

severe-need schools no later than the second day of school in the 1991-92 school year and in each school year thereafter.

(c) School districts where less than twenty-five percent of lunches served to students are free or reduced-price lunches shall submit a plan for implementation of a school breakfast program in severe-need schools to the superintendent of public instruction no later than July 1, 1992. Each such district shall implement a school breakfast program in all severe-need schools no later than the second day of school in the 1992-93 school year and in each school year thereafter.

(d) School districts that did not offer a school lunch program in the 1988-89 school year are encouraged to implement such a program and to provide a school breakfast program in all severe-need schools when eligible.

(4) The requirements in this section shall lapse if the federal reimbursement rate for breakfasts served in severe-need schools is eliminated.

(5) Students who do not meet family-income criteria for free breakfasts shall be eligible to participate in the school breakfast programs established under this section, and school districts may charge for the breakfasts served to these students. School breakfast programs established under this section shall be supported entirely by federal funds and commodities, charges to students, and other local resources available for this purpose, and shall not create or imply any state funding obligation for these costs. The legislature does not intend to include these programs within the state's obligation for basic education funding under Article IX of the Constitution.

NEW SECTION. Sec. 3. The superintendent of public instruction shall conduct a study of the costs and feasibility of expanding the school breakfast program to include schools where more than twenty-five but less than forty percent of lunches served are free or reduced-price lunches. The study shall consider the total cost of the program, including but not limited to food costs, staff salaries and benefits, and additional pupil transportation costs. The superintendent of public instruction shall submit to the legislature prior to January 15, 1992, a report on the results of this study, including recommendations on whether to expand the school breakfast program to include these schools.

Passed the Senate April 22, 1989.

Passed the House April 21, 1989.

Approved by the Governor May 5, 1989.

Filed in Office of Secretary of State May 5, 1989.

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## CHAPTER 240

[Substitute House Bill No. 1104]

### MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM

AN ACT Relating to the motor vehicle inspection and maintenance program; amending RCW 46.16.015, 70.120.020, 70.120.070, 70.120.110, and 70.120.120; adding new sections to

chapter 70.120 RCW; creating new sections; repealing RCW 70.120.030, 70.120.040, 70.120.050, and 70.120.060; repealing section 17, chapter 163, Laws of 1979 ex. sess. (uncodified); prescribing penalties; providing an expiration date; and providing an effective date.

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

Sec. 1. Section 111, chapter 7, Laws of 1985 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 chapter 70.120 RCW ((70.120.040)), for any year in which the vehicle is required to be tested under chapter 70.120 RCW, unless the application for issuance or renewal is: (a) Accompanied by a valid certificate of compliance (~~issued pursuant to RCW 70.120.060 or 70.120.080~~) or a valid certificate of acceptance issued pursuant to chapter 70.120 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 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~~) with a model year of 1967 or earlier;

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

(d) Motor vehicles fueled exclusively by propane, compressed natural gas, or liquid petroleum gas, unless it is determined that federal sanctions will be imposed as a result of this exemption;

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

(f) Motor vehicles powered by diesel engines;

(g) Farm vehicles as defined in RCW 46.04.181;

(h) Used vehicles which are offered for sale by a motor vehicle dealer licensed under chapter 46.70 RCW; or

(i) 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. 2. VEHICLE EMISSION STANDARDS—DESIGNATION OF NONCOMPLIANCE AREAS AND EMISSION CONTRIBUTING AREAS. The director:

(1) Shall adopt motor vehicle emission standards to ensure that no less than seventy percent of the vehicles tested comply with the standards.

(2) Shall designate a geographic area as being a "noncompliance area" for motor vehicle emissions if (a) the department's analysis of the data, recorded for a period of no less than one year, at the monitoring sites indicates that the standard has or will probably be exceeded, and (b) the department determines that the primary source of the contaminant being monitored at the sites is motor vehicle emissions.

(3) Shall reevaluate noncompliance areas if the United States environmental protection agency modifies the relevant air quality standards, and shall discontinue the program if compliance is indicated and if the department determines that the area would continue to be in compliance after the program is discontinued. The director shall notify persons residing in noncompliance areas of the reevaluation.

(4) Shall analyze information regarding the motor vehicle traffic in a noncompliance area to determine the smallest land area within whose boundaries are present registered motor vehicles that contribute significantly to the violation of motor vehicle-related air quality standards in the noncompliance area. The director shall declare the area to be an "emission contributing area." An emission contributing area established for a carbon monoxide or oxides of nitrogen noncompliance area must contain the noncompliance area within its boundaries. 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 contribute significantly to violations of the ozone air quality standard in the noncompliance area. An emission contributing area may be established in this state for violations of federal air quality standards for ozone in an adjacent state if (a) the United States environmental protection agency designates 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.), (b) the nonattainment area encompasses portions of both Washington and the adjacent state, and (c) 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.

(5) Shall designate areas as being noncompliance areas or emission contributing areas, and shall establish the boundaries of such areas by rule. The director may also modify boundaries. In establishing the external boundaries of an emission contributing area, the director shall use the boundaries established for ZIP code service areas by the United States postal service.

(6) May make grants to units of government in support of planning efforts to reduce motor vehicle emissions in areas where emission control inspections are not required.

**NEW SECTION. Sec. 3. NONCOMPLIANCE AREAS—ANNUAL REVIEW.** (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) An area shall no longer be designated as a noncompliance area if the director determines that:

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

(b) The standards would not be violated if the emission inspection system in the emission contributing area was discontinued and the requirements of RCW 46.16.015 no longer applied.

**NEW SECTION. Sec. 4. MOTOR VEHICLE INSPECTIONS REQUIRED—FEES—RESULTS—CERTIFICATE OF COMPLIANCE.**

(1) The department shall administer a system for biennial inspection of emissions of all motor vehicles registered within the boundaries of each emission contributing area. Persons residing within the boundaries of an emission contributing area shall register their motor vehicle within that area, unless business reasons require registration outside the area. Requests for exemption from inspection for business reasons shall be reviewed and approved by the director.

(2) The director shall:

(a) Adopt procedures for conducting emission tests for motor vehicles. The tests shall include idle and high revolution per minute tests.

(b) Adopt criteria for calibrating emission testing equipment. Electronic equipment used to test for emissions standards provided for in this chapter shall be properly calibrated. The department shall examine frequently the calibration of the emission testing equipment used at the stations.

(c) Authorize, through contracts, the establishment and operation of inspection stations for conducting the vehicle emission tests authorized in this chapter. No person contracted to inspect motor vehicles may perform for compensation repairs on any vehicles. No public body may establish or

operate contracted inspection stations. Any contracts must be let in accordance with the procedures established for competitive bids in chapter 43.19 RCW.

(3) Subsection (2)(c) of this section does not apply to volunteer motor vehicle inspections under RCW 70.120.020(1)(a) if the inspections are conducted for the following purposes:

- (a) Auditing;
- (b) Contractor evaluation;
- (c) Collection of data for establishing calibration and performance standards; or
- (d) Public information and education.

(4)(a) The director shall establish by rule the fee to be charged for emission inspections. The inspection fee shall be a standard fee applicable state-wide or throughout an emission contributing area and shall be no greater than eighteen dollars. Surplus moneys collected from fees over the amount due the contractor shall be paid to the state and deposited in the general fund. Fees shall be set at the minimum whole dollar amount required to (i) compensate the contractor, and (ii) offset the general fund appropriation to the department to cover the administrative costs of the motor vehicle emission inspection program.

(b) Before each inspection, a person whose motor vehicle is to be inspected shall pay to the inspection station the fee established under this section. The person whose motor vehicle is inspected 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. If the inspected vehicle's emissions do not comply with those standards, one retest of the vehicle's emission shall be afforded without charge.

(5) All units of local government and agencies of the state with motor vehicles garaged or regularly operated in an emissions contributing area shall test the emissions of those vehicles biennially to ensure that the vehicle's emissions comply with the emission standards established by the director. A report of the results of the tests shall be submitted to the department.

Sec. 5. Section 2, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.020 are each amended to read as follows:

(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. The director may establish and implement procedures for granting certification to persons who successfully complete other training programs or who have received certification from private organizations which meet the requirements established in this subsection.

(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.

Sec. 6. Section 7, chapter 163, Laws of 1979 ex. sess. as amended by section 4, chapter 176, Laws of 1980 and RCW 70.120.070 are each amended to read as follows:

(1) Any person:

~~((1))~~ (a) Whose motor vehicle is tested pursuant to ~~((RCW 70.120.060))~~ this chapter and fails to comply with the emission standards established for the vehicle; and

~~((2))~~ (b) Who, following such a test, expends more than fifty dollars on a 1980 or earlier model year motor vehicle or expends more than one hundred fifty dollars on a 1981 or later model year motor vehicle for repairs ~~((and/or parts))~~ solely devoted to meeting the emission standards and that are performed by a certified emission specialist authorized by RCW 70.120.020(2)(a); and

~~((3))~~ (c) Whose vehicle ~~((is inspected again but again))~~ fails a retest, may be issued a certificate of acceptance if (i) the vehicle has been in use for more than five years or fifty thousand miles, and (ii) any component of the vehicle installed by the manufacturer for the purpose of reducing emissions, or its appropriate replacement, is installed and operative.

(d) To receive the certificate, the person must document ~~((the expenditure and the purpose of the expenditure))~~ compliance with (b) and (c) of this subsection to the satisfaction of the department.

(2) Persons who fail the initial tests shall be provided with information regarding the availability of federal warranties and certified emission specialists.

Sec. 7. Section 12, chapter 163, Laws 1979 ex. sess. as amended by section 131, chapter 7, Laws of 1985 and RCW 70.120.110 are each amended to read as follows:

(1)(a) 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.

(b) Certificates of compliance and certificates of acceptance may be issued only in the manner authorized by ~~((RCW 70.120.060, 70.120.070, and 70.120.080))~~ this chapter.

(2) A person who avoids inspection requirements as provided for in section 4(1) of this act is subject to a civil penalty not to exceed one hundred dollars.

Sec. 8. Section 13, chapter 163, Laws of 1979 ex. sess. and RCW 70.120.120 are each amended to read as follows:

The director ~~((of the department of ecology))~~ shall adopt rules implementing and enforcing this chapter and RCW ((70.120.010 through 70.120.100;)) 46.16.015(2)(g) ((and 70.120.110)) in accordance with chapter ~~((34.04))~~ 34.05 RCW. Notwithstanding the provisions of chapter ~~((34.04))~~ 34.05 RCW, any rule implementing and enforcing ~~((RCW 70.120.010 through 70.120.100, 46.16.015(2)(g), and 70.120.110))~~ section 2(5) 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. The standing committees shall take into account when considering proposed modifications of emission contributing boundaries, as provided for in section 2(5) of this act, alternative plans for traffic rerouting and traffic bans that may have been prepared by local municipal corporations for the purpose of satisfying federal emission guidelines.

NEW SECTION. Sec. 9. EXPIRATION DATE. This chapter expires January 1, 1993, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 10. DEPARTMENT STUDIES. (1) The department shall identify expected carbon monoxide emission trends over the next five years after the effective date of this act without the motor vehicle emission program and report to the appropriate standing committees of the legislature by January 1, 1991.

(2) The department shall examine available testing data to determine vehicle subpopulations and incremental emission increases associated with subpopulations failing the emission test. This information shall be reported to the appropriate standing committees of the legislature by January 1, 1992.

NEW SECTION. Sec. 11. CAPTIONS NOT LAW. Section headings as used in this act do not constitute any part of law.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 163, Laws of 1979 ex. sess., section 130, chapter 7, Laws of 1985 and RCW 70.120.030;

(2) Section 4, chapter 163, Laws of 1979 ex. sess., section 2, chapter 176, Laws of 1980 and RCW 70.120.040;

(3) Section 5, chapter 163, Laws of 1979 ex. sess. and RCW 70.120-.050;

(4) Section 6, chapter 163, Laws of 1979 ex. sess., section 3, chapter 176, Laws of 1980 and RCW 70.120.060; and

(5) Section 17, chapter 163, Laws of 1979 ex. sess. (uncodified).

NEW SECTION. Sec. 13. Sections 2 through 4 and 9 of this act are added to chapter 70.120 RCW.

NEW SECTION. Sec. 14. This act shall take effect January 1, 1990.

Passed the House April 17, 1989.

Passed the Senate April 12, 1989.

Approved by the Governor May 5, 1989.

Filed in Office of Secretary of State May 5, 1989.

CHAPTER 241

[Substitute House Bill No. 1007]  
WATER SKIING SAFETY

AN ACT Relating to safety in water skiing; adding a new section to chapter 88.12 RCW; and declaring an emergency.

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

NEW SECTION. Sec. 1. A new section is added to chapter 88.12 RCW to read as follows:

(1) The purpose of this section is to promote safety in water skiing on the waters of Washington state, provide a means of ensuring safe water skiing and promote the enjoyment of water skiing.

(2) When used in this section, the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

(a) "Operator" means the individual in physical control of the recreational boat.

(b) "Observer" means the individual riding in the recreational boat who shall be responsible for observing the water skier at all times. The observer and the operator shall not be the same person. The observer shall be at least ten years of age.

(c) "Recreational boat" means any vessel manufactured or used primarily for noncommercial use; or leased, rented, or chartered to another for the latter's noncommercial use.