

**Chapter 173-423 WAC
CLEAN VEHICLES PROGRAM**

Last Update: 11/29/21

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-423-050	Requirement to meet California vehicle emission standards. [Statutory Authority: RCW 70.120A.010. WSR 12-24-033 (Order 11-01), § 173-423-050, filed 11/28/12, effective 12/29/12; WSR 05-24-044, § 173-423-050, filed 11/30/05, effective 12/31/05.] Repealed by WSR 21-24-059 (Order 21-04), filed 11/29/21, effective 12/30/21. Statutory Authority: Chapter 173-423 WAC, chapter 70A.30 RCW, chapter 173-400 WAC, chapter 70A.15 RCW.
173-423-080	Fleet average nonmethane organic gas (NMOG) and NMOG Plus NOx exhaust emission requirements, reporting and compliance. [Statutory Authority: RCW 70.120A.010. WSR 12-24-033 (Order 11-01), § 173-423-080, filed 11/28/12, effective 12/29/12; WSR 05-24-044, § 173-423-080, filed 11/30/05, effective 12/31/05.] Repealed by WSR 21-24-059 (Order 21-04), filed 11/29/21, effective 12/30/21. Statutory Authority: Chapter 173-423 WAC, chapter 70A.30 RCW, chapter 173-400 WAC, chapter 70A.15 RCW.
173-423-090	Fleet average greenhouse gas exhaust emission requirements, reporting and compliance. [Statutory Authority: RCW 70.120A.010. WSR 12-24-033 (Order 11-01), § 173-423-090, filed 11/28/12, effective 12/29/12; WSR 05-24-044, § 173-423-090, filed 11/30/05, effective 12/31/05.] Repealed by WSR 21-24-059 (Order 21-04), filed 11/29/21, effective 12/30/21. Statutory Authority: Chapter 173-423 WAC, chapter 70A.30 RCW, chapter 173-400 WAC, chapter 70A.15 RCW.
173-423-100	Manufacturer delivery reporting requirements. [Statutory Authority: RCW 70.120A.010. WSR 12-24-033 (Order 11-01), § 173-423-100, filed 11/28/12, effective 12/29/12; WSR 05-24-044, § 173-423-100, filed 11/30/05, effective 12/31/05.] Repealed by WSR 21-24-059 (Order 21-04), filed 11/29/21, effective 12/30/21. Statutory Authority: Chapter 173-423 WAC, chapter 70A.30 RCW, chapter 173-400 WAC, chapter 70A.15 RCW.
173-423-110	Warranty requirements. [Statutory Authority: RCW 70.120A.010. WSR 12-24-033 (Order 11-01), § 173-423-110, filed 11/28/12, effective 12/29/12. Statutory Authority: RCW 70.120A.010 and 70.120A.050. WSR 09-03-077 (Order 08-16), § 173-423-110, filed 1/15/09, effective 2/15/09. Statutory Authority: RCW 70.120A.010. WSR 05-24-044, § 173-423-110, filed 11/30/05, effective 12/31/05.] Repealed by WSR 21-24-059 (Order 21-04), filed 11/29/21, effective 12/30/21. Statutory Authority: Chapter 173-423 WAC, chapter 70A.30 RCW, chapter 173-400 WAC, chapter 70A.15 RCW.
173-423-120	Recalls. [Statutory Authority: RCW 70.120A.010. WSR 12-24-033 (Order 11-01), § 173-423-120, filed 11/28/12, effective 12/29/12. Statutory Authority: RCW 70.120A.010 and 70.120A.050. WSR 09-03-077 (Order 08-16), § 173-423-120, filed 1/15/09, effective 2/15/09. Statutory Authority: RCW 70.120A.010. WSR 05-24-044, § 173-423-120, filed 11/30/05, effective 12/31/05.] Repealed by WSR 21-24-059 (Order 21-04), filed 11/29/21, effective 12/30/21. Statutory Authority: Chapter 173-423 WAC, chapter 70A.30 RCW, chapter 173-400 WAC, chapter 70A.15 RCW.
173-423-140	Enforcement. [Statutory Authority: RCW 70.120A.010. WSR 05-24-044, § 173-423-140, filed 11/30/05, effective 12/31/05.] Repealed by WSR 21-24-059 (Order 21-04), filed 11/29/21, effective 12/30/21. Statutory Authority: Chapter 173-423 WAC, chapter 70A.30 RCW, chapter 173-400 WAC, chapter 70A.15 RCW.

WAC 173-423-010 Purpose. The purpose of this chapter is to establish rules as authorized by RCW 70A.30.010.

[Statutory Authority: Chapter 173-423 WAC, chapter 70A.30 RCW, chapter 173-400 WAC, chapter 70A.15 RCW. WSR 21-24-059 (Order 21-04), § 173-423-010, filed 11/29/21, effective 12/30/21. Statutory Authority: RCW 70.120A.010. WSR 12-24-033 (Order 11-01), § 173-423-010, filed 11/28/12, effective 12/29/12; WSR 05-24-044, § 173-423-010, filed 11/30/05, effective 12/31/05.]

WAC 173-423-020 Applicability. This chapter applies to all passenger cars, light-duty trucks, medium-duty passenger vehicles, medium-duty vehicles, and heavy-duty vehicles registered, leased, rented

or sold for use in Washington, except as provided in WAC 173-423-060 Exemptions.

[Statutory Authority: Chapter 173-423 WAC, chapter 70A.30 RCW, chapter 173-400 WAC, chapter 70A.15 RCW. WSR 21-24-059 (Order 21-04), § 173-423-020, filed 11/29/21, effective 12/30/21. Statutory Authority: RCW 70.120A.010. WSR 05-24-044, § 173-423-020, filed 11/30/05, effective 12/31/05.]

WAC 173-423-025 Effective date. This chapter is effective on January 1, 2006, provided the U.S. Environmental Protection Agency has granted a waiver under 42 U.S.C. Sec. 7543 for the California motor vehicle emission standards adopted by reference in this chapter.

[Statutory Authority: Chapter 173-423 WAC, chapter 70A.30 RCW, chapter 173-400 WAC, chapter 70A.15 RCW. WSR 21-24-059 (Order 21-04), § 173-423-025, filed 11/29/21, effective 12/30/21. Statutory Authority: RCW 70.120A.010. WSR 05-24-044, § 173-423-025, filed 11/30/05, effective 12/31/05.]

WAC 173-423-030 Adoption by reference. (1) This chapter adopts by reference California Code of Regulations, Title 13, sections 1900, 1956.8 (g) and (h), 1960.1, 1961, 1961.1 to 1961.3, 1962.2, 1962.3, 1963, 1963.1 to 1963.5, 1965, 1968.2, 1968.5, 1976, 1978, 2035 to 2040, 2046, 2109, 2111 to 2120, 2122 to 2133, 2135, 2141 to 2149, 2235, and Appendix A to Article 2.1 in section 2112.

(2) Adoption or adoption by reference means the rule applies as if it was copied into this rule. California Code of Regulations mentioned in this rule are adopted as they exist on June 22, 2021, or the adoption date in WAC 173-400-025(1), whichever is later.

(3) Copies of the relevant sections of California Code of Regulations adopted by reference in this chapter are available on ecology's website or by contacting:

Washington State Department of Ecology
Air Quality Program
300 Desmond Drive
Lacey, WA 98503
360-407-6800

(4) For purposes of applying the adopted sections of California Code of Regulations in Washington, unless the context requires otherwise:

- (a) "California" means "Washington";
- (b) "CARB," "ARB," or "air resources board" means "ecology"; and
- (c) "Executive officer" means "ecology."

[Statutory Authority: Chapter 173-423 WAC, chapter 70A.30 RCW, chapter 173-400 WAC, chapter 70A.15 RCW. WSR 21-24-059 (Order 21-04), § 173-423-030, filed 11/29/21, effective 12/30/21. Statutory Authority: RCW 70.120A.010. WSR 05-24-044, § 173-423-030, filed 11/30/05, effective 12/31/05.]

WAC 173-423-040 Definitions and abbreviations. The following definitions apply to the administration of this chapter. Any term that

is not defined in this section must be as defined or described in California Code of Regulations, Title 13, section 1900 or 1963, as applicable. Definitions in California Code of Regulations, Title 13, section 1900 or 1963 will prevail if any discrepancy arises.

(1) "Ecology" means the department of ecology.

(2) "Gross vehicle weight rating" or "GVWR" is the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

(3) "Light-duty truck" is defined as provided in California Code of Regulations, Title 13, section 1900.

(4) "Medium-duty passenger vehicle" is defined as provided in California Code of Regulations, Title 13, section 1900.

(5) "Medium-duty vehicle" is defined as provided in California Code of Regulations, Title 13, section 1900.

(6) "Model year": Means the manufacturer's annual production period that includes January 1st of a calendar year, or if the manufacturer has no annual production period, the calendar year. The model year for a motor vehicle manufactured in two or more stages is the model year in which the chassis is completed, except for a vehicle subject to California Code of Regulations, Title 13, sections 1963 through 1963.5 (Advanced Clean Trucks): Is defined as provided in California Code of Regulations, Title 13, section 1963(c).

(7) "Manufacturer" means an independent low volume manufacturer, intermediate volume manufacturer, large volume manufacturer, or a small volume manufacturer defined as provided in California Code of Regulations, Title 13, section 1900.

(8) "Passenger car" is defined as provided in California Code of Regulations, Title 13, section 1900.

(9) "Zero-emission vehicle" or "ZEV" is defined as provided in California Code of Regulations, Title 13, section 1962.2(a).

[Statutory Authority: Chapter 173-423 WAC, chapter 70A.30 RCW, chapter 173-400 WAC, chapter 70A.15 RCW. WSR 21-24-059 (Order 21-04), § 173-423-040, filed 11/29/21, effective 12/30/21. Statutory Authority: RCW 70.120A.010. WSR 12-24-033 (Order 11-01), § 173-423-040, filed 11/28/12, effective 12/29/12; WSR 05-24-044, § 173-423-040, filed 11/30/05, effective 12/31/05.]

WAC 173-423-060 Exemptions. The following vehicles are not subject to this chapter:

(1) Military tactical vehicles;

(2) Vehicles sold for registration and use out-of-state;

(3) Previously registered vehicles where the mileage at the time of sale exceeds 7,500 miles, provided that for vehicle dealers, the mileage at the time of sales is determined by the odometer statement at the time the vehicle dealer acquired the vehicle;

(4) Vehicles that are only available for rent to a final destination outside of Washington;

(5) Vehicles purchased by a nonresident prior to establishing residency in Washington, regardless of the mileage on the vehicle;

(6) Vehicles transferred by inheritance or as a result of divorce, dissolution or legal separation;

(7) Motor vehicles purchased for use by a local police department, county sheriff, fire district, or the Washington state patrol; and

(8) Motor vehicles acquired by a resident who is a member of the military stationed outside Washington pursuant to military orders.

[Statutory Authority: Chapter 173-423 WAC, chapter 70A.30 RCW, chapter 173-400 WAC, chapter 70A.15 RCW. WSR 21-24-059 (Order 21-04), § 173-423-060, filed 11/29/21, effective 12/30/21. Statutory Authority: RCW 70.120A.010. WSR 12-24-033 (Order 11-01), § 173-423-060, filed 11/28/12, effective 12/29/12; WSR 05-24-044, § 173-423-060, filed 11/30/05, effective 12/31/05.]

WAC 173-423-070 Low emission vehicles. (1) Requirement to meet California vehicle emission standards. All vehicles subject to this chapter must be certified to the standards adopted by reference in WAC 173-423-030 to be registered, leased, rented, licensed, or sold for use in Washington:

(a) Starting with model year 2009: Passenger car, light-duty truck, or medium-duty passenger vehicle; and

(b) Starting with model year 2025: Medium-duty vehicle.

(2) Fleet average emissions - Nonmethane organic gas (NMOG) plus oxides of nitrogen exhaust.

(a) Effective model year 2009 through 2014, except as provided in this subsection, each motor vehicle manufacturer's NMOG fleet average emissions from passenger cars and light-duty trucks delivered for sale in Washington must not exceed the fleet average NMOG exhaust emission requirement in California Code of Regulations, Title 13, section 1961(b). For the 2014 model year only, a manufacturer may comply with the fleet average NMOG + NOx values in (b) of this subsection in lieu of complying with the NMOG fleet average emissions in this subsection. A manufacturer must either comply with the NMOG + NOx fleet average requirements for both its PC/LDT1 fleet and its LDT2/MDPV fleet or comply with the NMOG fleet average requirements for both its PC/LDT1 fleet and its LDT2/MDPV fleet. A manufacturer must calculate its fleet average NMOG + NOx values using the applicable full useful life standards.

(b) Starting with model year 2015, a motor vehicle manufacturer must comply with the fleet average nonmethane organic gas plus oxides of nitrogen emission values as provided in California Code of Regulations, Title 13, section 1961.2(b).

(c) Emission credits and debits may be accrued and used as provided in California Code of Regulations, Title 13, section 1961.2(c).

(d) Each manufacturer must submit a report to ecology by March 1st of the calendar year containing the fleet average emissions for the model year that ended most recently. The report must follow California Code of Regulations, Title 13, section 1961.2 and must be in the same format used to report the information to the California air resources board.

(e) If a report submitted by the manufacturer under (c) of this subsection demonstrates that the manufacturer does not comply with the fleet average emission standard, the manufacturer must submit to ecology within 60 days a fleet average enforcement report. The fleet average enforcement report must:

(i) Describe how the manufacturer intends to equalize any accrued debits, as required in California Code of Regulations, Title 13, section 1961.2 (c) (3);

(ii) Identify all vehicle models delivered for sale in Washington, their corresponding certification standards, and the percentage

of each model delivered for sale in Washington and California in relation to total fleet sales in the respective state;

(iii) Describe how the manufacturer plans to achieve compliance with the fleet average in future model years.

(3) Fleet average emissions - Greenhouse gas exhaust.

(a) Starting with model year 2009, a motor vehicle manufacturer must comply with the emission standards, fleet average greenhouse gas exhaust emission requirements, and other requirements provided in California Code of Regulations, Title 13, sections 1961.1 and 1961.3.

(b) Emissions credits and debits may be accrued and used in accordance with California Code of Regulations, Title 13, sections 1961.1(b) and 1961.3(b).

(c) Each manufacturer must submit a report to ecology by March 1st that includes end-of-model year data calculating the fleet average greenhouse gas emissions for the model year that has just ended. The report must include the number of greenhouse gas vehicle test groups, delineated by model type, certified pursuant to California Code of Regulations, Title 13, sections 1961.1 and 1961.3. The report must follow the procedures in California Code of Regulations, Title 13, sections 1961.1 and 1961.3 and must be in the same format used to report this information to the California air resources board.

(d) If the report submitted by the manufacturer under this subsection demonstrates that the manufacturer does not comply with the fleet average emission standards, the manufacturer must submit to ecology within 60 days a fleet average enforcement report. The fleet average enforcement report must:

(i) Describe how the manufacturer intends to equalize any accrued debits, as required in California Code of Regulations, Title 13, sections 1961.1(b) and 1961.3(b), as appropriate.

(ii) Identify all vehicle models delivered for sale in Washington, their corresponding certification standards, and the percentage of each model delivered for sale in Washington and California in relation to total fleet sales in the respective state.

(iii) Describe how the manufacturer plans to achieve compliance with the fleet average in future model years.

(4) Manufacturer delivery reporting requirements.

(a) The manufacturer must submit to ecology one copy of the California executive order and certificate of conformity for certification of new motor vehicles for each engine family to be sold in Washington within 30 days of ecology's request. If these reports are available electronically, the manufacturer must send the record in an electronic format acceptable to ecology.

(b) Commencing with the 2009 model year and prior to the beginning of each model year, upon request, each manufacturer must submit to ecology a list of all models of medium-duty vehicles and medium-duty passenger vehicles that will be delivered to Washington dealers.

(c) Upon request, each manufacturer must report to ecology the vehicle identification numbers (VIN) of each passenger car, light-duty truck, medium-duty passenger vehicle, and medium-duty vehicle delivered to each Washington dealer that is not certified to California emission standards.

(d) For the purposes of determining compliance with this chapter, ecology may require a vehicle manufacturer to submit documentation ecology deems necessary to the effective administration and enforcement of this chapter, including all certification materials submitted to the California air resources board.

(5) Warranty requirements.

(a) For all 2009 and subsequent model year vehicles subject to the provisions of this chapter, each manufacturer must provide, to the ultimate purchaser and each subsequent purchaser, a warranty that complies with the requirements in California Code of Regulations, Title 13, sections 2035 through 2038, 2040, and 2046.

(b) For all 2009 and subsequent model year vehicles subject to the provisions of this chapter, each manufacturer must include the emission control system warranty statement that complies with the requirements in California Code of Regulations, Title 13, section 2039. Manufacturers may modify this statement as necessary to inform Washington vehicle owners of the applicability of the warranty. The manufacturer must provide a telephone number appropriate for Washington residents.

(c) All manufacturers must submit to ecology failure of emission-related components reports as defined in California Code of Regulations, Title 13, section 2144 for vehicles subject to this chapter. For purposes of compliance with this requirement, manufacturers may submit copies of the failure of emission-related components reports that are submitted to the California air resources board, in lieu of submitting reports for vehicles subject to this chapter. Manufacturers may discontinue submitting these reports if notified by ecology.

[Statutory Authority: Chapter 173-423 WAC, chapter 70A.30 RCW, chapter 173-400 WAC, chapter 70A.15 RCW. WSR 21-24-059 (Order 21-04), § 173-423-070, filed 11/29/21, effective 12/30/21. Statutory Authority: RCW 70.120A.010. WSR 19-02-056 (Order 18-11), § 173-423-070, filed 12/27/18, effective 1/27/19; WSR 16-12-099 (Order 16-01), § 173-423-070, filed 5/31/16, effective 7/1/16; WSR 12-24-033 (Order 11-01), § 173-423-070, filed 11/28/12, effective 12/29/12. Statutory Authority: RCW 70.120A.010 and 70.120A.050. WSR 09-03-077 (Order 08-16), § 173-423-070, filed 1/15/09, effective 2/15/09. Statutory Authority: RCW 70.120A.010. WSR 05-24-044, § 173-423-070, filed 11/30/05, effective 12/31/05.]

WAC 173-423-075 Zero-emission vehicle standards. (1) Requirement to meet California vehicle emission standards - Passenger cars, light-duty trucks, and medium-duty vehicles.

(a) Applicability. Starting with model year 2025, a manufacturer's sales fleet of passenger cars, light-duty trucks, and medium-duty vehicles delivered for sale or lease in Washington must comply with California Code of Regulations, Title 13, sections 1962.2 and 1962.3, adopted by reference in WAC 173-423-030.

(b) Reporting requirements. Beginning with model year 2025, a manufacturer must submit a report to ecology for each on-road vehicle produced and delivered for sale in Washington for each model year as required by California Code of Regulations, Title 13, section 1962.3.

(c) ZEV credits. ZEV credits may only be earned by model year 2025 and subsequent vehicles.

(2) Requirement to meet California vehicle emission standards - On-road vehicles over 8,500 GVWR. (California advanced clean trucks regulation)

(a) Applicability. Starting with model year 2025, any manufacturer that certifies on-road vehicles over 8,500 pounds GVWR for sale or lease in Washington must comply with California Code of Regulations, Title 13, sections 1963 through 1963.5, adopted by reference in WAC 173-423-030.

(b) Reporting requirements. Beginning with model year 2025, a manufacturer must submit a report to ecology for each on-road vehicle produced and delivered for sale in Washington for each model year as required by California Code of Regulations, Title 13, section 1963.4.

[Statutory Authority: Chapter 173-423 WAC, chapter 70A.30 RCW, chapter 173-400 WAC, chapter 70A.15 RCW. WSR 21-24-059 (Order 21-04), § 173-423-075, filed 11/29/21, effective 12/30/21.]

WAC 173-423-130 Surveillance. (1) Ecology may inspect new and used motor vehicles and related records for the purposes of determining compliance with the requirements of this chapter. Ecology inspections must occur during regular business hours and on any premises owned, operated or used by any dealer or rental car agency.

(2) For the purposes of determining compliance with this chapter, ecology may require a vehicle dealer or rental car agency to submit documentation ecology deems necessary to the effective administration and enforcement of this chapter. This provision does not require creation of new records.

[Statutory Authority: Chapter 173-423 WAC, chapter 70A.30 RCW, chapter 173-400 WAC, chapter 70A.15 RCW. WSR 21-24-059 (Order 21-04), § 173-423-130, filed 11/29/21, effective 12/30/21. Statutory Authority: RCW 70.120A.010. WSR 05-24-044, § 173-423-130, filed 11/30/05, effective 12/31/05.]

WAC 173-423-150 Severability. Each portion of this regulation is intended to be severable, and in the event that any portion of this regulation is held invalid, the remainder is intended to continue in full force and effect.

[Statutory Authority: Chapter 173-423 WAC, chapter 70A.30 RCW, chapter 173-400 WAC, chapter 70A.15 RCW. WSR 21-24-059 (Order 21-04), § 173-423-150, filed 11/29/21, effective 12/30/21. Statutory Authority: RCW 70.120A.010. WSR 05-24-044, § 173-423-150, filed 11/30/05, effective 12/31/05.]