
HOUSE BILL 1881

State of Washington

64th Legislature

2015 Regular Session

By Representatives Short, Harris, Parker, Chandler, Kretz, Scott, Young, Schmick, and Buys

Read first time 02/02/15. Referred to Committee on Environment.

1 AN ACT Relating to requiring express legislative authorization
2 prior to the enactment of any regulation regarding the carbon content
3 of fuel; amending RCW 70.120A.010; adding a new section to chapter
4 43.17 RCW; adding new sections to chapter 70.235 RCW; adding a new
5 section to chapter 70.94 RCW; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.17
8 RCW to read as follows:

9 (1) The executive branch and its related agencies may not create
10 rules related to or adopt, order, restrict, or otherwise implement
11 any fuel standard or set carbon reduction requirements for fuel
12 distributors or vehicles based upon or defined by the carbon
13 intensity of the fuel or greenhouse gas emissions, nor may a low-
14 carbon fuel standard be implemented in this state, without prior
15 express direction from the legislature to do so.

16 (2) For the purposes of this section, express direction from the
17 legislature is limited to the passage of a bill that is either signed
18 by the governor or allowed to take effect absent a gubernatorial
19 signature that includes express direction to an executive branch
20 agency to either implement a state low-carbon fuel standard or to
21 adopt, order, restrict, or otherwise implement any fuel standard or

1 set carbon reduction requirements for fuel distributors or vehicles
2 based upon or defined by the carbon intensity of the fuel or
3 greenhouse gas emissions.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.235
5 RCW to read as follows:

6 Nothing in this chapter provides legal authority for any person
7 to adopt rules or issue orders or policies to implement a fuel
8 standard based on carbon intensity, carbon content, or greenhouse gas
9 emissions contrary to the provisions of section 1 of this act.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.94
11 RCW to read as follows:

12 Nothing in this chapter provides legal authority for the
13 department, a board, or any other entity to adopt rules or issue
14 orders or policies to implement a fuel standard based on carbon
15 intensity, carbon content, or greenhouse gas emissions contrary to
16 the provisions of section 1 of this act.

17 **Sec. 4.** RCW 70.120A.010 and 2010 c 76 s 1 are each amended to
18 read as follows:

19 (1) Pursuant to the federal clean air act, the legislature adopts
20 the California motor vehicle emission standards in Title 13 of the
21 California Code of Regulations, effective January 1, 2005, except as
22 provided in this chapter. The department of ecology shall adopt rules
23 to implement the emission standards of the state of California for
24 passenger cars, light duty trucks, and medium duty passenger
25 vehicles, and shall amend the rules from time to time, to maintain
26 consistency with the California motor vehicle emission standards and
27 42 U.S.C. Sec. 7507 (section 177 of the federal clean air act).
28 Notwithstanding other provisions of this chapter, the department of
29 ecology shall not adopt the zero emission vehicle program regulations
30 contained in Title 13 section 1962 of the California Code of
31 Regulations effective January 1, 2005. During rule development, the
32 department of ecology shall convene an advisory group composed of
33 industry and consumer group representatives. Any proposed rules or
34 changes to rules shall be subject to review and comment by the
35 advisory group, prior to rule adoption. The order of adoption for the
36 rules required in this section shall include the signature of the
37 governor. The rules shall be effective only for those model years for

1 which the state of Oregon has adopted the California motor vehicle
2 emission standards. This section does not limit the department of
3 ecology's authority to regulate motor vehicle emissions for any other
4 class of vehicle.

5 (2) Motor vehicles with a model year equal to or later than the
6 first model year for which new vehicles sold to Washington state
7 residents are required to comply with California motor vehicle
8 emission standards are exempt from emission inspections under chapter
9 70.120 RCW.

10 (3) The provisions of this chapter do not apply with respect to
11 the use by a resident of this state of a motor vehicle acquired and
12 used while the resident is a member of the armed services and is
13 stationed outside this state pursuant to military orders.

14 (4) Nothing in this chapter provides legal authority for the
15 department or any other entity to adopt rules or issue orders or
16 policies to implement a fuel standard based on carbon intensity,
17 carbon content, or greenhouse gas emissions contrary to the
18 provisions of section 1 of this act.

19 NEW SECTION. Sec. 5. A new section is added to chapter 70.235
20 RCW to read as follows:

21 Sections 1 through 3 of this act and RCW 70.120A.010(4) are to be
22 liberally construed to prevent the implementation of any form of
23 low-carbon fuel standard or other administrative rule on the carbon
24 content of fuels on any person or vehicle without prior express
25 legislative direction specifically enacting a low-carbon fuel
26 standard.

27 NEW SECTION. Sec. 6. This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of
29 the state government and its existing public institutions, and takes
30 effect immediately.

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