

Chapter 173-422A WAC

MOTOR VEHICLE EMISSION INSPECTION

NEW SECTION

WAC 173-422A-010 Purpose. These rules implement the motor vehicle emission test program required by state law (chapter 70.120 RCW Motor vehicle emission control). They are intended to encourage appropriate emission repairs of vehicles to reduce air pollution.

NEW SECTION

WAC 173-422A-020 Definitions. Unless the context clearly indicates otherwise, the following definitions will apply:

"Appropriate repair" means the diagnosis or repair of the cause(s) of an emission test failure.

"Authorized tester" means a vehicle owner or business authorized by ecology to conduct testing other than ecology's contractor.

"Ecology" means the department of ecology.

"OBD" means the standardized on-board diagnostic system required to be installed on all 1996 and newer model year gasoline cars and light trucks sold in the United States. This system monitors the operation of the vehicle's emission control systems to detect possible problems. If problems are found a check engine light alerts the driver and trouble codes are stored to help an automotive repair technician diagnose the problem.

"On-line" means to electronically communicate during the emission test as directed by ecology.

"Waiver" is an exemption from further testing for twelve months when all the following conditions apply:

- (a) The vehicle failed an emission test;
- (b) The vehicle failed a retest or is unable to be retested;
- (c) All primary emission control components (or appropriate replacements) are installed and operative;
- (d) An ecology authorized emission specialist has performed at least one hundred fifty dollars of appropriate repairs;

(e) The appropriate repairs were performed between the initial and last test; and

(f) Ecology or its designee has received original receipts listing and providing the cost of each appropriate diagnosis or repair of the cause(s) of an emission test failure.

NEW SECTION

WAC 173-422A-030 Vehicle emission test requirements and testing schedule for private and United States government vehicles.

The department of licensing, county auditors and their subagents shall issue or renew a vehicle license or change the registered owner only if the vehicle meets emission test requirements. Privately owned and United States government vehicles must obtain a passing test or waiver within the twelve months before the department of licensing renewal date for the vehicle. See the following table for the testing schedule.

Testing Schedule for Private and United States Government Vehicles	
Year License Expires	Model Years
2012	1988, 1990, 1992, 1994, 1997, 1999, 2001, 2003, 2005, 2007
2013	1989, 1991, 1993, 1995, 1996, 1998, 2000, 2002, 2004, 2006, 2008
2014	1990, 1992, 1994, 1997, 1999, 2001, 2003, 2005, 2007
2015	1991, 1993, 1995, 1996, 1998, 2000, 2002, 2004, 2006, 2008
2016	1992, 1994, 1997, 1999, 2001, 2003, 2005, 2007
2017	1993, 1995, 1996, 1998, 2000, 2002, 2004, 2006, 2008
2018	1994, 1997, 1999, 2001, 2003, 2005, 2007
2019	1995, 1996, 1998, 2000, 2002, 2004, 2006, 2008

NEW SECTION

WAC 173-422A-040 Emission test schedule for state and local government vehicles. State and local government vehicles must be tested according to the following table.

Testing Schedule for State and Local Government Vehicles	
Year	Model Years
2012	1987 through 2007
2013	1988 through 2008
2014	1989 through 2008
2015	1990 through 2008
2016	1991 through 2008
2017	1992 through 2008
2018	1993 through 2008
2019	1994 through 2008

NEW SECTION

WAC 173-422A-050 Emission test areas. Vehicles registered within the following United States Postal Service zip codes (as of September 1, 1994) require emission tests. Zip code changes by the United States Postal Service after September 1, 1994, do not change emission test area designations.

Puget Sound Region	
98001-98009	98201-98208
98011	98258
98012	98270
98015	98271
98020	98275
98021	98290
98023	98291
98025-98028	98327
98031-98043	98332
98046	98335
98047	98338
98052-98059	98344
98062-98064	98352
98071-98073	98354
98083	98371-98374
98092	98387
90893	98388

Puget Sound Region

98101-98109	98390
98111-98199	98401-98499

Spokane Region

99001	99021
99005	99025
99014	99027
99016	99037
99019	99201-99209

Vancouver Region

98604 except north of N.E. 279th Street
98606
98607
98629 except east of N.E. 50th Avenue
98642
98660-98668
98671 except Skamania County
98682-98686

NEW SECTION

WAC 173-422A-060 Exemptions. The following vehicles are exempt from emission testing:

- (1) Newer vehicles. Vehicles less than five years old and 2009 or newer model year vehicles.
- (2) Older vehicles. Vehicles more than twenty-five years old.
- (3) Motorcycles and mopeds as defined in chapter 46.04 RCW.
- (4) Prorated vehicles as defined in chapter 46.85 RCW.
- (5) Vehicles garaged and operated outside a test area.
- (6) Farm vehicles as defined in chapter 46.04 RCW.
- (7) Vehicles not intended for highway use.
- (8) Vehicles registered as powered by electricity, propane, compressed natural gas, or liquid petroleum gas.
- (9) Honda Insight and Toyota Prius model vehicles.
- (10) Diesel powered vehicles weighing less than 6001 pounds or with an engine that was certified by its manufacturer as meeting the EPA 2007 exhaust emission standards or equipped with an exhaust particle filter acceptable to ecology.
- (11) Vehicles being sold or being offered for sale by a Washington licensed motor vehicle dealer.
- (12) An emission test is not required to transfer the registered ownership between parents, siblings, grandparents, grandchildren, spouses, legal domestic partners, or present co-owners or to a public agency and for all changes of the legal

owner.

NEW SECTION

WAC 173-422A-100 Gasoline vehicle emission test standards. Gasoline motor vehicles are tested to determine if they meet one of the following requirements:

(1) Two-speed idle exhaust emission test standards:

Model Year	Carbon Monoxide (CO) (%)	Hydrocarbons (HC) (ppm)
1995 and older	3.0	400
1996-2008 (8500 or less GVWR)	1.2	220
1996-2008 (greater than 8500 GVWR)	3.0	400

(2) Instead of a two-speed idle exhaust emission test, ecology may require a 1996 or newer model vehicle be tested using the vehicle's on-board diagnostic (OBD) system. To pass the OBD test:

(a) The check engine light must not be commanded on while the engine is operating.

(b) The emission related monitors must have completed their checks and be ready to report potential problems, except:

(i) A 2001 or newer model year vehicle may have one monitor not ready to report.

(ii) A 2000 or older model year vehicle may have up to two monitors not ready to report.

(c) For the vehicle to pass a retest, the monitor(s) that commanded the check engine light on during the initial test must be ready to report.

NEW SECTION

WAC 173-422A-110 Gasoline vehicle emission testing procedures. (1) All persons testing gasoline vehicles shall, as directed by ecology, either:

(a) Connect the OBD testing equipment to determine what diagnostic codes may be commanding the check engine light on and whether each emission related monitor is ready to report; or

(b) Follow the two-speed idle exhaust emission testing procedures described in Appendix B-Test Procedures of Subpart S-Inspection/Maintenance Program Requirements of Part 51 of chapter 1, Title 40 of the Code of Federal Regulations adopted November 1,

1992.

(2) Ecology may require variations to the testing procedures to accommodate the design of certain vehicles.

NEW SECTION

WAC 173-422A-120 Gasoline vehicle emission testing equipment specifications.

(1) Exhaust gas analyzers must meet the specifications in (I) Steady-State Exhaust Analysis System of Appendix D-Steady-State Short Test Equipment of Subpart S-Inspection/Maintenance Program Requirements of Part 51 of chapter 1, Title 40 of the Code of Federal Regulations adopted November 1, 1992.

(2) OBD testing equipment must be capable of:

(a) Communicating with all OBD systems used on 1996 through 2008 model year gasoline vehicles approved to be sold in the United States;

(b) Recording the readiness status of each emission-related OBD monitor; and

(c) Recording the diagnostic trouble code(s) that could command the check engine light on.

(3) The testing equipment must be able to perform the test on-line unless ecology grants prior approval.

NEW SECTION

WAC 173-422A-200 Exhaust emission test standards for diesel vehicles.

Model Year	Opacity (%)
1991 and older	50
1992-1996	40
1997-2008	30

NEW SECTION

WAC 173-422A-210 Test procedure for diesel vehicles. (1) Before beginning the test, the tester shall verify all of the following:

- (a) The engine is within its normal operating temperature range;
 - (b) All vehicle accessories including air conditioning are off;
 - (c) The parking brake and an engine brake or retarder is off; and
 - (d) The transmission is in neutral (and clutch released if manual transmission).
- (2) During the snap-acceleration test the tester shall do all of the following:
- (a) Perform at least three preliminary snap-accelerations until the engine achieves consistent operation.
 - (i) A snap-acceleration consists of moving the accelerator pedal from normal idle as rapidly as possible to the full power position, then fully releasing the throttle so the engine returns to idle. Allow the engine to remain at idle for at least ten seconds between snap-accelerations.
 - (ii) Insert the opacity meter into an exhaust pipe.
 - (b) Perform additional snap-accelerations while measuring the smoke opacity.
 - (i) The tester must either begin a subsequent snap-acceleration within forty-five seconds or restart the test without removing the opacity meter.
 - (ii) The tester need not repeat the three preliminary snap-accelerations.
 - (c) Perform snap-accelerations (up to nine times if necessary) to obtain three consecutive peak opacity readings that meet ecology's standards. If this does not occur, the vehicle fails the test. Record the three final opacity readings.
 - (d) If the vehicle passes the first series of snap-accelerations, repeat these procedures for each additional exhaust pipe.
- (3) Ecology may require variations to the testing procedures to accommodate the design of certain vehicles.

NEW SECTION

WAC 173-422A-220 Diesel vehicle testing equipment specifications. (1) An opacity meter that:

- (a) Automatically recalibrates before each test.
 - (b) Provides for continuous measurement of exhaust opacity unaffected by rain or wind.
- (2) The testing equipment must be able to perform the test on-line unless ecology grants prior approval.

NEW SECTION

WAC 173-422A-300 Testing equipment maintenance and calibration. (1) The tester must:

(a) Calibrate and maintain all test equipment according to the manufacturer's specifications and recommendations.

(b) Maintain logs approved by ecology of maintenance, repair, and calibration of testing equipment.

(c) Use, for exhaust gas analyzer calibration, the procedures in the following document: (I) Steady-State Test Equipment of Appendix A-Calibrations, Adjustments and Quality Control of Subpart S-Inspection/Maintenance Program Requirements of Part 51 of chapter 1, Title 40 of the Code of Federal Regulations adopted November 1, 1992.

(2) Ecology may require additional maintenance and calibration procedures if they are needed to ensure the accuracy of the testing equipment.

NEW SECTION

WAC 173-422A-310 Quality assurance. Ecology (or its designee) may:

(1) Monitor (remotely or on location) ecology's contractor and authorized testers' operations.

(2) Access the testing/reporting equipment and records.

(3) Stop or limit emission testing due to this monitoring.

NEW SECTION

WAC 173-422A-320 Test fees. (1) An ecology contractor shall charge fifteen or less dollars for a test. The first retest will be free for up to twelve months after a vehicle fails the initial test.

(2) Authorized testers may set their own fees.

NEW SECTION

WAC 173-422A-340 Authorized testers. (1) Authorized testers must meet the following conditions:

(a) Use ecology approved testing equipment. The test must be

done on-line unless ecology grants prior approval.

(b) Follow the testing procedure described in section 110 for gasoline vehicles and section 210 for diesel vehicles.

(c) As directed by ecology, provide information to vehicle owners and obtain their approval for emission-related repairs.

(d) Properly maintain testing equipment.

(e) Maintain logs approved by ecology of maintenance, repair, and calibration of testing equipment.

(f) Allow ecology to conduct performance audits and compliance inspections.

(g) Take corrective actions required by ecology.

(2) Violations of this rule by an authorized tester will result in their authorization being permanently or temporarily revoked unless it is the first lesser rule violation such as an administrative or recordkeeping error.

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

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

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

(d) Reauthorization of a temporarily revoked authorization requires a new application for authorization.

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

(4) An authorized tester whose authorization has been revoked may appeal this decision to the pollution control hearings board as provided for in RCW 43.21B.310.

NEW SECTION

WAC 173-422A-400 Emission specialist authorization. (1) To become an authorized emission specialist an individual shall:

(a) Successfully complete an ecology-approved course on emission repair every two years.

(b) Agree in writing to meet all requirements of this rule and all Washington state and federal laws and regulations regarding emission control systems.

(2) To maintain authorization, an authorized emission specialist shall:

(a) Complete required training within ninety days of notification by ecology. Ecology may grant written extensions;

(b) Sign and include their specialist identification number on all receipts for appropriate diagnoses and repairs of vehicles that have failed an emission test. These receipts must:

(i) Be numbered and printed with the business's name and

address;

(ii) Include the customer's name, telephone number, and address;

(iii) Include the vehicle's make, model, license number and vehicle identification number (VIN);

(iv) Itemize all appropriate diagnoses and repairs performed by the specialist;

(v) Include any missing or inoperative primary emission control components; and

(vi) Include any further recommended appropriate repairs and diagnoses.

(3) To maintain authorization, an authorized emission specialist may not:

(a) Tamper with emission control systems (a violation of chapter 173-421 WAC), including adjusting an engine outside of the manufacturer's specifications; or

(b) Obtain or attempt to obtain a passing test, waiver, or an exemption from the test requirements by providing false information or by any other fraudulent means that violate this rule; or

(c) Assist any individual in committing a violation of this rule or chapter 173-421 WAC.

(4) Violations of this rule by an authorized emission specialist will result in their authorization being permanently or temporarily revoked unless it is the first lesser rule violation such as an administrative or recordkeeping error.

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

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

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

(d) Reauthorization of a temporarily revoked authorization requires a new application for authorization.

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

(6) An authorized emission specialist whose authorization is revoked may appeal to the pollution control hearings board as provided for in RCW 43.21B.310.

NEW SECTION

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 recordkeeping 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.

NEW SECTION

WAC 173-422A-500 Civil penalty. Except for a lesser violation of this rule, such as an administrative or recordkeeping error, ecology may impose a civil penalty not to exceed two hundred fifty dollars on anyone who violates any requirement of this rule. This penalty may be appealed to the pollution control hearings board as provided for in RCW 43.21B.310.