

Sec. 2. Section 6, chapter 159, Laws of 1945 as last amended by section 39, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 70.58.200 are each amended to read as follows:

The forms of birth, death, fetal death, marriage, and decrees of divorce, annulment, or separate maintenance certificates filed with the state registrar of vital statistics shall include the items required by the respective standard certificate as recommended by the federal agency responsible for national vital statistics (~~(which became effective on January 1, 1968)~~), except that no information shall be required on the certificate of divorce relative to the date the couple separated or the number of children under eighteen years of age: PROVIDED, That none of the information contained in the confidential section of the forms of marriage, divorce, annulment or separate maintenance shall be required: PROVIDED FURTHER, That no information shall be required on the certificate of live birth relative to the education of the parents of the child. The Washington state board of health by regulation may require additional pertinent information relative to the birth and manner of delivery as it may deem necessary for statistical study. This information shall be placed in a confidential section of the birth certificate form and shall not be subject to the view of the public or for certification purposes except upon order of a court: PROVIDED, That the state board of health may eliminate from the forms any such items that it determines are not necessary for statistical study.

Passed the House April 23, 1979.

Passed the Senate April 28, 1979.

Approved by the Governor May 11, 1979.

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CHAPTER 163

[Substitute House Bill No. 298]

MOTOR VEHICLE EMISSION CONTROL

AN ACT Relating to motor vehicle emission control; adding new sections to chapter 46.16 RCW; adding a new chapter to Title 70 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Department" means the department of ecology.
- (2) "Director" means the director of the department of ecology.
- (3) "Fleet" means a group of twenty-five or more motor vehicles owned or leased concurrently by one person.
- (4) "Motor vehicle" means any self-propelled vehicle required to be licensed pursuant to chapter 46.16 RCW.

(5) "Motor vehicle dealer" means a motor vehicle dealer, as defined in RCW 46.70.011, that is licensed pursuant to chapter 46.70 RCW.

(6) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision of the state, municipality, or governmental agency.

(7) The terms "air contaminant," "air pollution," "air quality standard," "ambient air," "emission," and "emission standard" have the meanings given them in RCW 70.94.030.

NEW SECTION. Sec. 2. (1) The department shall conduct the following programs in a manner that will enhance the successful implementation of the air pollution control system established for motor vehicles by this chapter:

(a) A voluntary motor vehicle emissions inspection program;

(b) A public educational program regarding the health effects of air pollution emitted by motor vehicles; the purpose, operation, and effect of emission control devices and systems; and the effect that proper maintenance of motor vehicle engines has on fuel economy and air pollution emission; and

(c) A public notification program identifying the geographic areas of the state that are designated as being noncompliance areas and emission contributing areas and describing the requirements imposed under this chapter for those areas.

(2) (a) The department, the superintendent of public instruction, and the state board for community college education shall develop cooperatively, after consultation with automotive trades joint apprenticeship committees approved in accordance with RCW 49.04.040, a program for granting certificates of instruction to persons who successfully complete a course of study, under general requirements established by the director, in the maintenance of motor vehicle engines, the use of engine and exhaust analysis equipment, and the repair and maintenance of emission control devices.

(b) The department shall make available to the public a list of those persons who have received certificates of instruction under subsection (2)(a) of this section.

NEW SECTION. Sec. 3. (1) The director shall adopt motor vehicle emission standards. The standards adopted shall ensure that no less than seventy percent of the vehicles tested annually comply with the standards on the first inspection conducted for the vehicles under this chapter each year. The standards shall be adopted as rules in accordance with chapter 34.04 RCW.

(2) The director shall adopt rules for conducting emission tests for motor vehicles.

(3) The director shall adopt air quality standards for air contaminants from the emissions of motor vehicles. The standards shall be adopted as

rules and may not be more stringent than those established for the contaminants by the United States environmental protection agency as in effect on the effective date of this act to implement the federal clean air act.

(4) The director shall adopt, by rule, criteria for calibrating emission testing equipment, including, but not limited to, those identifying standard calibration gas mixtures.

(5) The director shall require that the electronic equipment utilized to test emissions at any station established pursuant to section 4(5) of this act or authorized pursuant to section 8 or 9 of this act be properly calibrated.

The department shall examine frequently the calibration of the emission testing equipment used at such stations.

NEW SECTION. Sec. 4. (1) The director shall designate a geographic area as being a "noncompliance area" for motor vehicle emissions if:

(a) Prior to December 31, 1982, analysis of the data recorded at the monitoring sites indicates that an air quality standard established pursuant to this chapter will probably be exceeded after December 31, 1982; or

(b) On or after December 31, 1982, the department's analysis of the data recorded at the monitoring sites indicates that such a standard will probably be exceeded, and if the department determines that the primary source of the contaminant being monitored at the sites is motor vehicle emissions: PROVIDED, That the department's analysis may not be based upon data recorded at an air monitoring site for less than one year.

(2) The department shall analyze information regarding the motor vehicle traffic in a noncompliance area to determine the smallest land area, which shall include the noncompliance area, within whose boundaries are registered motor vehicles that contribute significantly to the violation of motor vehicle related air quality standards in the noncompliance area. The director shall declare such an area to be an emission contributing area.

(3) In establishing the external boundaries of an emission contributing area, the director shall utilize the boundaries established for zip code service areas by the United States postal service.

The director shall designate areas as being noncompliance areas or emission contributing areas, and shall establish the boundaries of such areas, by rule. Notwithstanding the provisions of chapter 34.04 RCW, a rule which would designate such an area or establish or modify the boundary of such an area may not be adopted until it has been submitted to the standing committees on ecology of the house of representatives and the senate for review and approval: PROVIDED, That the standing committees shall take into account alternative plans for traffic re-routing and traffic bans that may have been prepared by local municipal corporations for the purpose of satisfying federal emission guidelines.

(4) The department shall administer an emission inspection system for all motor vehicles registered within the boundaries of each such emission contributing area.

(5) The director shall authorize, by contract, one or more individuals, firms, private corporations, associations or partnerships to establish and operate inspection stations for conducting the vehicle emission tests authorized by this chapter: **PROVIDED**, That no person engaged in the inspection of motor vehicles pursuant to subsection (5) of this section shall perform for compensation repairs on any vehicles. No public body may establish or operate such contracted inspection stations. Any such contract shall be let in accordance with the procedures established for competitive bids in chapter 43.19 RCW.

(6) The provisions of subsection (5) of this section apply to inspections conducted pursuant to this section. Those provisions also apply to inspections conducted pursuant to section 2(1)(a) of this act except when the inspections are conducted for the following purposes:

- (a) Auditing;
- (b) Contractor evaluation;
- (c) Collection of data for establishing calibration and performance standards;
- (d) Public information and education; and
- (e) Providing a voluntary inspection program if sufficient contractors may not be obtained for the program at a reasonable cost by January 1, 1981.

(7) The fee to be charged for emission inspections conducted pursuant to this section shall be established by the director by rule. The inspection fee shall be a standard fee applicable state-wide and shall be no greater than ten dollars.

NEW SECTION. Sec. 5. (1) The director shall review annually the air quality and forecasted air quality of each area in the state designated as a "noncompliance area" for motor vehicle emissions.

(2) If the director determines that:

(a) The air quality standards for contaminants derived from motor vehicle emissions are no longer being violated in the "noncompliance area"; and

(b) Those standards would not be violated in the "noncompliance area" if the emission inspection system established in the emission contributing area for the "noncompliance area" in accordance with section 4(4) of this act were discontinued and the requirements of section 11 of this act no longer applied to the area, the area shall no longer be designated as a "noncompliance area" for motor vehicle emissions.

NEW SECTION. Sec. 6. Any person whose motor vehicle is inspected at an inspection station authorized by the director pursuant to section 4(5) of this act shall receive the results of the inspection test. If the inspected vehicle's emissions comply with the standards established by the director,

the person shall receive a dated certificate of compliance and shall pay an inspection fee at the time of inspection.

NEW SECTION. Sec. 7. Any person:

(1) Whose motor vehicle is tested pursuant to section 6 of this act and fails to comply with the emission standards established for the vehicle;

(2) Who, following such a test, expends more than fifty dollars for repairs and/or parts solely devoted to meeting the emission standards; and

(3) Whose vehicle is inspected again but again fails, may be issued a certificate of acceptance by the department. To receive the certificate, the person must document the expenditure and the purpose of the expenditure to the satisfaction of the department and must pay the inspection fee established under section 4(7) of this act.

NEW SECTION. Sec. 8. The director may authorize an owner or lessee of a fleet of motor vehicles, or the owner's or lessee's agent, to inspect the vehicles in the fleet and issue certificates of compliance for the vehicles in the fleet if the director determines that: (1) The director's emission and inspection standards will be complied with; and (2) certificates will be issued only to vehicles in the fleet and only when appropriate.

NEW SECTION. Sec. 9. The director may authorize a motor vehicle dealer, selling used motor vehicles, to inspect the vehicles owned and being offered for sale by that dealer and issue certificates of compliance for the vehicles if the director determines that: The director's emission and inspection standards will be complied with; and certificates will be issued only when appropriate.

NEW SECTION. Sec. 10. The department shall investigate complaints received regarding the operation of emission testing stations and shall require corrections or modifications in those operations when deemed necessary.

The department shall also review complaints received regarding the maintenance or repairs secured by owners of motor vehicles for the purpose of complying with the requirements of this chapter. When possible, the department shall assist such owners in determining the merits of the complaints.

NEW SECTION. Sec. 11. There is added to chapter 46.16 RCW a new section to read as follows:

(1) Neither the department of licensing nor its agents may issue or renew a motor vehicle license for any vehicle registered in an emission contributing area, as that area is established under section 4 of this act, unless the application for issuance or renewal is: (a) Accompanied by a valid certificate of compliance issued pursuant to section 6, 8, or 9 of this act or a valid certificate of acceptance issued pursuant to section 7 of this act; or (b) exempted from this requirement pursuant to subsection (2) of this section.

The certificates must have a date of validation which is within ninety days of the date of application for the vehicle license or license renewal.

(2) Subsection (1) of this section does not apply to license applications for:

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

(b) Motor vehicles fifteen years old or older;

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

(d) Motorcycles as defined in RCW 46.04.330 and motor-driven cycles as defined in RCW 46.04.332;

(e) Motor vehicles powered by diesel engines;

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

(g) Motor vehicles exempted by the director of the department of ecology.

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

(3) The department of licensing shall mail to each owner of a vehicle registered within an emission contributing area a notice regarding the boundaries of the area and restrictions established under this section that apply to vehicles registered in such areas. The information for the notice shall be supplied to the department of licensing by the department of ecology. Such a notice shall be mailed to the owner ninety days prior to the expiration date of the owner's motor vehicle license.

NEW SECTION. Sec. 12. Certificates of compliance and acceptance constitute official forms. False statements made thereon or made to secure such certificates are punishable pursuant to RCW 9A.72.040 and the certificates shall bear notice to that effect.

Certificates of compliance and certificates of acceptance may be issued only in the manner authorized by sections 6, 7, 8, and 9 of this act.

NEW SECTION. Sec. 13. The director of the department of ecology shall adopt rules implementing and enforcing sections 1 through 10, section 11 (2)(g) and section 12 of this act in accordance with chapter 34.04 RCW. Notwithstanding the provisions of chapter 34.04 RCW, any rule implementing and enforcing section 1 through 10, section 11 (2)(g), and section 12 of this act may not be adopted until it has been submitted to the standing committees on ecology of the house of representatives and senate for review and approval.

NEW SECTION. Sec. 14. The authority granted by this chapter to the director and the department for controlling vehicle emissions is supplementary to the department's authority to control air pollution pursuant to chapter 70.94 RCW.

NEW SECTION. Sec. 15. There is added to chapter 46.16 RCW a new section to read as follows:

The director of the department of licensing shall adopt rules implementing and enforcing section 11, except for section 11 (2)(g), of this act in accordance with chapter 34.04 RCW.

NEW SECTION. Sec. 16. Section 11 of this act shall take effect on January 1, 1982. The director of the department of licensing and the director of the department of ecology are authorized to take immediately such steps as are necessary to ensure that section 11 of this act is implemented on its effective date.

NEW SECTION. Sec. 17. This act as it now exists or is hereafter amended shall expire on January 1, 1990, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 18. Sections 1 through 10 and sections 12 through 14 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 19. 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.

Passed the House April 27, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor May 11, 1979.

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CHAPTER 164

[Substitute House Bill No. 311]

CRIMINAL JUSTICE TRAINING COSTS—ASSESSMENTS ON MONETARY PENALTIES

AN ACT Relating to bail forfeitures and monetary penalties for motor vehicle offenses; amending section 3, chapter 212, Laws of 1977 ex. sess. and RCW 43.101.210; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 3, chapter 212, Laws of 1977 ex. sess. and RCW 43.101.210 are each amended to read as follows:

(1) Costs of criminal justice training shall be borne in part by those who necessitate the establishment and maintenance of the criminal justice system.