

## CHAPTER 176

[Substitute Senate Bill No. 3228]

MOTOR VEHICLE EMISSION CONTROL—FLEET VEHICLE CERTIFICATE—  
NONCOMPLIANCE AREAS, EMISSION CONTRIBUTING AREAS

AN ACT Relating to motor vehicle emission control; amending section 11, chapter 163, Laws of 1979 ex. sess. and RCW 46.16.015; amending section 4, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.040; amending section 6, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.060; and amending section 7, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.070.

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

Section 1. Section 11, chapter 163, Laws of 1979 ex. sess. and RCW 46.16.015 are each amended 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 RCW 70.120.040, unless the application for issuance or renewal is: (a) Accompanied by a valid certificate of compliance issued pursuant to RCW 70.120.060, 70.120.080, or 70.120.090 or a valid certificate of acceptance issued pursuant to RCW 70.120.070; 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. Certificates for fleet vehicles may have a date of validation which is within twelve months of the assigned license renewal date.

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

(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.

Sec. 2. Section 4, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.040 are each amended to read as follows:

(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) (a) 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.

(b) An emission contributing area established for a carbon monoxide or oxides of nitrogen noncompliance area must contain the noncompliance area within its boundaries.

(c) An emission contributing area established for an ozone noncompliance area located in this state need not contain the ozone noncompliance area within its boundaries if:

It can be proven that vehicles registered in the area to be declared the emission contributing area contribute significantly to violations of the ozone air quality standard in the noncompliance area.

(d) An emission contributing area may be established in this state for violations of federal air quality standards for ozone in an adjacent state if:

(i) The U. S. environmental protection agency declares an area to be a nonattainment area for ozone under the provisions of the federal Clean Air Act (42 U.S.C. 7401 et. seq.) and the nonattainment area encompasses portions of both Washington and the adjacent state; and (ii) It can be proven that vehicles registered in this state contribute significantly to the violation of the federal air quality standards for ozone in the adjacent state's portion of the nonattainment 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 RCW 70.120.020(1)(a) 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)) July 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 or throughout an emission contributing area and shall be no greater than ten dollars. A part of the fee shall be paid to the state and deposited in the general fund.

Sec. 3. Section 6, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.060 are each amended to read as follows:

Before each annual inspection, a person whose motor vehicle is to be inspected at an inspection station authorized by the director under RCW 70.120.040(5) shall pay the inspection fee established under RCW 70.120.040(7). Any person whose motor vehicle is inspected at an inspection station authorized by the director (~~((pursuant to RCW 70.120.040(5)))~~) 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))~~). If the inspected vehicle's emissions do not comply with those standards, one reinspection of the vehicle's emission shall be afforded without charge.

Sec. 4. Section 7, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.070 are each amended to read as follows:

Any person:

- (1) Whose motor vehicle is tested pursuant to RCW 70.120.060 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 RCW 70.120.040(7)))~~).

NEW SECTION. Sec. 5. There is added to chapter 163, Laws of 1979 ex. sess. and to chapter 70.120 RCW a new section to read as follows:

The department shall establish and maintain in the Washington portion of the Portland-Vancouver metropolitan area not less than three ambient air monitoring devices for ozone, not less than three ambient air monitoring devices for hydrocarbons, and not less than two ambient air monitoring devices for oxides of nitrogen.

The department shall report annually to the legislature regarding the effect on air quality of vehicle emission control and other air quality programs in that metropolitan area and in the Washington portion of the area as indicated by the data recorded by the monitoring devices.

Passed the Senate March 13, 1980.

Passed the House March 12, 1980.

Approved by the Governor April 4, 1980.

Filed in Office of Secretary of State April 4, 1980.