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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1354

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State of Washington

55th Legislature

1997 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Pennington, Mielke, Dunn and Boldt)

Read first time 03/10/97.

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; adding a new section  
3 to chapter 70.120 RCW; and creating new sections.

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. In no event may a  
19 regular alternate serve as chair. Each member of the board, or his or

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

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

11 (1) Any person:

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

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

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

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

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

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

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

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

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

3       (d) The local phone number of the department's local vehicle  
4 specialist.

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 keep a copy of all complaints received, and on  
16 request, make copies available to the public.

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

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

26       (2) The director shall:

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

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

36       (c) Authorize, through contracts, the establishment and operation  
37 of inspection stations for conducting vehicle emission inspections

1 authorized in this chapter. No person contracted to inspect motor  
2 vehicles may perform for compensation repairs on any vehicles. No  
3 public body may establish or operate contracted inspection stations.  
4 Any contracts must be let in accordance with the procedures established  
5 for competitive bids in chapter 43.19 RCW.

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

9 (a) Auditing;

10 (b) Contractor evaluation;

11 (c) Collection of data for establishing calibration and performance  
12 standards; or

13 (d) Public information and education.

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

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

32 (5) All units of local government and agencies of the state with  
33 motor vehicles garaged or regularly operated in an emissions  
34 contributing area shall test the emissions of those vehicles annually  
35 to ensure that the vehicle's emissions comply with the emission  
36 standards established by the director. All state agencies outside of  
37 emission contributing areas with more than twenty motor vehicles housed  
38 at a single facility or contiguous facilities shall test the emissions  
39 of those vehicles annually to ensure that the vehicles' emissions

1 comply with standards established by the director. A report of the  
2 results of the tests shall be submitted to the department.

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

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

13 The board shall review an inspection and maintenance plan at the  
14 request of a local air pollution control authority, the department, or  
15 by a petition of at least fifty people living within the proposed  
16 boundaries of a vehicle emission inspection and maintenance system.  
17 The entity or entities requesting a scientific review may include  
18 specific issues for the board to consider in its review. The board  
19 shall limit its review to matters of science and shall not provide  
20 advice on penalties or issues that are strictly legal in nature.

21 The board shall provide a complete written review to the  
22 department. If the board members are not in agreement as to the  
23 scientific merit of any issue under review, the board may include a  
24 dissenting opinion in its report to the department. The department  
25 shall immediately make copies available to the local air pollution  
26 control authority and to the public.

27 The department shall conduct a public hearing, within the area  
28 affected by the proposed rule, if any significant aspect of the rule is  
29 in conflict with a majority opinion of the board. The department shall  
30 include in its responsiveness summary the rationale for including a  
31 rule that is not consistent with the review of the board, including a  
32 response to the issues raised at the public hearing.

33 Members shall be reimbursed for travel expenses as provided in RCW  
34 43.03.050 and 43.03.060.

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

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

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

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

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

19 (c) Motor vehicles that use propulsion units powered exclusively by  
20 electricity;

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

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

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

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

29 (h) Classes of motor vehicles exempted by the director of the  
30 department of ecology; or

31 (i) Collector cars as identified by the department of licensing  
32 under RCW 46.16.305(1).

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

37 (3) The department of ecology shall provide information to motor  
38 vehicle owners regarding the boundaries of emission contributing areas  
39 and restrictions established under this section that apply to vehicles

1 registered in such areas. In addition the department of ecology shall  
2 provide information to motor vehicle owners on the relationship between  
3 motor vehicles and air pollution and steps motor vehicle owners should  
4 take to reduce motor vehicle related air pollution. The department of  
5 licensing shall send to all registered motor vehicle owners affected by  
6 the emission testing program notice that they must have an emission  
7 test to renew their registration.

8 NEW SECTION. **Sec. 7.** The department of ecology shall revise its  
9 state implementation plan to include a vehicle emission testing program  
10 for southwest Washington that uses the testing boundaries that were in  
11 effect January 1, 1996. The department shall submit its revised state  
12 implementation plan to the federal environmental protection agency by  
13 March 1, 1998.

14 NEW SECTION. **Sec. 8.** If specific funding for the purposes of this  
15 act, referencing this act by bill or chapter number, is not provided by  
16 June 30, 1997, in the omnibus appropriations act, this act is null and  
17 void.

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