

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

4  
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 70.120.070 and 1991 c 199 s 203 are each amended to  
31 read as follows:

- 32 (1) Any person:
- 33 (a) Whose motor vehicle is tested pursuant to this chapter and  
34 fails to comply with the emission standards established for the  
35 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. 3.** 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. 4.** 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. 5. 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. 6.** 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. 7. (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."

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10 On page 1, line 1 of the title, after "control;" strike the  
11 remainder of the title and insert "amending RCW 70.94.130, 70.120.070,  
12 70.120.100, 70.120.170, and 46.16.015; adding a new section to chapter  
13 70.120 RCW; creating a new section; and providing an expiration date."

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