); or

21 (j) Beginning January 1, 2000, vehicles that are less than five
22 years old or more than twenty-five years old.

23 The provisions of (~~subparagraph~~) (a) of this subsection may not
24 be construed as exempting from the provisions of subsection (1) of this
25 section applications for the renewal of licenses for motor vehicles
26 that are or have been leased.

27 (3) The department of ecology shall provide information to motor
28 vehicle owners regarding the boundaries of emission contributing areas
29 and restrictions established under this section that apply to vehicles
30 registered in such areas. In addition the department of ecology shall
31 provide information to motor vehicle owners on the relationship between
32 motor vehicles and air pollution and steps motor vehicle owners should
33 take to reduce motor vehicle related air pollution. The department of
34 licensing shall send to all registered motor vehicle owners affected by
35 the emission testing program notice that they must have an emission
36 test to renew their registration.

37 NEW SECTION. Sec. 8. (1) The department of ecology shall evaluate
38 changes to the motor vehicle emission inspection program made in RCW

1 46.16.015(2)(j) and other options that meet air quality objectives and
2 lessen the effect of the program on the motorist. The department shall
3 consider air quality, program costs, and motorist convenience in its
4 evaluation and make recommendations for changes to the program to the
5 appropriate standing committees of the legislature by January 1, 1999.

6 (2) This section expires June 30, 1999.

7 **Sec. 9.** RCW 70.94.473 and 1995 c 205 s 1 are each amended to read
8 as follows:

9 (1) Any person in a residence or commercial establishment which has
10 an adequate source of heat without burning wood shall:

11 (a) Not burn wood in any solid fuel burning device whenever the
12 department has determined under RCW 70.94.715 that any air pollution
13 episode exists in that area;

14 (b) Not burn wood in any solid fuel burning device except those
15 which are either Oregon department of environmental quality phase II or
16 United States environmental protection agency certified or certified by
17 the department under RCW 70.94.457(1) or a pellet stove either
18 certified or issued an exemption by the United States environmental
19 protection agency in accordance with Title 40, Part 60 of the code of
20 federal regulations, in the geographical area and for the period of
21 time that a first stage of impaired air quality has been determined, by
22 the department or any authority, for that area. A first stage of
23 impaired air quality is reached when particulates ten microns and
24 smaller in diameter are at an ambient level of (~~seventy-five~~) sixty
25 micrograms per cubic meter measured on a twenty-four hour average or
26 when carbon monoxide is at an ambient level of eight parts of
27 contaminant per million parts of air by volume measured on an eight-
28 hour average; and

29 (c) Not burn wood in any solid fuel burning device in a
30 geographical area and for the period of time that a second stage of
31 impaired air quality has been determined by the department or any
32 authority, for that area. A second stage of impaired air quality is
33 reached when particulates ten microns and smaller in diameter are at an
34 ambient level of one hundred five micrograms per cubic meter measured
35 on a twenty-four hour average.

36 (2) Actions of the department and local air pollution control
37 authorities under this section shall preempt actions of other state
38 agencies and local governments for the purposes of controlling air

1 pollution from solid fuel burning devices, except where authorized by
2 chapter 199, Laws of 1991."

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5 ADOPTED AS AMENDED 3/3/98

6 On page 1, line 1 of the title, after "control;" strike the
7 remainder of the title and insert "amending RCW 70.94.130, 70.94.100,
8 70.120.070, 70.120.100, 70.120.170, 46.16.015, and 70.94.473; adding a
9 new section to chapter 70.120 RCW; creating a new section; and
10 providing an expiration date."

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