**6304-S AMS LIIA S4966.2 - NOT FOR FLOOR USE**

**SSB 6304** - S AMD **640**

By Senator Liias

Strike everything after the enacting clause and insert the following:

**"PART I**

**ELECTRIC VEHICLE SUPPLY EQUIPMENT INSTALLATION, INFORMATION, AND RELIABILITY**

**Sec.**  RCW 43.31.970 and 2023 c 470 s 2046 are each amended to read as follows:

The department of commerce must ((~~distribute~~)):

(1) Coordinate with the interagency electric vehicle coordinating council, state and local agencies, climate and environmental justice organizations, consumer and ratepayer advocates, industry representatives, labor representatives, consumer-owned electric utilities, investor-owned electric utilities, and building owners and operators to implement this section;

(2) Develop recommended legislative language, delivered to the legislature, on:

(a) Maximum timelines for electric vehicle supply equipment project permitting and interconnection;

(b) Necessary reporting requirements for electric utilities on transportation electrification efforts;

(c) Requirements for consumer information on electric vehicle supply equipment;

(d) Extending right-to-charge policies to tenants and homeowners outside of common interest communities;

(e) Reliability standards for both publicly funded and publicly available electric vehicle supply equipment; and

(f) Other policies to implement recommendations on improving electric vehicle supply equipment availability and use in the transportation electrification strategy under RCW 43.392.040;

(3) Develop a comprehensive and publicly available inventory of all electric vehicle supply equipment in Washington by December 31, 2026.

(a) The department must develop reporting requirements for electric vehicle supply equipment providers, owners, and operators or any other entities necessary to develop and implement the inventory in this subsection. The department must adopt rules to determine necessary information and a reporting process for collecting data for the inventory. Such rules may not take effect before January 1, 2026.

(i) Information required by the department must be limited to counts of operational electric vehicle supply equipment and ports, electrical power, utilization, and other nonproprietary data necessary to ensuring the state has sufficient charging infrastructure.

(ii) The department may classify such information as confidential and not subject to public disclosure if such a classification is requested and considered in the public interest by the department. "Public interest" includes protecting data that would otherwise disincentivize electric vehicle supply equipment providers from making future investments in the state of Washington. The department may aggregate data at a census block level or larger for development of the inventory when utilizing the authority to classify data as confidential.

(iii) The department must engage with stakeholders identified in subsection (1) of this section to identify data that may be classified as confidential and a means for protecting confidential data, including data aggregation and the consideration of using a third-party entity to receive and secure data.

(b) For publicly available or shared use electric vehicle supply equipment, the department must require entities to report reliability data as determined by the department;

(4) Distribute to local governments model ordinances, model development regulations, and guidance for local governments for siting and installing electric vehicle infrastructure((~~, and in particular battery charging stations, and appropriate handling, recycling, and storage of electric vehicle batteries and equipment, when available~~)) by December 31, 2026, and every five years thereafter. The model ordinances, model development regulations, and guidance must be developed by a federal or state agency, or nationally recognized organizations with specific expertise in land-use regulations or electric vehicle infrastructure.

**Sec.**  RCW 42.56.270 and 2023 c 340 s 11 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750; (b) highway construction or improvement as required by RCW 47.28.070; or (c) alternative public works contracting procedures as required by RCW 39.10.200 through 39.10.905;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, 43.168, and 43.181 RCW and RCW 43.155.160, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), cannabis producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(c) Valuable formulae or financial or proprietary commercial information records received during a consultative visit or while providing consultative services to a licensed cannabis business in accordance with RCW 69.50.561;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services or the health care authority for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8);

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business; and

(iii) Financial or proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.31.625 (3)(b) and (4);

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of 60 days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70A.500 RCW to implement chapter 70A.500 RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under RCW 43.330.502, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW 70A.500.190(4);

(22) Financial information supplied to the department of financial institutions, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities;

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell cannabis as allowed under chapter 69.50 RCW;

(25) Cannabis transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of cannabis product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section;

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for cannabis research licenses under RCW 69.50.372, or in reports submitted by cannabis research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372;

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed cannabis business under RCW 69.50.395, which may be submitted to or obtained by the state liquor and cannabis board;

(29) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the Andy Hill cancer research endowment program in applications for, or delivery of, grants under chapter 43.348 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(30) Proprietary information filed with the department of health under chapter 69.48 RCW;

(31) Records filed with the department of ecology under chapter 70A.515 RCW that a court has determined are confidential valuable commercial information under RCW 70A.515.130; ((~~and~~))

(32) Unaggregated financial, proprietary, or commercial information submitted to or obtained by the liquor and cannabis board in applications for licenses under RCW 66.24.140 or 66.24.145, or in any reports or remittances submitted by a person licensed under RCW 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis board under chapter 66.08 RCW; and

(33) Any data collected by the department of commerce to implement RCW 43.31.970(3).

**Sec.**  RCW 47.01.520 and 2021 c 300 s 2 are each amended to read as follows:

(1) The department, through the department's public-private partnership office and in consultation with the department of ecology, the department of commerce, and the office of equity, must develop and maintain a publicly available mapping and forecasting tool that provides locations and essential information of charging and refueling infrastructure to support forecasted levels of electric vehicle adoption, travel, and usage across Washington state.

(2)(a) The publicly available mapping and forecasting tool must be designed to enable coordinated, effective, efficient, and timely deployment of charging and refueling infrastructure necessary to support statewide and local transportation electrification efforts that result in emissions reductions consistent with RCW 70A.45.020.

(b) The tool must:

(i) Initially prioritize on-road transportation;

(ii) ((~~To the greatest extent possible, maintain~~)) Incorporate the latest data on public and shared use charging from the inventory of electric vehicle supply equipment as specified in RCW 43.31.970;

(iii) ((~~Model charging and~~)) Use electric vehicle supply equipment estimates as identified in the transportation electrification strategy under RCW 43.392.040 and model hydrogen refueling infrastructure that may be used by owners and operators of light, medium, and heavy duty vehicles; and

(iv) Incorporate the department's traffic data for passenger and freight vehicles.

(c) The tool must, if feasible:

(i) Provide the data necessary to support programs by state agencies that directly or indirectly support transportation electrification efforts;

(ii) Evolve over time to support future transportation electrification programs;

(iii) Provide data at a scale that supports electric utility planning for the impacts of transportation electrification both systemwide and on specific components of the distribution system; and

(iv) ((~~Forecast~~)) Use statewide zero emissions vehicle ((~~use that would achieve the emissions reductions consistent with RCW 70A.45.020~~)) estimates from the transportation electrification strategy under RCW 43.392.040. The department may reference ((~~existing~~)) zero emissions vehicle use forecasts that update the transportation electrification strategy estimates, such as that established in the state energy strategy.

(3) The department, in consultation with the department of commerce, the department of ecology, and the office of equity, may elect to include other transportation charging and refueling infrastructure, such as maritime, public transportation, and aviation in the mapping and forecasting tool.

(4) The tool must include, to the extent feasible, the following elements:

(a) The amount, type, location, and year of installation for electric vehicle supply equipment that is expected to be necessary to support forecasted electric vehicle penetration and usage within the state;

(b) Electric vehicle adoption, usage, technological profiles, and any other characteristics necessary to model future electric vehicle penetration levels and use cases that impact electric vehicle supply equipment needs within the state;

(c) The estimated energy and capacity demand based on inputs from (b) of this subsection;

(d) Boundaries of political subdivisions including, but not limited to:

(i) Retail electricity suppliers;

(ii) Public transportation agency boundaries;

(iii) Municipalities;

(iv) Counties; and

(v) Federally recognized tribal governments;

(e) Existing and known publicly or privately owned level 2, direct current fast charge, and refueling infrastructure. The department must identify gas stations, convenience stores, and other small retailers that are colocated with existing and known electric vehicle charging infrastructure identified under this subsection;

(f) A public interface designed to provide any user the ability to determine the forecasted charging and refueling infrastructure needs within a provided geographic boundary, including those listed under (d) of this subsection; and

(g) The ability for all data tracked within the tool to be downloadable or usable within a separate mapping and forecasting tool.

(5) The tool must, if feasible, integrate scenarios including:

(a) Varying levels of public transportation utilization;

(b) Varying levels of active transportation usage, such as biking or walking;

(c) Vehicle miles traveled amounts above and below the baseline;

(d) Adoption of autonomous and shared mobility services; and

(e) Forecasts capturing each utility service area's relative level of zero emissions vehicle use that would achieve each utility service area's relative emissions reductions consistent with ((~~RCW 70A.45.020~~)) estimates from the transportation electrification strategy under RCW 43.392.040.

(6) To support highly impacted communities and vulnerable populations disproportionately burdened by transportation-related emissions and to ensure economic and mobility benefits flow to communities that have historically received less investment in infrastructure, the mapping and forecasting tool must integrate population, health, environmental, and socioeconomic data on a census tract basis. The department may use existing data used by other state or federal agencies. The department must consult with the department of health, the office of equity, the department of ecology, and other agencies as necessary in order to ensure the tool properly integrates cumulative impact analyses best practices and to ensure that the tool is developed in coordination with other state government administrative efforts to identify disproportionately impacted communities.

(7) The mapping and forecasting tool must, to the extent appropriate, integrate related analyses, such as the department of commerce's state energy strategy, the joint transportation committee's public fleet electrification study, the west coast collaborative's alternative fuel infrastructure corridor coalition report, and other related electric vehicle supply equipment assessments as deemed appropriate. To the extent that the mapping and forecasting tool is used by the department as the basis for the identification of recommended future electric vehicle charging sites, the department must consider recommending sites that are colocated with small retailers, including gas stations and convenience stores, and other amenities.

(8) Where appropriate and feasible, the mapping and forecasting tool must incorporate infrastructure located at or near the border in neighboring state and provincial jurisdictions.

(9) In designing the mapping and forecasting tool, the department must coordinate with the department of commerce, the department of ecology, the utilities and transportation commission, and other state agencies as needed in order to ensure the mapping and forecasting tool is able to successfully facilitate other state agency programs that involve deployment of electric vehicle supply equipment.

(10) The department must conduct a stakeholder process in developing the mapping and forecasting tool to ensure the tool supports the needs of communities, public agencies, and relevant private organizations. The stakeholder process must involve stakeholders((~~,~~)) including, but not limited to, electric utilities, early in the development of the tool.

(11) The department may contract with the department of commerce or consultants, or both, to develop and implement all or portions of the mapping and forecasting tool. The department may rely on or, to the extent necessary, contract for privately maintained data sufficient to develop the elements specified in subsection (4) of this section.

(12) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Charging infrastructure" means a unit of fueling infrastructure that supplies electric energy for the recharging of battery electric vehicles.

(b) "Direct current fast charger" means infrastructure that supplies electricity to battery electric vehicles at capacities no less than 50 kilowatts, typically using 208/408 volt three-phase direct current electricity.

(c) "Electric vehicle" means any craft, vessel, automobile, public transportation vehicle, or equipment that transports people or goods and operates, either partially or exclusively, on electrical energy from an off-board source that is stored onboard for motive purpose.

(d) "Electric vehicle supply equipment" means charging infrastructure and hydrogen refueling infrastructure.

(e) "Level 2 charger" means infrastructure that supplies electricity to battery electric vehicles at 240 volts and equal to or less than 80 amps.

(f) "Refueling infrastructure" means a unit of fueling infrastructure that supplies hydrogen for the resupply of hydrogen fuel cell electric vehicles.

**PART II**

**ELECTRIC UTILITY TRANSPORTATION ELECTRIFICATION INVESTMENTS**

**Sec.**  RCW 35.92.450 and 2019 c 109 s 2 are each amended to read as follows:

(1) The governing authority of an electric utility formed under this chapter may adopt an electrification of transportation plan that((~~, at a minimum, establishes a finding that~~)) provides utility outreach and investment in the electrification of transportation infrastructure ((~~does not increase net costs to ratepayers in excess of one-quarter of one percent~~)).

(2) Beginning July 1, 2025, in making investments under subsection (1) of this section, the governing authority must:

(a) Prioritize strategies for electric utilities to implement including, but not limited to:

(i) Residential and fleet charging;

(ii) Demand management, including managed charging; and

(iii) Upgrades to, or expansions of, utility owned and operated grid infrastructure for the purposes of delivering power to electric vehicle supply equipment.

(b) Meet or exceed the same equity-related investment requirements in RCW 70A.535.080 as implemented by the department of ecology.

(3) In adopting an electrification of transportation plan under subsection (1) of this section, the governing authority may consider some or all of the following: (a) The applicability of multiple options for electrification of transportation across all customer classes; (b) the impact of electrification on the utility's load, and whether demand response or other load management opportunities, including direct load control and dynamic pricing, are operationally appropriate; (c) system reliability and distribution system efficiencies; (d) interoperability concerns, including the interoperability of hardware and software systems in electrification of transportation proposals; and (e) overall customer experience.

((~~(3)~~)) (4) An electric utility formed under this chapter may, upon making a determination in accordance with subsection (1) of this section, offer incentive programs in the electrification of transportation for its customers, including the promotion of electric vehicle adoption and advertising programs to promote the utility's services, incentives, or rebates.

**Sec.**  RCW 54.16.430 and 2019 c 109 s 3 are each amended to read as follows:

(1) The commission of a public utility district may adopt an electrification of transportation plan that((~~, at a minimum, establishes a finding that~~)) provides utility outreach and investment in the electrification of transportation infrastructure ((~~does not increase net costs to ratepayers in excess of one-quarter of one percent~~)).

(2) Beginning July 1, 2025, in making investments under subsection (1) of this section, a public utility district must:

(a) Prioritize strategies for electric utilities to implement including, but not limited to:

(i) Residential and fleet charging;

(ii) Demand management, including managed charging; and

(iii) Upgrades to, or expansions of, utility owned and operated grid infrastructure for the purposes of delivering power to electric vehicle supply equipment.

(b) Meet or exceed the same equity-related investment requirements in RCW 70A.535.080 as implemented by the department of ecology.

(3) In adopting an electrification of transportation plan under subsection (1) of this section, the ((~~commission of a~~)) public utility district may consider some or all of the following: (a) The applicability of multiple options for electrification of transportation across all customer classes; (b) the impact of electrification on the district's load, and whether demand response or other load management opportunities, including direct load control and dynamic pricing, are operationally appropriate; (c) system reliability and distribution system efficiencies; (d) interoperability concerns, including the interoperability of hardware and software systems in electrification of transportation proposals; and (e) overall customer experience.

((~~(3)~~)) (4) A public utility district may, upon making a determination in accordance with subsection (1) of this section, offer incentive programs in the electrification of transportation for its customers, including the promotion of electric vehicle adoption and advertising programs to promote the district's services, incentives, or rebates.

**Sec.**  RCW 80.28.360 and 2019 c 287 s 6 are each amended to read as follows:

(1) In establishing rates for each electrical company regulated under this title, the commission may allow an incentive rate of return on investment ((~~through December 31, 2030,~~)) on capital expenditures for electric vehicle supply equipment that is deployed for the benefit of ratepayers((~~, provided that the capital expenditures of the utilities' programs or plans in RCW 80.28.365(1) do not increase the annual retail revenue requirement of the utility, after accounting for the benefits of transportation electrification in each year of the plan, in excess of one-quarter of one percent~~)). The commission must consider and may adopt other policies to improve access to and promote fair competition in the provision of electric vehicle supply equipment.

(2) An incentive rate of return on investment under this section may be allowed only if ((~~the~~)):

(a) The company chooses to pursue capital investment in electric vehicle supply equipment on a fully regulated basis similar to other capital investments behind a customer's meter. In the case of an incentive rate of return on investment allowed under this section, an increment of up to two percent must be added to the rate of return on common equity allowed on the company's other investments.

(b) Beginning July 1, 2025, the company prioritizes strategies for electric utilities to implement including, but not limited to:

(i) Residential and fleet charging;

(ii) Demand management, including managed charging; and

(iii) Upgrades to, or expansions of, utility owned and operated grid infrastructure for the purposes of delivering power to electric vehicle supply equipment.

(c) The company meets or exceeds the same equity-related investment requirements in RCW 70A.535.080 as implemented by the department of ecology or a higher standard as set by the commission.

(3) The incentive rate of return on investment authorized in subsection (2) of this section applies only to projects which have been installed after July 1, 2015.

(4) The incentive rate of return on investment increment pursuant to this section may be earned only for a period up to the depreciable life of the electric vehicle supply equipment as defined in the depreciation schedules developed by the company and submitted to the commission for review. When the capital investment has fully depreciated, an electrical company may gift the electric vehicle supply equipment to the owner of the property on which it is located.

(5) By December 31, 2017, the commission must report to the appropriate committees of the legislature with regard to the use of any incentives allowed under this section, the quantifiable impacts of the incentives on actual electric vehicle deployment, and any recommendations to the legislature about utility participation in the electric vehicle market.

**PART III**

**ROLLING RESISTANCE OF REPLACEMENT TIRES**

NEW SECTION. **Sec.**  The legislature finds that:

(1) Rolling resistance of tires has a significant effect on the fuel efficiency of motor vehicles, and the sales of high rolling resistance replacement tires when low rolling resistance tire technology is in use by new vehicles costs the average gasoline vehicle driver the equivalent of approximately two-thirds the state gas tax;

(2) Testing of available tires in the United States market, commissioned by the pacific electric and gas company and conducted by an independent consultant, demonstrated no negative correlation between low rolling resistance and tire safety or tire longevity;

(3) Analysis conducted by the department's energy policy office shows adoption of reasonable replacement tire energy efficiency standards could result in an approximate cumulative reduction of 600,000,000 gallons of gasoline and 1,500 gigawatt hours of electricity, equating to a savings of $3,000,000,000 in transportation costs for Washington drivers and 5,000,000 metric tons of carbon dioxide from 2026 to 2035, assuming a 10 percent reduction in rolling resistance improves gasoline fuel efficiency by three percent and electricity fuel efficiency by eight percent;

(4) The transportation electrification strategy required in RCW 43.392.040 concludes that the state must also urgently pursue nonelectrification policies, including lower rolling resistance replacement tires, to comply with the greenhouse gas emissions limits in RCW 70A.45.020.

(5) Providing authority to the department to adopt energy efficiency standards for replacement tires sold in the state could therefore lower gasoline and electricity costs for drivers, reduce greenhouse gas emissions, and improve public health especially for overburdened communities near highways through reduced transportation-related air pollution.

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of commerce.

(2) "Light duty truck" means any motor vehicle other than a passenger car with a gross vehicle weight rating not exceeding 10,000 pounds.

(3) "Passenger car" means any motor vehicle designed primarily for transportation of persons, having a design capacity of 12 persons or less, with a gross vehicle weight rating not exceeding 10,000 pounds.

(4) "Replacement tire" means a passenger car or light duty truck tire sold or offered for sale in the state, except a tire sold:

(a) At wholesale for final retail sale outside the state; or

(b) With a new passenger car or light duty truck.

(5) "Rolling resistance coefficient" means the ratio of the rolling resistance force, in newtons, to the load on the tire in kilonewtons.

(6) "Tire brand name owner" means a person, other than a tire manufacturer, who owns or has the right to control the brand name of a tire or a person who licenses another to purchase tires from a tire manufacturer bearing the licensor's brand name.

(7) "Tire manufacturer" means a person, parent corporation, subsidiary, affiliate, or any other entity, other than a tire retailer, who manufactures or assembles replacement tires, or imports or distributes replacement tires in or into Washington for sale or use in Washington.

(8) "Tire retailer" means a dealer or distributor in the state, other than a tire brand name owner, that does not manufacture tires and sells replacement tires directly to a Washington resident.

NEW SECTION. **Sec.**  (1) This section applies to either passenger car replacement tires or light duty truck replacement tires, or both, for sale or offered for sale in Washington.

(2) The department, to establish and enforce energy efficiency standards for replacement tires, may adopt and implement any combination of the following:

(a) A database of replacement tires in production offered for sale or distribution in the state;

(b) Requirements for any tire brand name owners and tire manufacturers with replacement tires in production offered for sale or distribution in the state to report information necessary to implement this section;

(c) A rating system for the energy efficiency of replacement tires based on their rolling resistance coefficient;

(d) Testing procedures in alignment with enacted regulations by the national highway transportation safety administration as they existed as of the effective date of this section; and

(e) Minimum energy efficiency standards for replacement tires based on their rolling resistance.

(3)(a) The department may prohibit the sale or offer for sale of replacement tires that do not meet the minimum energy efficiency standards set in subsection (2) of this section.

(b) Any rules adopted by the department prohibiting the sale or offer for sale of replacement tires based on their rolling resistance:

(i) May not adversely affect tire safety or tire longevity as demonstrated by the testing of wet grip or traction and treadwear by an independent analyst prepared for the department in consultation with the Washington state patrol and as informed by and consistent with any analysis conducted by the national highway traffic safety administration;

(ii) Must consider cost impacts and product availability on tire consumers;

(iii) Must provide exemptions for snow tires, spare use tires, tires manufactured specifically for use in vehicles with three or fewer wheels, tires manufactured specifically for use in vehicles participating in an organized racing or competitive event conducted by a recognized sanctioning body, tires manufactured specifically for use in off-road recreational vehicles, or tires manufactured specifically for use in farm tractors or farm vehicles as defined in RCW 46.04.181;

(iv) Must provide exemptions for authorized emergency vehicles as defined in RCW 46.04.040 that are unable to meet the standards in subsection (2) of this section;

(v) Must coordinate with the department of ecology to consider the impacts of rolling resistance on use of 6PPD in replacement tires; and

(vi) May not take effect before January 1, 2028.

(4) The department may require energy efficiency ratings determined under the rating system in subsection (2) of this section be displayed to consumers at the physical or online point of sale.

(5) If developing standards in subsection (2)(e) of this section, the department shall consider information submitted by tire industry representatives, including tire brand name owners and tire manufacturers, during a rule-making process as required in section 304 of this act. The department may classify information submitted by industry representatives as confidential information not subject to public disclosure if such a classification is requested by industry representatives and considered in the public interest by the department. Nothing in this subsection prohibits the department from adopting rules if industry representatives fail to submit information as requested by the department.

(6) The department is encouraged to coordinate with the California energy commission when implementing this section to pursue common standards, reporting requirements, and labeling that reduces compliance costs for the industry.

NEW SECTION. **Sec.**  (1) If acting on authority granted in this chapter, the department shall adopt and amend rules as necessary to implement, administer, and enforce this chapter.

(a) Tire brand name owners and tire manufacturers who violate rules adopted to implement this chapter may be issued a warning by the department, or another state agency as designated by the department, for any first violation. Repeat violations are subject to a civil penalty ranging from $100 to $10,000 per occurrence.

(b) Tire retailers who violate rules adopted to implement this chapter may be issued a warning by the department, or another state agency as designated by the department, for any first violation. Repeat violations are subject to a civil penalty ranging from $100 to $1,000 per occurrence.

(c) The department shall issue warnings and civil penalties to tire brand name owners and tire manufacturers, and not tire retailers, for violations of rules implementing section 303(3) of this act if the tire brand name owner or tire manufacturer falsely reports compliance to the tire retailer or the department.

(d) The department, or another state agency as designated by the department, may carry out inspections of replacement tires sold or offered for sale.

(2) Rules adopted to implement this chapter, except for emergency rules consistent with RCW 34.05.350, must go into effect no sooner than one year following final rule adoption.

NEW SECTION. **Sec.**  A new section is added to chapter 46.37 RCW to read as follows:

The chief of the Washington state patrol may update rules authorized in this chapter to reference rules adopted by the department of commerce as authorized by section 304 of this act to ensure better clarity and compliance.

**Sec.**  RCW 46.37.423 and 2010 c 8 s 9053 are each amended to read as follows:

(1) No person, firm, or corporation shall sell or offer for sale for use on the public highways of this state any new pneumatic passenger car tire ((~~which~~)) that does not meet ((~~the~~)):

(a) The standards established by federal motor vehicle safety standard No. 109, as ((~~promulgated~~)) adopted and updated by the United States department of transportation under authority of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 719, 728; 15 U.S.C. 1392, 1407); and

(b) Energy efficiency standards for replacement tires established by the department of commerce as authorized by sections 301 through 307 of this act.

((~~The applicable standard shall be the version of standard No. 109 in effect at the time of manufacture of the tire.~~))

(2) It is a traffic infraction for any person, firm, or corporation to sell or offer for sale any new pneumatic passenger car tire which does not meet the standards ((~~prescribed in~~)) provided in subsection (1)(a) of this section unless such tires are sold for off-highway use, as evidenced by a statement signed by the purchaser at the time of sale certifying that he or she is not purchasing such tires for use on the public highways of this state.

NEW SECTION. **Sec.**  A new section is added to chapter 70A.350 RCW to read as follows:

The department shall, in consultation with the department of commerce, identify and conduct hazard assessments of the chemical ingredients that are used to achieve reduced rolling resistance in passenger car and light duty truck tires. Chemical ingredients assessed under this section are not otherwise subject to the provisions of this chapter.

NEW SECTION. **Sec.**  Sections 301 through 304 of this act constitute a new chapter in Title 19 RCW.

**PART IV**

**MEDIUM AND HEAVY DUTY VEHICLE IDLING PREVENTION**

NEW SECTION. **Sec.**  The legislature finds that the idling of vehicles, particularly commercial vehicles, contributes significantly to air quality concerns and greenhouse gas emissions in the state. These impacts particularly impact overburdened communities and vulnerable populations, as commercial truck routes are often located in these communities. Given the improvements in anti-idling technology and standards, it is no longer prudent to allow for the continuation of idling at current rates. Therefore, it is the intent of the legislature to limit idling of commercial vehicles in Washington.

NEW SECTION. **Sec.**  (1) No earlier than January 1, 2026, the department of ecology must require any person, business, or public agency that owns, operates, or causes to operate any diesel-fueled commercial motor vehicle in the state of Washington with a gross vehicle weight rating of more than 10,000 pounds or any diesel-fueled auxiliary power system to comply with the following requirements:

(a) No vehicle subject to this chapter may idle for more than five consecutive minutes at any location in the state of Washington.

(b) No diesel-fueled auxiliary power system subject to this chapter may be operated for more than five minutes at any location within 100 feet of a restricted area.

(2) In consultation with applicable state agencies, the department of ecology must provide exemptions to the requirements under subsection (1) of this section including, but not limited to, allowances for instances of extreme weather, emergency events such as active fire or law enforcement activities, worker safety or required accommodations, food safety, pretrip inspections for public transit vehicles, or school buses loading and unloading passengers while on routes, and for trucks providing a direct power source for operations.

(3) For the purposes of this section:

(a) "Auxiliary power system" means any device that is permanently dedicated to the vehicle on which it is installed and provides electrical, mechanical, or thermal energy to the primary diesel engine, truck cab or sleeper berth, bus passenger compartment, or any other commercial vehicle cab, as an alternative to idling the primary diesel engine. "Auxiliary power system" includes internal combustion engine auxiliary power systems, fuel-fired heaters, and battery-electric auxiliary power systems.

(b) "Restricted area" means any real property zoned for individual or multifamily housing units, schools, hotels, motels, hospitals, senior care facilities, or child care facilities in the state of Washington.

NEW SECTION. **Sec.**  (1) The department of ecology must initiate a rule-making process to provide for civil penalties and enforcement procedures to implement and enforce section 402 of this act. Such rules must be consistent with rules adopted to implement and enforce motor vehicle emissions standards adopted under RCW 70A.30.010. Such rules must also provide for civil penalties for violations ranging from $300 to $1,000 per violation per day. Any person who is more than 90 days late with such a penalty payment may be subject to an additional penalty equal to three times the amount of the original amount owed.

(2) The legislature may direct the department to create and administer a fee structure to cover the costs of implementing and enforcing section 402 of this act.

NEW SECTION. **Sec.**  Any peace officer, pursuant to RCW 43.43.030, and any air pollution control authority created under chapter 70A.15 RCW may issue civil penalties for violations described under section 402 of this act.

NEW SECTION. **Sec.**  The idling prevention enforcement account is created in the state treasury. All receipts from civil penalties generated under this chapter from idling violations must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for:

(1) Enforcement activities required in section 403 of this act and authorized under section 404 of this act;

(2) Incentives for idle reduction technologies; or

(3) Incentives for zero emissions vehicles with gross vehicle weight ratings of more than 10,000 pounds.

NEW SECTION. **Sec.**  Sections 401 through 405 of this act constitute a new chapter in Title 70A RCW.

**PART V**

**ELECTRIC VEHICLE INFRASTRUCTURE TRAINING**

NEW SECTION. **Sec.**  A new section is added to chapter 43.01 RCW to read as follows:

Any state agency subject to the requirements of executive order 21-04 must require that the installation of electric vehicle supply equipment at state-owned facilities be performed by persons certified by the electric vehicle infrastructure training program or a similarly accredited program to ensure safety, effectiveness, and achieve consistency in labor standards. This section does not apply to installation projects under contract as of the effective date of this section.

**PART VI**

**MISCELLANEOUS**

**Sec.**  RCW 43.84.092 and 2023 c 435 s 13, 2023 c 431 s 9, 2023 c 389 s 9, 2023 c 377 s 6, 2023 c 340 s 9, 2023 c 110 s 2, 2023 c 73 s 9, and 2023 c 41 s 3 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the 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implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec.**  RCW 43.84.092 and 2023 c 435 s 14, 2023 c 431 s 10, 2023 c 389 s 10, 2023 c 377 s 7, 2023 c 340 s 10, 2023 c 110 s 3, 2023 c 73 s 10, and 2023 c 41 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

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(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

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(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec.**  (1) Section 601 of this act expires July 1, 2024.

(2) Section 602 of this act expires July 1, 2028.

NEW SECTION. **Sec.**  (1) Section 602 of this act takes effect July 1, 2024.

(2) Section 603 of this act takes effect July 1, 2028.

NEW SECTION. **Sec.**  If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the supplemental transportation appropriations act, this act is null and void."

**SSB 6304** - S AMD **640**

By Senator Liias

On page 1, line 2 of the title, after "strategy;" strike the remainder of the title and insert "amending RCW 43.31.970, 42.56.270, 47.01.520, 35.92.450, 54.16.430, 80.28.360, and 46.37.423; reenacting and amending RCW 43.84.092, 43.84.092, and 43.84.092; adding a new section to chapter 46.37 RCW; adding a new section to chapter 70A.350 RCW; adding a new section to chapter 43.01 RCW; adding a new chapter to Title 19 RCW; adding a new chapter to Title 70A RCW; creating a new section; prescribing penalties; providing effective dates; and providing expiration dates."

EFFECT: (1) Delays Commerce developing a publicly available electric vehicle supply equipment (EVSE) inventory and distributing EVSE siting and installation model regulations by one year to December 31, 2026.

(2) Limits required reporting information from EVSE providers and operators and other necessary entities to counts of operational EVSE and ports, power, use, and other necessary nonproprietary data.

(3) Provides that any rules adopted to determine necessary reporting information and processes for EVSE inventorying may not take effect before January 1, 2026.

(4) Authorizes Commerce to classify EVSE reporting information as confidential and not subject to public disclosure if requested and considered in the public's interest, and to aggregate any data at the census block level or larger.

(5) Requires Commerce to engage with certain stakeholders to identify confidential data and the means for protecting such data, including data aggregation and the use of a third party to receive and secure such data.

(6) Exempts EVSE data collected for inventorying purposes from disclosure under the public records act.

(7) Delays implementation of new priorities and requirements for transportation electrification infrastructure investments by electric utilities until July 1, 2025.

(8) Restores investor-owned electric utilities' ability to add an up to two percent increment on an incentive rate of return regarding EVSE investments.

(9) Provides that the independent analysis prepared for Commerce when adopting rules prohibiting sale of replacement tires based on their rolling resistance be informed by and consistent with any analysis conducted by the National Highway Traffic Safety Administration.

(10) Provides that any rules adopted by Commerce prohibiting the sale of replacement tires based on their rolling resistance must consider cost impacts and product availability on tire consumers, coordinate with Ecology to consider impacts of rolling resistance on use of 6PPD in replacement tires, and not take effect before January 1, 2028.

(11) Clarifies that chemical ingredients assessed by Ecology when conducting hazard assessments of such ingredients used to achieve reduced rolling assistance in tires are not subject to other provisions regulating toxic pollution

(12) Streamlines and clarifies anti-idling requirements and requires the provision of certain exemptions to such requirements, and delays anti-idling enforcement to begin no earlier than January 1, 2026.

(13) Removes Ecology's authority to assess and collect fees from commercial motor vehicle owners subject to anti-idling enforcement provisions, but authorizes the Legislature to direct Ecology to create and administer a fee structure to cover enforcement costs.

(14) Removes Ecology and OSPI collaborative efforts regarding identifying target yearns and formula funding recommendations for school districts to fully transition to zero emissions school buses.