

WAC 173-422A-410 Requirements for listing businesses with authorized emission specialists. (1) Ecology will maintain a list of businesses where a vehicle owner can have an authorized emission specialist diagnose and repair the causes of an emission test failure.

(2) Ecology will include the business's name, address and telephone number on the list when the business agrees in writing to require all of the following:

(a) The authorized emission specialist use an ecology-approved OBD scan tool to diagnose an emission test failure of a 1996 or newer gasoline vehicle equipped with an OBD system. For an OBD scan tool to be approved by ecology it will need:

(i) To provide mode 1 through mode 9 diagnostic data requests.

(ii) Support all communication protocols used by the vehicle manufacturers for 1996 through 2008 model year gasoline vehicles sold in the United States.

(b) That the diagnosis of the cause(s) of an emission tests failure and the repairs or adjustments to correct the cause(s) of an emission test failure are performed by an authorized emission specialist.

(c) That the authorized emission specialist:

(i) Sign the customer's receipt for emission repairs or adjustments; and

(ii) List on the receipt, the emission diagnosis or repairs done and those that are still needed.

(d) All employees not to tamper or assist anyone in tampering with emission control systems, including adjusting a vehicle outside the manufacturer's specifications.

(e) All employees to obtain or assist anyone in obtaining a fraudulent passing test, waiver, or an exemption from the test requirement.

(f) Notification of ecology when an authorized emission specialist begins or ends employment.

(3) When a business no longer meets the requirements for listing, it must discontinue any representation of listing immediately.

(4) Violations of this rule by a listed business will result in their listing being permanently or temporarily revoked unless it is the first lesser rule violation such as an administrative or record-keeping error.

(a) For the first lesser rule violation, the listed business will receive a written warning that further rule violations of this type will result in their listing being temporarily revoked for thirty to ninety days.

(b) For the first major, deliberate rule violation, such as fraudulent testing or reporting, their listing will be temporarily revoked for six months.

(c) A second major violation will result in their listing being permanently revoked.

(d) Relisting of a temporarily revoked listing requires a new application for listing.

(5) Notifications of violations will be documented in writing.

(6) A business whose listing has been revoked may be appealed to the pollution control hearings board as provided for in RCW 43.21B.310.

[Statutory Authority: RCW 70.120.120. WSR 11-17-041 (Order 08-01), § 173-422A-410, filed 8/10/11, effective 7/1/12.]