
HOUSE BILL 1354

State of Washington

55th Legislature

1997 Regular Session

By Representatives Pennington, Mielke, Dunn and Boldt

Read first time 01/23/97. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to air pollution control; amending RCW 70.94.130,
2 70.120.070, 70.120.100, 70.120.170, and 46.16.015; and adding a new
3 section to chapter 70.120 RCW.

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

5 **Sec. 1.** RCW 70.94.130 and 1991 c 199 s 705 are each amended to
6 read as follows:

7 The board shall exercise all powers of the authority except as
8 otherwise provided. The board shall conduct its first meeting within
9 thirty days after all of its members have been appointed or designated
10 as provided in RCW 70.94.100. The board shall meet at least ten times
11 per year. All meetings shall be publicly announced prior to their
12 occurrence. All meetings shall be open to the public. A majority of
13 the board shall constitute a quorum for the transaction of business and
14 shall be necessary for any action taken by the board. The board shall
15 elect from its members a chair and such other officers as may be
16 necessary. (~~Any member of the board may designate a regular alternate
17 to serve on the board in his or her place with the same authority as
18 the member when he or she is unable to attend.~~) Each member of the
19 board, or his or her representative, shall receive from the authority

1 compensation consistent with such authority's rates (but not to exceed
2 one thousand dollars per year) for time spent in the performance of
3 duties under this chapter, plus the actual and necessary expenses
4 incurred by the member in such performance. The board may appoint a
5 control officer, and any other personnel, and shall determine their
6 salaries, and pay same, together with any other proper indebtedness,
7 from authority funds.

8 **Sec. 2.** RCW 70.120.070 and 1991 c 199 s 203 are each amended to
9 read as follows:

10 (1) Any person:

11 (a) Whose motor vehicle is tested pursuant to this chapter and
12 fails to comply with the emission standards established for the
13 vehicle; and

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

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

25 To receive the certificate, the person must document compliance
26 with (b) and (c) of this subsection to the satisfaction of the
27 department.

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

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

33 (a) Information regarding the availability of federal warranties
34 and certified emission specialists;

35 (b) Information on the availability and procedure for acquiring a
36 thirty-day extension of vehicle license tabs;

37 (c) Information on the availability and procedure for acquiring
38 license trip-permits;

1 (d) Information on the availability and procedure for receiving a
2 certificate of acceptance; and

3 (e) Information about the department's local vehicle specialist,
4 including the local phone number and address.

5 **Sec. 3.** RCW 70.120.100 and 1979 ex.s. c 163 s 10 are each amended
6 to read as follows:

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

10 The department shall also review complaints received regarding the
11 maintenance or repairs secured by owners of motor vehicles for the
12 purpose of complying with the requirements of this chapter. When
13 possible, the department shall assist such owners in determining the
14 merits of the complaints.

15 The department shall immediately forward a copy of all complaints
16 received, along with a summary of action taken and final outcome to all
17 legislators in whose district the complaint was initiated.

18 **Sec. 4.** RCW 70.120.170 and 1991 c 199 s 208 are each amended to
19 read as follows:

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

28 (2) The director shall:

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

33 (b) Adopt criteria for calibrating emission testing equipment.
34 Electronic equipment used to test for emissions standards provided for
35 in this chapter shall be properly calibrated. The department shall
36 examine frequently the calibration of the emission testing equipment
37 used at the stations.

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

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

11 (a) Auditing;

12 (b) Contractor evaluation;

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

15 (d) Public information and education.

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

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

35 (c) If an emission contributing area was established before June
36 30, 1997, the fee in any portion of the contributing area that was
37 added after June 30, 1997, may be no greater than five dollars unless
38 specific legislative authorization has been granted for a larger fee.

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

11 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.120 RCW
12 to read as follows:

13 The department shall establish a scientific advisory board to
14 review plans to create or expand an inspection and maintenance system
15 for motor vehicle emissions. The board shall consist of three to five
16 members. All members shall have at least a master's degree in physics,
17 chemistry, or engineering, or a closely related field. No member may
18 be a current employee of a local air pollution control authority, the
19 department, the United States environmental protection agency, or a
20 company that may benefit from a review by the board.

21 The board shall review an inspection and maintenance plan at the
22 request of a local air pollution control authority, the department, or
23 by a petition of at least fifty people living within the proposed
24 boundaries of a vehicle emission inspection and maintenance system.
25 The entity or entities requesting a scientific review may include
26 specific issues for the board to consider in its review. The board
27 shall limit its review to matters of science and shall not provide
28 advice on penalties or issues that are strictly legal in nature.

29 The board shall provide a complete written review to the
30 department. If the board members are not in agreement as to the
31 scientific merit of any issue under review, the board may include a
32 dissenting opinion in its report to the department. The department
33 shall immediately make copies available to the local air pollution
34 control authority and to the public.

35 The department shall conduct a public hearing, within the area
36 affected by the proposed rule, if any significant aspect of the rule is
37 in conflict with a majority opinion of the board. The department shall
38 include in its responsiveness summary the rationale for including a

1 rule that is not consistent with the review of the board, including a
2 response to the issues raised at the public hearing.

3 Members shall be reimbursed for travel expenses as provided in RCW
4 43.03.050 and 43.03.060.

5 **Sec. 6.** RCW 46.16.015 and 1991 c 199 s 209 are each amended to
6 read as follows:

7 (1) Neither the department of licensing nor its agents may issue or
8 renew a motor vehicle license for any vehicle or change the registered
9 owner of a licensed vehicle, for any vehicle that is required to be
10 inspected under chapter 70.120 RCW, unless the application for issuance
11 or renewal is: (a) Accompanied by a valid certificate of compliance or
12 a valid certificate of acceptance issued pursuant to chapter 70.120
13 RCW; or (b) exempted from this requirement pursuant to subsection (2)
14 of this section. The certificates must have a date of validation which
15 is within six months of the date of application for the vehicle license
16 or license renewal. Certificates for fleet or owner tested diesel
17 vehicles may have a date of validation which is within twelve months of
18 the assigned license renewal date.

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

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

24 (b) Motor vehicles with a model year of (~~1967~~) 1975 or earlier,
25 except that vehicles whose model year is three years old or newer are
26 exempt;

27 (c) Motor vehicles that use propulsion units powered exclusively by
28 electricity;

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

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

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

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

37 (h) Motor vehicles exempted by the director of the department of
38 ecology.

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

5 (3) The department of ecology shall provide information to motor
6 vehicle owners regarding the boundaries of emission contributing areas
7 and restrictions established under this section that apply to vehicles
8 registered in such areas. In addition the department of ecology shall
9 provide information to motor vehicle owners on the relationship between
10 motor vehicles and air pollution and steps motor vehicle owners should
11 take to reduce motor vehicle related air pollution. The department of
12 licensing shall send to all registered motor vehicle owners affected by
13 the emission testing program notice that they must have an emission
14 test to renew their registration.

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