AMENDATORY SECTION (Amending WSR 05-24-044, filed 11/30/05, effective 12/31/05)

WAC 173-423-010 Purpose. The purpose of this chapter is to establish rules implementing the California motor vehicle emission standards adopted by the 2005 legislature and codified in chapters 70.120A and 46.16A RCW.

AMENDATORY SECTION (Amending WSR 05-24-044, filed 11/30/05, effective 12/31/05)

WAC 173-423-040 Definitions and abbreviations. The following definitions apply to the administration of this chapter. Any term that is not defined in this section shall be as defined or described in the California Code of Regulations, Title 13, section 1900. Definitions in the California Code of Regulations, Title 13, section 1900 will prevail if any discrepancy arises between them and those set forth in this section.

(1) "Emission credits" are earned when a manufacturer's reported fleet average is less than the required fleet average. Credits are calculated according to formulas contained in the California Code of Regulations, Title 13, section 1961(c) ((~~and~~)), 1961.1(b), 1961.2(c), and 1961.3(b), as appropriate.

(2) "Emission debits" are earned when a manufacturer's reported fleet average exceeds the required fleet average. Debits are calculated according to formulas contained in the California Code of Regulations, Title 13, section 1961(c) ((~~and~~)), 1961.1(b), 1961.2(c), and 1961.3(b), as appropriate.

(3) "Fleet average greenhouse gas emission requirements" are generally referred to as limitations on greenhouse gas exhaust mass emission values from passenger cars, light-duty trucks and medium-duty passenger vehicles. The fleet average greenhouse gas emission requirements are set forth in CCR, Title 13, section 1961.1 and 1961.3, and incorporated herein by reference.

(4) "Gross vehicle weight rating" or "GVWR" is the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

(5) "Independent low volume manufacturer" is defined in the California Code of Regulations, Title 13, section 1900 and incorporated herein by reference.

(6) "Intermediate volume manufacturer" is defined in the California Code of Regulations, Title 13, section 1900 and incorporated herein by reference.

(7) "Large volume manufacturer" is defined in the California Code of Regulations, Title 13, section 1900 and incorporated herein by reference.

(8) "Light duty truck" is any 2000 and subsequent model motor vehicle certified to the standards in Title 13, CCR, section 1961 (a)(1) rated at 8,500 pounds gross vehicle weight or less, and any other motor vehicle rated at 6,000 pounds gross vehicle weight or less, which is designed primarily for the purposes of transportation of property or is a derivative of such vehicle, or is available with special features enabling off-street or off-highway operation and use.

(9) "Medium duty passenger vehicle" (MDPV) is any medium-duty vehicle with a gross vehicle weight rating of less than 10,000 pounds that is designed primarily for the transportation of persons. The medium-duty passenger vehicle definition does not include any vehicle which:

(a) Is an "incomplete truck," i.e., is a truck that does not have the primary load carrying device or container attached; or

(b) Has a seating capacity of more than twelve persons; or

(c) Is designed for more than nine persons in seating rearward of the driver's seat; or

(d) Is equipped with an open cargo area of 72.0 inches in interior length or more. A covered box not readily accessible from the passenger compartment will be considered an open cargo area for the purpose of this definition.

(10) "Model year" is the manufacturer's annual production period which includes January 1 of a calendar year. If the manufacturer has no annual production period, "model year" is the calendar year. In the case of any vehicle manufactured in two or more stages, the time of manufacture shall be the date of completion of the chassis.

(11) "Nonmethane organic gas" or "NMOG" is the sum of nonoxygenated and oxygenated hydrocarbons contained in a gas sample as measured in accordance with the "*California Non-Methane Organic Gas Test Procedures*," and incorporated herein by reference.

(12) "NMOG fleet average emissions" is a motor vehicle manufacturer's average vehicle emissions of all nonmethane organic gases from passenger cars and light duty trucks in any model year delivered in Washington that are subject to this regulation.

(13) "Passenger car" is any motor vehicle designed primarily for transportation of persons and having a design capacity of twelve persons or less.

(14) "Small volume manufacturer" is defined as set forth in the California Code of Regulations, Title 13, section 1900 and incorporated herein by reference.

AMENDATORY SECTION (Amending WSR 05-24-044, filed 11/30/05, effective 12/31/05)

WAC 173-423-050 Requirement to meet California vehicle emission standards. (1) Starting with the 2009 model year, no vehicle shall be registered, leased, rented, licensed or sold for use in the state of Washington unless such vehicle is certified to California emission standards, except as provided in WAC 173-423-060, Exemptions.

(2) The state of Washington will use the vehicle emission standards used by California including:

(a) The exhaust emission standards set forth in the California Code of Regulations, Title 13, sections 1961 and 1961.2;

(b) The emission control label or smog index label requirements set forth in the California Code of Regulations, Title 13, section 1965;

(c) The evaporative emission standards set forth in the California Code of Regulations, Title 13, section 1976;

(d) The refueling emissions standards set forth in the California Code of Regulations, Title 13, section 1978;

(e) The malfunction and diagnostic system requirements set forth in the California Code of Regulations, Title 13, 1968.2;

(f) The specifications for fill pipes and openings of motor vehicle fuel tanks set forth in the California Code of Regulations, Title 13, section 2235; and

(g) The greenhouse gas emission standards as set forth in the California Code of Regulations, Title 13, section 1961.1 and 1961.3.

(3) All vehicle manufacturers shall comply with the fleet average emission requirement, and the warranty, recall and other applicable requirements set forth in this chapter.

AMENDATORY SECTION (Amending WSR 05-24-044, filed 11/30/05, effective 12/31/05)

WAC 173-423-060 Exemptions. The following vehicles are not subject to this chapter:

(1) Military tactical vehicles;

(2) Vehicles sold for registration and use out-of-state;

(3) Previously registered vehicles where the mileage at the time of sale exceeds seven thousand five hundred miles, provided that for vehicle dealers, the mileage at the time of sales is determined by the odometer statement at the time the vehicle dealer acquired the vehicle;

(4) Vehicles which are only available for rent to a final destination outside of Washington;

(5) Vehicles purchased by a nonresident prior to establishing residency in the state of Washington, regardless of the mileage on

the vehicle;

(6) Vehicles transferred by inheritance or as a result of divorce, dissolution or legal separation; and

(7) ((~~An emergency vehicle when a public safety agency has demonstrated to the department of ecology's satisfaction that a vehicle that will meet said agency's needs is not otherwise reasonably available.~~)) Motor vehicles purchased for use by a local police department, county sheriff, fire district, or the Washington state patrol.

AMENDATORY SECTION (Amending Order 08-16, filed 1/15/09, effective 2/15/09)

WAC 173-423-070 Emission standards, warranty, recall and other California provisions adopted by reference. Each manufacturer and each new 2009 and subsequent model year passenger car, light duty truck and medium duty passenger vehicle subject to this chapter shall comply with each applicable standard set forth in Table 070(1) and incorporated by reference:

Note to reader: The California ARB is updating its rules to allow manufacturer compliance with the Environmental Protection Agency National Program greenhouse gas requirements for model years 2017-2025 to serve as compliance with the California requirements for those same model years. The rules affected include Title 13, section(s) 1900, 1956.8, 1960.1, 1961, 1961.2, 1961.3, and 1976. Should California finalize its rules before ecology finalizes these rule revisions, then the effective dates for the California Title 13 sections in this draft version of Table 070(1) will be adopted into the state rule.

Table 070(1)
California Code of Regulations (CCR)
Title 13
Provisions Incorporated by Reference
Effective in Washington January 14, 2009

Title 13 CCR Division 3 Air Resources Board	Title	California Effective Date
Chapter 1 Motor Vehicle Pollution Control Devices		
Article 1 General Provisions		
Section 1900	Definitions	((~~1/01/06~~)) 8/7/12

Title 13 CCR Division 3 Air Resources Board	Title	California Effective Date
Section 1956.8 (g) and (h)	Exhaust Emission Standards and Test Procedures - 1985 and Subsequent Model Heavy Duty Engines and Vehicles	((~~10/11/07~~)) 8/7/12
Section 1960.1	Exhaust Emission Standards and Test Procedures - 1981 and through 2006 Model Passenger Cars, Light-Duty and Medium-Duty Vehicles	((~~3/26/04~~)) 8/7/12
Section 1961	Exhaust Emission Standards and Test Procedures - 2004 ((~~and Subsequent~~)) through 2019 Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	((~~6/16/08~~)) 8/7/12
Section 1961.1	Greenhouse Gas Exhaust Emission Standards and Test Procedures - 2009 ((~~and Subsequent~~)) through 2016 Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	((~~1/01/06~~)) 8/7/12
Section 1961.2	Exhaust Emission Standards and Test Procedures - 2015 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	8/7/12
Section 1961.3	Greenhouse Gas Exhaust Emission Standards and Test Procedures - 2017 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	8/8/12

Title 13 CCR Division 3 Air Resources Board	Title	California Effective Date
Section 1965	Emission Control, Smog Index, and Environmental Performance Labels - 1979 and Subsequent Model-Year Motor Vehicles	((~~6/16/08~~)) 8/7/12
Section 1968.2	Malfunction and Diagnostic System Requirements - 2004 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines	((~~11/09/07~~)) 8/7/12
Section 1968.5	Enforcement of Malfunction and Diagnostic System Requirements for 2004 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines	((~~11/09/07~~)) 8/7/12
Section 1976	Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions	((~~1/04/08~~)) 8/7/12
Section 1978	Standards and Test Procedures for Vehicle Refueling Emissions	((~~1/04/08~~)) 8/7/12
Article 6 Emission Control System Warranty		
Section 2035	Purpose, Applicability and Definitions	((~~11/09/07~~)) 11/9/07

Title 13 CCR Division 3 Air Resources Board	Title	California Effective Date
((~~Section 2036~~	~~Defects Warranty Requirements for 1979 Through 1989 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles; 1979 and Subsequent Model Motorcycles and Heavy-Duty Vehicles; and Motor Vehicle Engines Used in Such Vehicles~~	~~5/15/99~~))
Section 2037	Defects Warranty Requirements for 1990 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Motor Vehicle Engines Used in Such Vehicles	((~~11/09/07~~)) 8/7/12
Section 2038	Performance Warranty Requirements for 1990 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Motor Vehicle Engines Used in Such Vehicles	((~~11/09/07~~)) 8/7/12
Section 2039	Emission Control System Warranty Statement	12/26/90
Section 2040	Vehicle Owner Obligations	12/26/90
Section 2046	Defective Catalyst	2/15/79
Chapter 2 Enforcement of Vehicle Emission Standards and Enforcement Testing		
Article 2 Enforcement of New and In-Use Vehicle Standards		
Section 2109	New Vehicle Recall Provisions	12/30/83

Title 13 CCR Division 3 Air Resources Board	Title	California Effective Date
Article 2.1 Procedures for In-Use Vehicle Voluntary and Influenced Recalls		
Section 2111	Applicability	((~~1/04/08~~)) 12/8/10
Section 2112	Definitions	((~~8/15/07~~)) 8/7/12
	Appendix A to Article 2.1	((~~8/15/07~~)) 8/16/09
Section 2113	Initiation and Approval of Voluntary and Influenced Emission-Related Recalls	1/26/95
Section 2114	Voluntary and Influenced Recall Plans	11/27/99
Section 2115	Eligibility for Repair	1/26/95
Section 2116	Repair Label	1/26/95
Section 2117	Proof of Correction Certificate	1/26/95
Section 2118	Notification	1/26/95
Section 2119	Recordkeeping and Reporting Requirements	11/27/99
Section 2120	Other Requirements Not Waived	1/26/95
Article 2.2 Procedures for In-Use Vehicle Ordered Recalls		
Section 2122	General Provisions	((~~1/04/08~~)) 12/8/10
Section 2123	Initiation and Notification of Ordered Emission-Related Recalls	1/26/95
Section 2124	Availability of Public Hearing	1/26/95
Section 2125	Ordered Recall Plan	1/26/95
Section 2126	Approval and Implementation of Recall Plan	1/26/95
Section 2127	Notification of Owners	1/26/95
Section 2128	Repair Label	1/26/95
Section 2129	Proof of Correction Certificate	1/26/95

Title 13 CCR Division 3 Air Resources Board	Title	California Effective Date
Section 2130	Capture Rates and Alternative Measures	11/27/99
Section 2131	Preliminary Tests	1/26/95
Section 2132	Communication with Repair Personnel	1/26/95
Section 2133	Recordkeeping and Reporting Requirements	1/26/95
Section 2135	Extension of Time	1/26/95
Article 2.4 Procedures for Reporting Failure of Emission-Related Components		
Section 2141	General Provisions	((~~1/04/08~~)) 12/8/10
Section 2142	Alternative Procedures	2/23/90
Section 2143	Failure Levels Triggering Recall	11/27/99
Section 2144	Emission Warranty Information Report	11/27/99
Section 2145	Field Information Report	((~~11/27/99~~)) 8/7/12
Section 2146	Emissions Information Report	11/27/99
Section 2147	Demonstration of Compliance with Emission Standards	((~~8/21/02~~)) 8/7/12
Section 2148	Evaluation of Need for Recall	11/27/99
Section 2149	Notification and Subsequent Action	2/23/90
((~~**Article 5 Procedures for Reporting Failures of Emission-Related Equipment and Required Corrective Action**~~		
~~Section 2166~~	~~General Provisions~~	~~1/04/08~~
~~Section 2166.1~~	~~Definitions~~	~~1/04/08~~
~~Section 2167~~	~~Emission Warranty Information Report~~	~~1/04/08~~
~~Section 2168~~	~~Supplemental Emissions Warranty Information Report~~	~~1/04/08~~
~~Section 2169~~	~~Recall and Corrective Action for Failures of Exhaust After-Treatment Devices~~	~~1/04/08~~

Title 13 CCR Division 3 Air Resources Board	Title	California Effective Date
~~Section 2170~~	~~Recall and Corrective Action for Other Emission-Related Component Failures (On-Board Diagnostic-Equipped Vehicles and Engines)~~	~~1/04/08~~
~~Section 2171~~	~~Recall and Corrective Action for Vehicles Without On-Board Diagnostic Systems, Vehicles with Noncompliant On-Board Diagnostic Systems, or Vehicles with On-Board Computer Malfunction~~	~~1/04/08~~
~~Section 2172~~	~~Notification of Required Recall or Corrective Action by the Executive Officer~~	~~1/04/08~~
~~Section 2172.1~~	~~Ordered or Voluntary Corrective Action Plan~~	~~1/04/08~~
~~Section 2172.2~~	~~Approval and Implementation of Corrective Action Plan~~	~~1/04/08~~
~~Section 2172.3~~	~~Notification of Owners~~	~~1/04/08~~
~~Section 2172.4~~	~~Repair Label~~	~~1/04/08~~
~~Section 2172.5~~	~~Proof of Correction Certificate~~	~~1/04/08~~
~~Section 2172.6~~	~~Preliminary Tests~~	~~1/04/08~~
~~Section 2172.7~~	~~Communication with Repair Personnel~~	~~1/04/08~~
~~Section 2172.8~~	~~Recordkeeping and Reporting Requirements~~	~~1/04/08~~
~~Section 2172.9~~	~~Extension of Time~~	~~1/04/08~~
~~Section 2173~~	~~Penalties~~	~~1/04/08~~
~~Section 2174~~	~~Availability of Public Hearing~~	~~1/04/08~~))

AMENDATORY SECTION (Amending WSR 05-24-044, filed 11/30/05, effective 12/31/05)

WAC 173-423-080 Fleet average nonmethane organic gas (NMOG) and NMOG Plus NO_x exhaust emission requirements, reporting and compliance. (1) Fleet average requirement.

(a) Effective model year 2009 through 2014, except as provided in this subsection, each motor vehicle manufacturer's NMOG fleet average emissions from passenger cars and light duty trucks delivered for sale in Washington shall not exceed the Fleet Average NMOG Exhaust Emission Requirement set forth in the California Code of Regulations, Title 13, section 1961(b). For the 2014 model year only, a manufacturer may comply with the fleet average NMOG + NO_x values in subsection (b) of this section in lieu of complying with the NMOG fleet average emissions in this subsection. A manufacturer must either comply with the NMOG + NO_x fleet average requirements for both its PC/LDT1 fleet and its LDT2/MDPV fleet or comply with the NMOG fleet average requirements for both its PC/LDT1 fleet and its LDT2/MDPV fleet. A manufacturer must calculate its fleet average NMOG + NO_x values using the applicable full useful life standards.

(b) Effective model year 2015, each motor vehicle manufacturer's NMOG + NO_x fleet average emissions from passenger cars, light duty trucks and medium duty passenger vehicles delivered for sale in Washington shall not exceed the fleet average NMOG + NO_x exhaust emission requirement set forth in the California Code of Regulations, Title 13, section 1961.2(b).

Compliance shall be based on the number of vehicles, subject to this regulation, delivered for sale in the state of Washington.

(2) Fleet average NMOG and NMOG Plus NO_x exhaust emission credits and debits.

(a) Effective model year 2009 through 2014, except as provided in this subsection, each vehicle manufacturer can accrue NMOG emission credits and debits and use credits in accordance with the procedures in the California Code of Regulations, Title 13, section 1961(c). For the 2014 model year only, a manufacturer may comply with the fleet average NMOG + NO_x values in subsection (b) of this

section in lieu of complying with the NMOG fleet average emissions in this subsection. A manufacturer must either comply with the NMOG + NO_x fleet average requirements for both its PC/LDT1 fleet and its LDT2/MDPV fleet or comply with the NMOG fleet average requirements for both its PC/LDT1 fleet and its LDT2/MDPV fleet. A manufacturer must calculate its fleet average NMOG + NO_x values using the applicable full useful life standards.

(b) Effective model year 2015, each vehicle manufacturer may accrue NMOG + NO_x emission credits and debits and use credits in accordance with the procedures in the California Code of Regulations, Title 13, section 1961.2(c).

Debits and credits accrued and used shall be based on the number of vehicles, subject to this chapter, produced and delivered for sale by each manufacturer, in the state of Washington.

(3) Reporting. ((~~Commencing with the~~))

(a) Effective model year 2009 through model year 2014. Except as provided in this subsection, each manufacturer shall submit by March 1 a report to the department of ecology that ((~~shall include:~~

~~(a) Premodel year data which projects the fleet average NMOG exhaust emissions for vehicles expected to be delivered for sale in Washington.~~

~~(b) End-of-model year data which~~)) calculates the fleet average NMOG exhaust emissions for the model year just ended.

The report shall follow the procedures in the California Code of Regulations, Title 13, section 1961 and shall be in the same format used to report such information to the California Air Resources Board. Manufacturers that elect to comply with the NMOG + NO_x fleet average emission limit for 2014 must report as provided in subsection (b) of this section.

(b) Effective model year 2015 and each model year thereafter, each manufacturer shall submit by March 1st a report to the department of ecology that calculates the fleet average NMOG + NO_x exhaust emissions for the model year just ended.

The report shall follow the procedures in the California Code of Regulations, Title 13, section 1961.2 and shall be in the same format used to report such information to the California Air Resources Board.

(4) Compliance with fleet average NMOG requirement. ((~~Beginning in~~)) Effective model year 2012 through 2014, if a report submitted by the manufacturer under subsection (3) of this section demonstrates that the manufacturer is not in compliance with the fleet average emission standard, the manufacturer must submit to the department of ecology within sixty days a Fleet Average Enforcement Report. The Fleet Average Enforcement Report shall:

(a) Describe how the manufacturer intends to equalize any accrued debits, as required in the California Code of Regulations, Title 13, section 1961(c)(3), and in accordance with subsection (2) of this section.

(b) Identify all vehicle models delivered for sale in Washington, their corresponding certification standards, and the percentage of each model delivered for sale in Washington and California in relation to total fleet sales in the respective

state.

(c) Describe how the manufacturer plans to achieve compliance with the fleet average in future model years.

((~~For model years 2009 through 2011 the Fleet Average Enforcement Report, if needed, must be submitted to the department of ecology by March 1, 2012. If debits are accrued in all three years, one year of debits must be equalized by the end of the 2012 model year.~~)) (5) Compliance with fleet average NMOG + NO_x requirement. Beginning in model year 2015, if a report submitted by the manufacturer under subsection (3)(b) of this section demonstrates that the manufacturer is not in compliance with the fleet average emission standard, the manufacturer must submit to the department of ecology within sixty days a Fleet Average Enforcement Report. The Fleet Average Enforcement Report shall:

(a) Describe how the manufacturer intends to equalize any accrued debits, as required in the California Code of Regulations, Title 13, section 1961.2(c)(3), and in accordance with subsection (2) of this section.

(b) Identify all vehicle models delivered for sale in Washington, their corresponding certification standards, and the percentage of each model delivered for sale in Washington and California in relation to total fleet sales in the respective state.

(c) Describe how the manufacturer plans to achieve compliance with the fleet average in future model years.

(6) For model years 2009 through 2011, the Fleet Average Enforcement Report, if needed, must be submitted to the department of ecology by March 1, 2012. If debits are accrued in all three years, one year of debits must be equalized by the end of the 2012 model year.

AMENDATORY SECTION (Amending WSR 05-24-044, filed 11/30/05, effective 12/31/05)

WAC 173-423-090 Fleet average greenhouse gas exhaust emission requirements, reporting and compliance. (1) Each manufacturer subject to the greenhouse gas provisions of this regulation shall comply with emissions standards, fleet average greenhouse gas exhaust mass emission requirements for passenger car, light duty truck, medium duty passenger vehicle weight classes, and other requirements of the California Code of Regulations, Title 13, section 1961.1 and 1961.3.

(2) Large volume manufacturer. The fleet average greenhouse gas exhaust emission levels for passenger cars, light-duty trucks, and medium-duty passenger vehicles produced and delivered for sale in the state of Washington by a large volume manufacturer for each 2009 and subsequent model year are established in the California Code of Regulations, Title 13, section 1961.1 and 1961.3.

(3) Small, intermediate and independent manufacturers. The fleet average greenhouse gas exhaust emission requirements for passenger cars, light-duty trucks, and medium-duty passenger vehicles delivered for sale in the state of Washington by small volume, intermediate volume and independent low volume manufacturers are set forth in the California Code of Regulations, Title 13, section 1961.1, which specifies that requirements for these manufacturers are waived prior to the 2016 model year and CCR, Title 13, section 1961.3 which specifies the requirements that apply for the 2017 and each subsequent model year.

(4) Greenhouse gas credits and debits. Greenhouse gas credits and debits may be accrued and used based on each manufacturer's sale of vehicles in Washington in accordance with the California Code of Regulations, Title 13, section 1961.1(b) and 1961.3(b).

(5) Optional alternative compliance with greenhouse gas emission standards. Greenhouse gas vehicle test groups that are certified pursuant to the California Code of Regulations, Title 13, section 1961.1 (a)(1)(B)2.a in the state of California may receive equivalent credit if delivered for sale and use in the state of Washington.

(6) Alternative compliance credit. A manufacturer shall submit to the department of ecology the data set forth in the California Code of Regulations, Title 13, section 1961.1 (a)(1)(B)2.a.i for Washington specific sale and use in order to receive the credit identified in subsection (5) of this section.

(7) Reporting on greenhouse gas requirements. Beginning with the 2009 model year, each manufacturer shall submit by March 1 a report to the department of ecology that shall include:

((~~(a) Premodel year data which projects the fleet average greenhouse gas emissions for vehicles expected to be delivered for sale in Washington.~~

~~(b)~~)) End-of-model year data which calculates the fleet average greenhouse gas emissions for the model year just ended. The report shall include the number of greenhouse gas vehicle test groups, delineated by model type, certified pursuant to the California Code of Regulations, Title 13, section 1961.1 and 1961.3, as appropriate.

The report shall follow the procedures in the California Code of Regulations, Title 13, section 1961.1 and 1961.3 and shall be in the same format used to report such information to the California Air Resources Board.

(8) Compliance with fleet average greenhouse gas requirements. Beginning in model year 2009, if the report submitted by the manufacturer under subsection (7) of this section demonstrates that the manufacturer is not in compliance with the fleet average emission standards, the manufacturer must submit to the department of ecology within sixty days a Fleet Average Enforcement Report. The Fleet Average Enforcement Report shall:

(a) Describe how the manufacturer intends to equalize any accrued debits, as required in the California Code of Regulations, Title 13, section 1961.1(b) and 1961.3(b), as appropriate.

(b) Identify all vehicle models delivered for sale in Washington, their corresponding certification standards, and the

percentage of each model delivered for sale in Washington and California in relation to total fleet sales in the respective state.

(c) Describe how the manufacturer plans to achieve compliance with the fleet average in future model years.

AMENDATORY SECTION (Amending WSR 05-24-044, filed 11/30/05, effective 12/31/05)

WAC 173-423-100 Manufacturer delivery reporting requirements. (1) The manufacturer shall submit to the department of ecology one copy of the California Executive Order and Certificate of Conformity for certification of new motor vehicles for each engine family to be sold in the state of Washington within thirty days of ((~~receiving the Executive Order from the California Air Resources Board~~)) the department of ecology's request. If such reports are available electronically, the manufacturer shall send the record in an electronic format acceptable to the department of ecology. ((~~Manufacturers may discontinue submitting these reports if so notified by the department of ecology.~~))

(2) Commencing with the 2009 model year and prior to the beginning of each model year, upon request, each manufacturer shall submit to the department of ecology a list of all models of medium duty vehicles and medium duty passenger vehicles that will be delivered to Washington dealers. Medium duty vehicles are those with a GVWR of 8,501 to 14,000 pounds.

(3) Upon request, each manufacturer shall report to the department of ecology the vehicle identification numbers (VIN) of each passenger car, light duty truck and medium duty passenger vehicle delivered to each Washington dealer that is not certified to California emission standards.

(4) For the purposes of determining compliance with this chapter, the department of ecology may require any vehicle manufacturer to submit any documentation the department of ecology deems necessary to the effective administration and enforcement of this chapter, including all certification materials submitted to the California Air Resources Board.

AMENDATORY SECTION (Amending Order 08-16, filed 1/15/09, effective 2/15/09)

WAC 173-423-110 Warranty requirements. (1) For all 2009 and subsequent model year vehicles subject to the provisions of this chapter, each manufacturer shall provide, to the ultimate purchaser

and each subsequent purchaser, a warranty that complies with the requirements set forth in the California Code of Regulations, Title 13, sections 2035 through 2038, 2040, and 2046.

(2) For all 2009 and subsequent model year vehicles subject to the provisions of this chapter, each manufacturer shall include the emission control system warranty statement that complies with the requirements in the California Code of Regulations, Title 13, section 2039. Manufacturers may modify this statement as necessary to inform Washington vehicle owners of the applicability of the warranty. The manufacturer shall provide a telephone number appropriate for Washington residents.

(3) All manufacturers shall submit to the department of ecology Failure of Emission-Related Components reports as defined in the California Code of Regulations, Title 13, section 2144 for vehicles subject to this regulation. For purposes of compliance with this requirement, manufacturers may submit copies of the Failure of Emission-Related Components reports that are submitted to the California Air Resources Board, in lieu of submitting reports for vehicles subject to this chapter. Manufacturers may discontinue submitting these reports if so notified by the department of ecology.

((~~(4) Upon request, all manufacturers shall submit to the department of ecology Emission Warranty Information Reports (EWIRs) and Supplemental Emission Warranty Information Reports (SEWIRs) as defined in the California Code of Regulations, Title 13, sections 2167 and 2168 for vehicles subject to this regulation. For purposes of compliance with this requirement, manufacturers may submit copies of the EWIRs and SEWIRs that are submitted to the California Air Resources Board, in lieu of submitting reports for vehicles subject to this chapter.~~))

AMENDATORY SECTION (Amending Order 08-16, filed 1/15/09, effective 2/15/09)

WAC 173-423-120 Recalls. (1) Any order or enforcement action taken by the California Air Resources Board to correct noncompliance with any section of Title 13, which results in the recall ((~~and/or corrective action~~)) of any vehicle pursuant to the California Code of Regulations, Title 13, sections 2109 through 2135 ((~~or sections 2166 through 2172.9,~~)) shall be applicable to vehicles registered in the state of Washington. If the manufacturer can demonstrate to the department of ecology's satisfaction that the action is not applicable to vehicles registered in Washington, the action shall not apply in Washington.

(2) Any voluntary or influenced emission-related recall campaign ((~~or corrective action~~)) initiated by any manufacturer pursuant to the California Code of Regulations, Title 13, sections 2113 through 2121 ((~~or sections 2166 through 2172.9,~~)) shall extend to all applicable vehicles registered in Washington. If the

manufacturer can demonstrate to the department of ecology's satisfaction that said campaign is not applicable to vehicles registered in Washington, the campaign shall not apply in Washington.

(3) For vehicles subject to an action pursuant to subsection (1) ((~~or (2)~~)) of this section, each manufacturer shall send to owners of vehicles registered in the state of Washington a notice that complies with the requirements in the California Code of Regulations, Title 13, sections 2118((~~,~~)) <u>or</u> 2127((~~, or 2172.3~~)). Such notice shall contain a telephone number appropriate for Washington residents.