

Chapter 173-422 WAC
MOTOR VEHICLE EMISSION INSPECTION

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WAC

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173-422-080 Vehicle inspection data handling procedures. [Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). WSR 83-23-115 (Order DE 83-31), § 173-422-080, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. WSR 82-02-027 (Order DE-81-32), § 173-422-080, filed 12/31/81; WSR 80-03-070 (Order DE 79-35), § 173-422-080, filed 2/28/80.] Repealed by WSR 93-10-062 (Order 91-46), filed 5/3/93, effective 6/3/93. Statutory Authority: Chapter 70.120 RCW.

173-422-110 Date system requirements. [Statutory Authority: RCW 70.120.120. WSR 82-02-027 (Order DE 81-32), § 173-422-110, filed 12/31/81; WSR 80-03-070 (Order DE 79-35), § 173-422-110, filed 2/28/80.] Repealed by WSR 93-10-062 (Order 91-46), filed 5/3/93, effective 6/3/93. Statutory Authority: Chapter 70.120 RCW.

173-422-140 Inspection forms and certificates. [Statutory Authority: Chapter 70.120 RCW. WSR 93-10-062 (Order 91-46), § 173-422-140, filed 5/3/93, effective 6/3/93; WSR 90-06-062, § 173-422-140, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). WSR 83-23-115 (Order DE 83-31), § 173-422-140, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. WSR 82-02-027 (Order DE 81-32), § 173-422-140, filed 12/31/81; WSR 80-03-070 (Order DE 79-35), § 173-422-140, filed 2/28/80.] Repealed by WSR 94-05-039 (Order 93-10), filed 2/8/94, effective 3/11/94. Statutory Authority: Chapter 70.120 RCW.

173-422-150 Inspection personnel requirements. [Statutory Authority: RCW 70.120.120. WSR 80-03-070 (Order DE 79-35), § 173-422-150, filed 2/28/80.] Repealed by WSR 93-10-062 (Order 91-46), filed 5/3/93, effective 6/3/93. Statutory Authority: Chapter 70.120 RCW.

173-422-180 Air quality standards. [Statutory Authority: RCW 70.120.120. WSR 80-03-070 (Order DE 79-35), § 173-422-180, filed 2/28/80.] Repealed by WSR 93-10-062 (Order 91-46), filed 5/3/93, effective 6/3/93. Statutory Authority: Chapter 70.120 RCW.

WAC 173-422-010 Purpose. This chapter implements the Washington Clean Air Act, chapter 70.94 RCW, as supplemented by the motor vehicle emission inspection provisions codified as chapter 70.120 RCW.

Gasoline motor vehicles are the primary emitters of carbon monoxide and emit significant quantities of hydrocarbons and oxides of nitrogen. Diesel motor vehicles are emitters primarily of particulates, hydrocarbons, and oxides of nitrogen. Emission controls required by the federal government are designed to reduce motor vehicle related air pollution. However, the effectiveness of these controls is substantially reduced through deterioration, maladjustment and tampering. Motor vehicle emission inspection serves to identify high polluting vehicles and vehicles with tampered or missing emission controls and to reduce their emissions, when such reduction can be accomplished at reasonable cost. These rules establish the emission standards, testing procedures, and associated activities necessary to implement a program of air pollution prevention and control resulting from motor vehicle emission inspections.

[Statutory Authority: Chapter 70.120 RCW. WSR 93-10-062 (Order 91-46), § 173-422-010, filed 5/3/93, effective 6/3/93. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). WSR 83-23-115 (Order DE 83-31), § 173-422-010, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. WSR 80-03-070 (Order DE 79-35), § 173-422-010, filed 2/28/80.]

WAC 173-422-020 Definitions. Unless a different meaning is clearly indicated by context, the following definitions will apply:

(1) "Appropriate repair" means the diagnosis of the cause(s) of an emission test failure and/or the repair of one or more of these causes. An appropriate repair should reduce at least one emission test reading or diagnose and/or repair an emission problem identified by the on-board diagnostic (OBD) system.

(2) "Certificate of acceptance" means an official form, issued by someone authorized by the department, which certifies that the following conditions have been met:

(a) The vehicle failed an emission inspection; and

(b) The vehicle failed a reinspection; and

(c) All primary emission control components installed by the vehicle manufacturer, or its appropriate replacement, are installed and operative; and

(d) The recipient has provided original receipts listing and providing the cost of each appropriate repair performed by an authorized emission specialist between the initial and last inspection; and

(e) The total cost of the appropriate repairs must equal or exceed:

Pre-1981 vehicles	\$100
1981 and newer	\$150

(3) "Certificate of compliance" means an official form, issued by someone authorized by the department, which certifies that the recipient's vehicle on inspection complied with applicable emission inspection standards.

(4) "Authorized emission specialist" means an individual who has been issued a certificate of instruction by the department as authorized in RCW 70.120.020 (2)(a) and has maintained the certification by meeting requirements of WAC 173-422-190(2).

(5) "Dealer" means a motor vehicle dealer, as defined in chapter 46.70 RCW as amended, that is licensed pursuant to chapter 46.70 RCW.

(6) "Department" means the department of ecology.

(7) "Emission contributing area" means a land area within whose boundaries are registered motor vehicles that contribute significantly to the violation of motor vehicle related air quality standards in a noncompliance area.

(8) "Fleet" means a group of fifteen or more motor vehicles owned or leased concurrently by one owner assigned a fleet identifier code by the department of licensing.

(9) "Gross vehicle weight rating (GVWR)" means the manufacturer stated gross vehicle weight rating.

(10) "Motor vehicle" means any self-propelled vehicle required to be licensed pursuant to chapter 46.16 RCW.

(11) "Noncompliance area" means a land area within whose boundaries any air quality standard for any air contaminant from the emissions of motor vehicles will probably be exceeded.

(12) "PPM" means parts per million by volume.

(13) "Primary emission control components" means the components of the vehicle installed by the manufacturer for the purpose of reducing emissions or its replacement or modification which is acceptable to the United States Environmental Protection Agency. These components are, but are not limited to, the catalytic converter or thermal reactor, the air injection system components, the thermostatic air cleaner, the exhaust gas recirculation system components, the evaporative emission system components including the gas cap, the positive crankcase ventilation system components and the electronic control unit components that control the air/fuel mixture and/or ignition timing including all related sensors.

The primary emission control components of a vehicle with a different engine than the engine originally installed shall be an Environmental Protection Agency certified engine/emission control combination for that vehicle or its newer model.

[Statutory Authority: RCW 70.120.120. WSR 02-12-072 (Order 02-04), § 173-422-020, filed 6/3/02, effective 7/4/02. Statutory Authority: Chapter 70.120 RCW. WSR 95-06-068 (Order 93-35), § 173-422-020, filed 2/28/95, effective 3/31/95; WSR 94-05-039 (Order 93-10), § 173-422-020, filed 2/8/94, effective 3/11/94; WSR 93-10-062 (Order 91-46), § 173-422-020, filed 5/3/93, effective 6/3/93; WSR 90-06-062, § 173-422-020, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). WSR 83-23-115 (Order DE 83-31), § 173-422-020, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. WSR 80-03-070 (Order DE 79-35), § 173-422-020, filed 2/28/80.]

WAC 173-422-030 Vehicle emission inspection requirement. All motor vehicles, not specifically exempted by WAC 173-422-170, which are registered or reregistered within the boundaries of an emission contributing area, as specified in WAC 173-422-050, are subject to the vehicle emission inspection requirements of this chapter. In addition, the department may require an emission inspection of a motor vehicle, except military tactical vehicles, operated for more than sixty days a year on a federal installation located within an emission contributing area, or a vehicle garaged at a location within an emission contributing area, or a vehicle which has previously passed an emission inspection but has been identified using on road testing as likely to no longer comply with the inspection standards. Neither the department of licensing, county auditors nor subagents appointed under RCW 46.01.140 may change the registered owner or may issue or renew a motor vehicle license for any vehicle registered in an emission contributing area, as that area is established under RCW 70.120.150, unless the application for issuance or renewal is: (1) Accompanied by a valid certificate of compliance issued pursuant to RCW 70.120.080 or 70.120.170 or a valid certificate of acceptance issued pursuant to RCW 70.120.070; or (2) exempted from this requirement pursuant to RCW 46.16.015(2). Certificates must have a date of validation which is within twelve months of the assigned license renewal date.

[Statutory Authority: RCW 70.120.120. WSR 02-12-072 (Order 02-04), § 173-422-030, filed 6/3/02, effective 7/4/02. Statutory Authority: Chapter 70.120 RCW. WSR 96-21-029 (Order 95-11), § 173-422-030, filed 10/9/96, effective 11/9/96; WSR 95-06-068 (Order 93-35), § 173-422-030, filed 2/28/95, effective 3/31/95; WSR 94-05-039 (Order 93-10), § 173-422-030, filed 2/8/94, effective 3/11/94; WSR 93-10-062 (Order 91-46), § 173-422-030, filed 5/3/93, effective 6/3/93. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). WSR 83-23-115 (Order DE 83-31), § 173-422-030, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. WSR 80-03-070 (Order DE 79-35), § 173-422-030, filed 2/28/80.]

WAC 173-422-031 Vehicle emission inspection schedules. (1) Vehicles defined in RCW 46.16.015(2) or WAC 173-422-170 are exempt from emission inspections. Vehicles five through twenty-five years old, other than state and local government vehicles, shall be inspected every other year as described in the table below. This inspection schedule does not apply to vehicles that have already been issued a certificate of compliance or a certificate of acceptance within twelve months of the assigned license renewal date.

Year	Model Year of Vehicles Needing Inspection
2002	1978, 1980, 1982, 1984, 1986, 1988, 1990, 1992, 1994, 1997
2003	1979, 1981, 1983, 1985, 1987, 1989, 1991, 1993, 1995, 1996, 1998
2004	1980, 1982, 1984, 1986, 1988, 1990, 1992, 1994, 1997, 1999
2005	1981, 1983, 1985, 1987, 1989, 1991, 1993, 1995, 1996, 1998, 2000
2006	1982, 1984, 1986, 1988, 1990, 1992, 1994, 1997, 1999, 2001
2007	1983, 1985, 1987, 1989, 1991, 1993, 1995, 1996, 1998, 2000, 2002
2008	1984, 1986, 1988, 1990, 1992, 1994, 1997, 1999, 2001, 2003
2009	1985, 1987, 1989, 1991, 1993, 1995, 1996, 1998, 2000, 2002, 2004
2010	1986, 1988, 1990, 1992, 1994, 1997, 1999, 2001, 2003, 2005
2011	1987, 1989, 1991, 1993, 1995, 1996, 1998, 2000, 2002, 2004, 2006
2012	1988, 1990, 1992, 1994, 1997, 1999, 2001, 2003, 2005, 2007

(2) State and local government vehicles five through twenty-five years old shall be inspected yearly as described in the table below.

Year	Model Year of Vehicles Needing Inspection
2002	1977 through 1997
2003	1978 through 1998
2004	1979 through 1999
2005	1980 through 2000
2006	1981 through 2001

Year	Model Year of Vehicles Needing Inspection
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2007	1982 through 2002
2008	1983 through 2003
2009	1984 through 2004
2010	1985 through 2005
2011	1986 through 2006
2012	1987 through 2007

[Statutory Authority: RCW 70.120.120. WSR 02-12-072 (Order 02-04), § 173-422-031, filed 6/3/02, effective 7/4/02; WSR 00-22-120 (Order 00-15), § 173-422-031, filed 11/1/00, effective 12/2/00.]

WAC 173-422-035 Registration requirements. (1) Persons residing in emission contributing areas as defined under WAC 173-422-050 shall register their motor vehicles within that area.

(2) Any person who violates this section shall reregister their motor vehicle within the emission contributing area, obtain a certificate of compliance or acceptance within thirty days, and is subject to a civil penalty not to exceed two hundred fifty dollars for each violation.

(3) Any civil penalty imposed by the department hereunder shall be appealable to the pollution control hearings board as provided for in chapter 43.21B RCW.

[Statutory Authority: Chapter 70.120 RCW. WSR 95-06-068 (Order 93-35), § 173-422-035, filed 2/28/95, effective 3/31/95; WSR 93-10-062 (Order 91-46), § 173-422-035, filed 5/3/93, effective 6/3/93; WSR 90-06-062, § 173-422-035, filed 3/6/90, effective 4/6/90.]

WAC 173-422-040 Noncompliance areas. The following areas are designated noncompliance areas for the air contaminants specified:
Carbon monoxide

- (1) The city of Seattle.
- (2) The city of Bellevue.
- (3) The city of Spokane.
- (4) The city of Tacoma.
- (5) The city of Vancouver.
- (6) The city of Everett.

[Statutory Authority: Chapter 70.120 RCW. WSR 93-10-062 (Order 91-46), § 173-422-040, filed 5/3/93, effective 6/3/93; WSR 90-06-062, § 173-422-040, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). WSR 83-23-115 (Order DE 83-31), § 173-422-040, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. WSR 82-02-027 (Order DE 81-32), § 173-422-040, filed 12/31/81; WSR 80-03-070 (Order DE 79-35), § 173-422-040, filed 2/28/80.]

WAC 173-422-050 Emission contributing areas. Emission contributing areas within which the motor vehicle emission inspection program applies are designated by the following United States Postal Service ZIP codes as of September 1, 1994, set forth below:

(1) Puget Sound Region

98001	98036	98083
98002	98037	98092
98003	98038	98093
98004	98039	98101 thru 98199
98005	98040	inclusive except 98110
98006	98041	98201 thru 98208
98007	98042	98258
98008	98043	98270
98009	98046	98271
98011	98047	98275
98012	98052	98290
98015	98053	98291
98020	98054	98327
98021	98055	98332
98023	98056	98335
98025	98057	98338
98026	98058	98344
98027	98059	98352
98028	98062	98354
98031	98063	98371 thru 98374
98032	98064	98387
98033	98071	98388
98034	98072	98390
98035	98073	98401 thru 98499

(2) Spokane Region

99001
99005
99014
99016
99019
99021
99025
99027
99037
99201 thru 99299

(3) Vancouver Region

98604 except north of N.E. 279th Street
98606
98607
98629 except east of N.E. 50th Avenue
98642
98660 thru 98668
98671 except Skamania County
98682-86

[Statutory Authority: Chapter 70.120 RCW. WSR 96-21-029 (Order 95-11), § 173-422-050, filed 10/9/96, effective 11/9/96; WSR 95-06-068 (Order 93-35), § 173-422-050, filed 2/28/95, effective 3/31/95; WSR 94-05-039 (Order 93-10), § 173-422-050, filed 2/8/94, effective 3/11/94; WSR 93-10-062 (Order 91-46), § 173-422-050, filed 5/3/93, effective 6/3/93; WSR 84-09-087 (Order DE 84-7), § 173-422-050, filed 4/18/84. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). WSR 83-23-115 (Order DE 83-31), § 173-422-050, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. WSR 82-02-027 (Order DE 81-32), § 173-422-050, filed 12/31/81; WSR 80-03-070 (Order DE 79-35), § 173-422-050, filed 2/28/80.]

WAC 173-422-060 Gasoline vehicle emission standards. Gasoline motor vehicles subject to this chapter shall:

(1) When tested using the exhaust emission testing procedures described in (II) Two Speed Idle Test of Appendix B Test Procedures of Subpart S-Inspection/Maintenance Program Requirements of Part 51 of Chapter 1, Title 40 of the Code of Federal Regulations adopted November 1, 1992, meet the applicable exhaust emission standards from the following table during both the idle and higher speed mode.

Two Speed Idle Test Exhaust Emission Standards		
Model Year	CO(%)*	HC (ppm)*
80 and earlier	3.0	600
81 and newer (0-8500 GVWR)	1.2	220
81 and newer (Greater than 8500 GVWR)	3.0	400

* Carbon monoxide (CO) and hydrocarbons (HC), measured as a percentage (%) or parts per million (ppm) of the exhaust volume.

(2) When tested using the acceleration simulation mode (ASM) procedure specified in WAC 173-422-070 meet the following standards during that mode and the applicable standard from WAC 173-422-060(1) during the idle mode.

ASM Mode Exhaust Emission Standards		
Model Year Test Weight (lbs.)	CO (%)*	HC (ppm)
1980 and earlier model year cars and trucks (0-8500 lbs. GVWR)		
1750	4.2	400
1875	4.0	380
2000	3.8	350
2125	3.6	340
2250	3.4	320
2375	3.2	300
2500	3.0	290
2625	2.9	270
2750	2.8	260
2875	2.7	250
3000	2.6	240
3125	2.5	230

ASM Mode Exhaust Emission Standards

Model Year Test Weight (lbs.)	CO (%)*	HC (ppm)
3250	2.4	220
3375	2.3	220
3500	2.2	210
3625	2.1	200
cars 3750 & greater	2.1	200
trucks 3750 & greater	2.5	300
1981 & later model year cars and trucks (0-8500 lbs. GVWR)		
1750	1.8	250
1875	1.7	240
2000	1.6	220
2125	1.5	210
2250	1.5	200
2375	1.4	190
2500	1.3	180
2625	1.3	180
2750	1.2	170
2875	1.2	160
3000	1.1	160
3125	1.1	150
3250	1.0	150
3375	1.0	150
3500	1.0	150
3625	1.0	150
cars 3750 & greater	1.0	150
trucks 3750 & greater	1.5	200

* Carbon monoxide (CO) and hydrocarbons (HC), measured as a percentage (%) or parts per million (ppm) of the exhaust volume.

(3) The gasoline filler cap must not leak more than 60 cubic centimeters per minute at a pressure of 30 inches of water.

(4) Standardized on-board diagnostic (OBD) systems (also known as OBDII) were required by Environmental Protection Agency starting with 1996 model gasoline vehicle cars and light trucks. If a 1996 or newer model vehicle is equipped with an Environmental Protection Agency certified on-board diagnostic (OBD) system, the information stored in the on-board computer must indicate that all emission-related functional checks have been completed except for 1996 to 2000 model year vehicles that can have up to two readiness monitors not set to ready, or 2001 or newer model year vehicles that have one readiness monitor not set to ready, and no malfunctions detected that would command the malfunction indicator light to be illuminated.

[Statutory Authority: RCW 70.120.120. WSR 02-12-072 (Order 02-04), § 173-422-060, filed 6/3/02, effective 7/4/02. Statutory Authority: Chapter 70.120 RCW. WSR 96-21-029 (Order 95-11), § 173-422-060, filed 10/9/96, effective 11/9/96; WSR 95-06-068 (Order 93-35), § 173-422-060, filed 2/28/95, effective 3/31/95; WSR 93-10-062 (Order 91-46), § 173-422-060, filed 5/3/93, effective 6/3/93; WSR 90-06-062,

§ 173-422-060, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). WSR 83-23-115 (Order DE 83-31), § 173-422-060, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. WSR 82-02-027 (Order DE 81-32), § 173-422-060, filed 12/31/81; WSR 80-03-070 (Order DE 79-35), § 173-422-060, filed 2/28/80.]

WAC 173-422-065 Diesel vehicle exhaust emission standards. (1) Diesel motor vehicles subject to this chapter shall meet the following opacity standards when using the snap-acceleration test procedures specified in WAC 173-422-075.

Model Year	Opacity (%)
1991 and earlier	55
1992 and later	40

(2) When using the Acceleration Simulation Mode (ASM) test procedures specified in WAC 173-422-070 adapted for the testing of diesel cars or light trucks (0-8500 pounds gross vehicle weight rating), these vehicles shall meet a 20% opacity standard.

[Statutory Authority: RCW 70.120.120. WSR 02-12-072 (Order 02-04), § 173-422-065, filed 6/3/02, effective 7/4/02. Statutory Authority: Chapter 70.120 RCW. WSR 95-06-068 (Order 93-35), § 173-422-065, filed 2/28/95, effective 3/31/95; WSR 93-10-062 (Order 91-46), § 173-422-065, filed 5/3/93, effective 6/3/93.]

WAC 173-422-070 Gasoline vehicle exhaust emission testing procedures. All persons certified by, or under contract to, the department to conduct motor vehicle emission inspections shall use the exhaust emission testing procedures described in (II) Two Speed Idle Test of Appendix B-Test Procedures of Subpart S-Inspection/Maintenance Program Requirements of Part 51 of chapter 1, Title 40 of the Code of Federal Regulations adopted November 1, 1992, except that the department may require that the following Acceleration Simulation Mode (ASM) test procedure replace the 2500 rpm mode of the Two Speed Idle Test. Equivalent procedures may be approved by the department.

Variations to the procedures specified may be established by the department for all or certain vehicles. Vehicles, not repaired as required by an emission recall for which owner notification was attempted after January 1, 1995, shall not be inspected until compliance with the recall is established.

Acceleration Simulation Mode (ASM)

1. **Dynamometer Load:** Set dynamometer horsepower load equal to $[\text{Vehicle Weight (lbs.)} + 300]/300$. An Environmental Protection Agency specified loading may also be used.
2. **Vehicle Gear Selection:** Vehicles with automatic transmissions use Drive (not Overdrive), vehicles with manual transmissions use second gear. Shift to the next higher gear if the engine speed exceeds 2500 revolutions per minute.
3. **Vehicle Speed:** Set vehicle speed at 25 miles per hour (mph) $1.5 \pm$ mph.

4. Pass or Fail Determinations: Once the vehicle has been operating at 25 mph for 15 seconds, begin measuring exhaust HC, CO, and CO₂, each second. The reading for pass or fail determinations is the running average of five measurements. When a final pass or fail determination is made, this mode will be stopped and the final readings recorded.
5. Fast Pass: Once HC and CO readings are equal to or less than the HC and CO standards and are within 20 ppm HC and 0.20% CO of each other.
6. Fast Fail: The vehicle will fail after 15 or more seconds of measurements when the HC reading exceeds 1800 ppm, or the CO reading exceeds 9.0 percent.
7. Full Term Pass/Fail: The vehicle will pass or fail the ASM mode after 90 seconds of measurements unless emission readings are declining at a rate that indicates that a failing vehicle will pass within the next 30 seconds. Then the failing vehicle will receive up to an additional 30 seconds of measurements before the final pass/fail determination is made.

[Statutory Authority: RCW 70.120.120. WSR 02-12-072 (Order 02-04), § 173-422-070, filed 6/3/02, effective 7/4/02. Statutory Authority: Chapter 70.120 RCW. WSR 96-21-029 (Order 95-11), § 173-422-070, filed 10/9/96, effective 11/9/96; WSR 95-06-068 (Order 93-35), § 173-422-070, filed 2/28/95, effective 3/31/95; WSR 94-05-039 (Order 93-10), § 173-422-070, filed 2/8/94, effective 3/11/94; WSR 93-10-062 (Order 91-46), § 173-422-070, filed 5/3/93, effective 6/3/93; WSR 90-06-062, § 173-422-070, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). WSR 83-23-115 (Order DE 83-31), § 173-422-070, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. WSR 82-02-027 (Order DE 81-32), § 173-422-070, filed 12/31/81; WSR 80-03-070 (Order DE 79-35), § 173-422-070, filed 2/28/80.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 173-422-075 Diesel vehicle inspection procedure. Diesel vehicles shall be tested using the following snap-acceleration test procedure unless the department requires the Acceleration Simulation Mode (ASM) test procedure specified in WAC 173-422-070 adapted for the testing of diesel cars or light trucks (0-8500 pounds gross vehicle weight rating) be used in lieu of the snap-acceleration test procedure.

Prior to beginning the test verify the engine is within its normal operating temperature range, all vehicle accessories including air conditioning are off, the parking brake and an engine brake or retarder is off, the transmission is in neutral (and clutch released if manual transmission).

(1) The vehicle shall receive at least three preliminary snap-acceleration test cycles until consistent engine operation is achieved. The snap-acceleration test cycle consists of moving the accelerator pedal from normal idle as rapidly as possible to the full power position, then fully releasing the throttle so the engine returns to idle.

(2) Then perform additional snap-acceleration test cycles while measuring the smoke opacity with an opacity meter which meets the requirements specified in WAC 173-422-095. The engine must be allowed to

remain at idle for at least ten seconds between snap-acceleration test cycles. If a subsequent snap-acceleration cycle is not begun within 45 seconds, the entire sequence of snap-acceleration test cycles must be restarted. The three preliminary snap-acceleration test cycles described in (1) need not be repeated.

(3) Record peak opacity readings from each snap-acceleration test cycle up to nine times if necessary to obtain a peak opacity reading and two consecutive peak readings that are equal to or less than the standard established in WAC 173-422-065.

If a peak opacity reading and two consecutive peak readings that are equal to or less than the standard established in WAC 173-422-065 are not obtained, the vehicle fails the test.

(4) Steps 2 and 3 are repeated for any additional exhaust pipes.

[Statutory Authority: RCW 70.120.120. WSR 02-12-072 (Order 02-04), § 173-422-075, filed 6/3/02, effective 7/4/02. Statutory Authority: Chapter 70.120 RCW. WSR 94-05-039 (Order 93-10), § 173-422-075, filed 2/8/94, effective 3/11/94; WSR 93-10-062 (Order 91-46), § 173-422-075, filed 5/3/93, effective 6/3/93.]

WAC 173-422-090 Exhaust gas analyzer specifications. Only exhaust gas analyzers meeting the specifications contained in (I) Steady-State Exhaust Analysis System of Appendix D-Steady-State Short Test Equipment of Subpart S-Inspection/Maintenance Program Requirements of Part 51 of chapter 1, Title 40 of the Code of Federal Regulations adopted November 1, 1992, at the time of certification testing may be used for certification testing, unless equivalent specifications have been approved by the department.

[Statutory Authority: Chapter 70.120 RCW. WSR 95-06-068 (Order 93-35), § 173-422-090, filed 2/28/95, effective 3/31/95; WSR 93-10-062 (Order 91-46), § 173-422-090, filed 5/3/93, effective 6/3/93; WSR 90-06-062, § 173-422-090, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). WSR 83-23-115 (Order DE 83-31), § 173-422-090, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. WSR 82-02-027 (Order DE 81-32), § 173-422-090, filed 12/31/81; WSR 80-03-070 (Order DE 79-35), § 173-422-090, filed 2/28/80.]

WAC 173-422-095 Exhaust opacity testing equipment. The exhaust opacity measurement shall be conducted using an opacity meter approved by the department.

The opacity meter shall:

(1) Automatically calibrates itself before each test.

(2) Provide for continuous measurement of exhaust opacity unaffected by rain or wind.

[Statutory Authority: Chapter 70.120 RCW. WSR 94-05-039 (Order 93-10), § 173-422-095, filed 2/8/94, effective 3/11/94; WSR 93-10-062 (Order 91-46), § 173-422-095, filed 5/3/93, effective 6/3/93.]

WAC 173-422-100 Testing equipment maintenance and calibration.

(1) Unless alternative procedures have been approved or required by the department all equipment used in the inspection shall be calibra-

ted and maintained according to the manufacturer's specifications and recommendations. Complete logs as approved by the department shall be kept for maintenance, repair, and calibration.

(2) The procedures for equipment maintenance and calibration procedures described in (I) Steady-State Test Equipment of Appendix A-Calibrations, Adjustments and Quality Control of Subpart S-Inspection/Maintenance Program Requirements of Part 51 of chapter 1, Title 40 of the Code of Federal Regulations adopted November 1, 1992, shall be followed by all testing facilities unless equivalent procedures have been approved by the department.

[Statutory Authority: Chapter 70.120 RCW. WSR 95-06-068 (Order 93-35), § 173-422-100, filed 2/28/95, effective 3/31/95; WSR 93-10-062 (Order 91-46), § 173-422-100, filed 5/3/93, effective 6/3/93; WSR 90-06-062, § 173-422-100, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). WSR 83-23-115 (Order DE 83-31), § 173-422-100, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. WSR 82-02-027 (Order DE 81-32), § 173-422-100, filed 12/31/81; WSR 80-03-070 (Order DE 79-35), § 173-422-100, filed 2/28/80.]

WAC 173-422-120 Quality assurance. The department, or its designee, may monitor the operation of each authorized emission inspection/certification facility with unidentified or unannounced and unscheduled inspections to check the calibration and maintenance of the exhaust analyzers, test procedures, and records.

The department (or its designee) may immediately require the suspension of vehicle inspections/certifications in all or part by the inspection/certification facility if violations of this chapter are found during an audit of the inspection facility.

[Statutory Authority: Chapter 70.120 RCW. WSR 95-06-068 (Order 93-35), § 173-422-120, filed 2/28/95, effective 3/31/95; WSR 93-10-062 (Order 91-46), § 173-422-120, filed 5/3/93, effective 6/3/93. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). WSR 83-23-115 (Order DE 83-31), § 173-422-120, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. WSR 80-03-070 (Order DE 79-35), § 173-422-120, filed 2/28/80.]

WAC 173-422-130 Inspection fees. At an inspection facility operated under contract to the state, the fee for the first emission inspection on each vehicle applicable to a vehicle license year shall be fifteen or less dollars. If the vehicle fails, one reinspection will be provided free of charge at any inspection station operated under contract to the state, provided that the reinspection is applicable to the same vehicle license year. Any additional reinspection of a failed vehicle applicable to the same vehicle license year will require the payment of fifteen or less dollars.

[Statutory Authority: RCW 70.120.080, 70.120.170 (4)(a), 46.16.015 (2)(h) and 70.120.120. WSR 99-24-021 (Order 99-19), § 173-422-130, filed 11/22/99, effective 12/31/99. Statutory Authority: Chapter 70.120 RCW. WSR 94-05-039 (Order 93-10), § 173-422-130, filed 2/8/94, effective 3/11/94. Statutory Authority: RCW 70.120.170 (4)(a). WSR 93-20-010 (Order 93-15), § 173-422-130, filed 9/22/93, effective

10/23/93. Statutory Authority: Chapter 70.120 RCW. WSR 93-10-062 (Order 91-46), § 173-422-130, filed 5/3/93, effective 6/3/93; WSR 90-06-062, § 173-422-130, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.040(7). WSR 87-02-051 (Order DE 86-32), § 173-422-130, filed 1/7/87, effective 4/1/87. Statutory Authority: RCW 70.120.120. WSR 82-02-027 (Order DE 81-32), § 173-422-130, filed 12/31/81; WSR 80-03-070 (Order DE 79-35), § 173-422-130, filed 2/28/80.]

WAC 173-422-145 Fraudulent certificates of compliance/acceptance. (1) (a) Obtaining or attempting to obtain a certificate of compliance by (i) providing false information or (ii) any fraudulent means; or

(b) Obtaining or attempting to obtain a certificate of acceptance (i) through the use of receipts or other documentation containing false information, or (ii) any fraudulent means shall be construed as a violation of these rules implementing chapter 70.94 RCW as supplemented by chapter 70.120 RCW.

(2) Any person who commits such violation or who aids or abets another in committing the same shall be subject to a civil penalty not to exceed two hundred fifty dollars for each violation.

(3) For the purposes of this section the term "expended" refers to the net actual cost to the vehicle owner in the purchase of repairs or parts derived after the amount of any rebate, discount or cash-return has been subtracted.

(4) Any civil penalty imposed by the department hereunder shall be appealable to the pollution control hearing board as provided for in chapter 43.21B RCW.

[Statutory Authority: Chapter 70.120 RCW. WSR 90-06-062, § 173-422-145, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). WSR 83-23-115 (Order DE 83-31), § 173-422-145, filed 11/23/83, effective 1/2/84.]

WAC 173-422-160 Fleet and diesel owner vehicle testing requirements. The department may authorize emission inspections by fleet operators including government agencies and the owners of diesel motor vehicles with a gross vehicle weight rating in excess of 8500 pounds or by an automotive service or testing facility engaged by the vehicle owner for such activity. Authorizations to conduct emission tests and issue certificates of compliance under this section are limited to authorized fleet vehicles or diesel vehicles with a gross vehicle weight rating in excess of 8500 pounds.

(1) All persons engaged in testing of gasoline fleet or diesel vehicles must comply with all applicable provisions of this chapter except as approved by the department.

(2) All persons conducting tests for the purpose of issuing certificates for fleet or diesel vehicles shall be ecology authorized emission specialists.

(3) Legibly completed forms will constitute certificates of compliance for licensing purposes. Any person conducting testing under this section shall forward to the department within ten working days after the end of each month, a copy of each certificate of compliance issued during that month. Copies of each certificate of compliance shall be retained by the person issuing the certificate for at least

two years from date of issuance. Alternative arrangements for providing and or storing this information using automated data storage devices may be approved or required by the department.

Forms must be purchased from the department in advance of issuance through payment of fifteen or less dollars to the department for each certificate requested. Refunds or credit may be given for unused certificates returned to the department.

Payment for fleet forms is waived for state and local government fleets.

Test forms provided under this section are official documents. Persons receiving the forms from the department are accountable for each form provided.

Voided forms must be handled the same as certificates of compliance. One copy shall be sent to the department within ten days after the end of the month in which the form was voided and one copy shall be retained by the person accountable for the forms for at least two years after date of voiding. Refunds will not be made for voided forms.

(4) All persons authorized to conduct fleet or government vehicle inspections under this section shall be subject to performance audits and compliance inspections by the department, during normal business hours.

(5) Fleet vehicles may be inspected anytime between their scheduled license renewals.

(6) Certificates of acceptance may not be issued under this section.

[Statutory Authority: RCW 70.120.080, 70.120.170 (4)(a), 46.16.015 (2)(h) and 70.120.120. WSR 99-24-021 (Order 99-19), § 173-422-160, filed 11/22/99, effective 12/31/99. Statutory Authority: Chapter 70.120 RCW. WSR 95-06-068 (Order 93-35), § 173-422-160, filed 2/28/95, effective 3/31/95; WSR 94-05-039 (Order 93-10), § 173-422-160, filed 2/8/94, effective 3/11/94; WSR 93-10-062 (Order 91-46), § 173-422-160, filed 5/3/93, effective 6/3/93; WSR 90-06-062, § 173-422-160, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). WSR 83-23-115 (Order DE 83-31), § 173-422-160, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. WSR 82-02-027 (Order DE 81-32), § 173-422-160, filed 12/31/81; WSR 80-03-070 (Order DE 79-35), § 173-422-160, filed 2/28/80.]

WAC 173-422-170 Exemptions. The following motor vehicles are exempt from the inspection requirement:

(1) Vehicles proportionally registered pursuant to chapter 46.85 RCW.

(2) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale; this does not exempt motor vehicles that are or have been leased.

(3) Motor vehicles that use propulsion units powered exclusively by electricity.

(4) Motor-driven cycles as defined in chapter 46.04 RCW as amended.

(5) Farm vehicles as defined in chapter 46.04 RCW as amended.

(6) Vehicles not required to be licensed.

(7) Mopeds as defined in chapter 46.04 RCW as amended.

(8) Vehicles garaged and operated out of the emission contributing area.

(9) Vehicles registered with the state but not for highway use.

(10) Used vehicles at the time of sale by a Washington licensed motor vehicle dealer.

(11) Motor vehicles fueled by propane, compressed natural gas, or liquid petroleum gas and so registered by the department of licensing.

(12) Motor vehicles whose manufacturer or engine manufacturer provides information that the vehicle cannot meet emission standards because of its design. In lieu of exempting these vehicles, alternative standards and or inspection procedures may be established.

(13) Motor vehicles whose registered ownership is being transferred between parents, siblings, grandparents, grandchildren, spouse or present co-owners and all transfers to the legal owner or a public agency.

(14) Vehicles less than five years old.

(15) Vehicles more than twenty-five years old.

[Statutory Authority: RCW 70.120.120. WSR 00-22-120 (Order 00-15), § 173-422-170, filed 11/1/00, effective 12/2/00. Statutory Authority: RCW 70.120.080, 70.120.170 (4) (a), 46.16.015 (2) (h) and 70.120.120. WSR 99-24-021 (Order 99-19), § 173-422-170, filed 11/22/99, effective 12/31/99. Statutory Authority: Chapter 70.120 RCW. WSR 96-23-030 (Order 96-11), § 173-422-170, filed 11/15/96, effective 12/16/96; WSR 96-21-029 (Order 95-11), § 173-422-170, filed 10/9/96, effective 11/9/96; WSR 95-06-068 (Order 93-35), § 173-422-170, filed 2/28/95, effective 3/31/95; WSR 94-05-039 (Order 93-10), § 173-422-170, filed 2/8/94, effective 3/11/94; WSR 93-10-062 (Order 91-46), § 173-422-170, filed 5/3/93, effective 6/3/93; WSR 90-06-062, § 173-422-170, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). WSR 83-23-115 (Order DE 83-31), § 173-422-170, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. WSR 82-02-027 (Order DE 81-32), § 173-422-170, filed 12/31/81; WSR 80-03-070 (Order DE 79-35), § 173-422-170, filed 2/28/80.]

WAC 173-422-175 Fraudulent exemptions. (1) Obtaining or attempting to obtain an exemption from emission inspection requirements by false statements, or failure to comply with the exemption procedures established to implement WAC 173-422-170, shall be construed as a violation of these rules implementing chapter 70.94 RCW as supplemented by chapter 70.120 RCW.

(2) Any person who commits such violation or who aids or abets another in committing the same shall be subject to a civil penalty not to exceed two hundred fifty dollars for each violation.

(3) Any civil penalty imposed by the department hereunder shall be appealable to the pollution control board as provided for in chapter 43.21B RCW.

[Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). WSR 83-23-115 (Order DE 83-31), § 173-422-175, filed 11/23/83, effective 1/2/84.]

WAC 173-422-190 Emission specialist authorization. (1) To become an authorized emission specialist an individual shall:

(a) Pass a course of study, approved by the department; and
(b) Agree in writing to meet the requirements of subsection (2) of this section and all requirements of law or regulation regarding the serving of motor vehicle emission control systems or the motor vehicle emission inspection program.

(2) To maintain certification, an authorized emission specialist shall:

(a) Successfully complete a department-approved course on emission repair within ninety days of being required to do so by the department unless an extension has been granted in writing by the department; and

(b) Sign, including the specialist identification number, all receipts and other forms required by the department for emission repairs or adjustments performed. These receipts must be prenumbered, preprinted with the business's name and address and clearly itemize all appropriate repairs performed by the specialist; and

(c) Record on all receipts:

(i) The vehicle's emission readings after appropriate repairs or the diagnosis and/or repair of problem(s) identified by the on-board diagnostic (OBD) during an emission inspection; and

(ii) A vehicle description including the license number and vehicle identification number (VIN); and

(iii) Any missing or inoperative primary emission control components; and

(iv) Any further recommended appropriate repairs; and

(d) Not tamper with emission control systems, including adjusting an engine outside of the manufacturer's specifications (chapter 173-421 WAC); and

(e) Not obtain or attempt to obtain a certificate of compliance, a certificate of acceptance (repair waiver) or an exemption from the inspection requirements by providing false information or by any fraudulent means (chapter 173-422 WAC); and

(f) Not aid or abet any individual in committing a violation of chapter 173-421 or 173-422 WAC.

(3) The certification of an authorized emission specialist may be revoked for a first violation of chapter 173-421 WAC or WAC 173-422-145, for a period of no more than one year, and may be permanently revoked for a second violation of chapter 173-421 or 173-422 WAC.

The certification of an authorized emission specialist may be temporarily revoked for violation of subsection (2) of this section and may be permanently revoked for continued willful violation of subsection (2) of this section.

An authorized emission specialist whose certification is revoked permanently or temporarily may appeal to the pollution control hearings board as provided for in RCW 43.21B.310.

(4) An authorized emission specialist whose certification has been temporarily revoked may reapply for certification twelve months after the date of revocation by applying to the department and meeting all requirements of subsection (1) of this section. An application for certification by a permanently revoked authorized emission specialist will be denied.

[Statutory Authority: RCW 70.120.120. WSR 02-12-072 (Order 02-04), § 173-422-190, filed 6/3/02, effective 7/4/02. Statutory Authority: Chapter 70.120 RCW. WSR 96-21-029 (Order 95-11), § 173-422-190, filed 10/9/96, effective 11/9/96; WSR 95-06-068 (Order 93-35), §

WAC 173-422-195 Listing of authorized emission specialists. (1)

A list of authorized emission specialists will be available to the public. Specialists will be listed under one employer's business name when the business is approved for listing. The list will be updated by the department at least once every six months.

(2) The employer's business name and address will be listed by the department, when the employer agrees in writing to:

(a) Require the use of a properly maintained and correctly calibrated exhaust analyzer and a scan tool capable of communicating with the on-board diagnostic (OBD) systems installed on all U.S. Environmental Protection Agency certified 1996 model year and newer gasoline vehicles to diagnosis emission test failures and as a final check for emission repairs or adjustments;

(b) Have all emission repairs or adjustments performed by an authorized emission specialist;

(c) Require the authorized emission specialist to sign the customer's receipt for emission repairs or adjustments, and to record the vehicle's emission readings or which problem(s) identified by the on-board diagnostic (OBD) system during an emission inspection that have been diagnosed and/or repaired on the receipt after the work is completed;

(d) Require that all employees not aid or abet any person to tamper with emission control systems, including adjusting a vehicle outside of the manufacturer's specifications (chapter 173-421 WAC); and

(e) Require that all employees not aid or abet any person to obtain a fraudulent certificate of compliance, certificate of acceptance or an exemption from the inspection requirement (repair waiver) (chapter 173-422 WAC).

(f) Notify the department when an authorized emission specialist begins or ends employment.

(3) An employer may be removed from the authorized emission specialist list for a first violation of chapter 173-421 or 173-422 WAC for a period of no more than one year and may be permanently removed after a second violation of chapter 173-421 or 173-422 WAC.

An employer may be temporarily removed from the authorized emission specialist list when failing to comply with the requirements of subsection (2) of this section and may be permanently revoked for continued and willful violation of subsection (2) of this section.

(4) An employer who has been temporarily removed from the authorized emission specialist list may reapply for listing twelve months after the date of removal from the listing by applying to the department and meeting all requirements of subsection (2) of this section. An application for listing from an employer permanently removed from the authorized emission specialist list will be denied.

(5) An employer who is removed from an authorized emission specialist list or denied listing in an authorized emission specialist list may appeal to the pollution control hearings board as provided for in RCW 43.21B.310.

(6) (a) An employer approved for listing may display the "state authorized emission specialist" sign available from the department. Any employer advertising or providing of information to the public based on the department's certification of an authorized emission spe-

cialist must be discontinued immediately when the employer no longer meets the requirements.

(b) An employer violating (a) of this subsection shall be subject to a civil penalty not to exceed two hundred fifty dollars for each violation.

(c) A civil penalty imposed by the department may be appealed to the pollution control hearings board as provided for in RCW 43.21B.310.

[Statutory Authority: RCW 70.120.120. WSR 02-12-072 (Order 02-04), § 173-422-195, filed 6/3/02, effective 7/4/02. Statutory Authority: Chapter 70.120 RCW. WSR 95-06-068 (Order 93-35), § 173-422-195, filed 2/28/95, effective 3/31/95; WSR 90-06-062, § 173-422-195, filed 3/6/90, effective 4/6/90.]