

EXPEDITED RULE MAKING



CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: January 26, 2021

TIME: 11:43 AM

WSR 21-04-032

Agency: Department of Ecology AO #20-06

Title of rule and other identifying information: (describe subject) Chapter 173-422 WAC, Motor Vehicle Emission Inspection and Chapter 173-422A WAC, Motor Vehicle Emission Inspection

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The Department of Ecology proposes to repeal these two rules because the statutory authority for the motor vehicle emission inspection program ended January 1, 2020.

Reasons supporting proposal: This repeal will eliminate possible confusion over obsolete rules.

In 2005, the Legislature phased out emission testing in Clark, King, Pierce, Snohomish and Spokane counties on January 1, 2020 (RCW 70A.25.100 (2005 c 295 § 6). Washington's emission check program ended after 38 years so vehicle owners are no longer required to have their vehicle's emissions tested before renewing their registration.

Statutory authority for adoption: Chapter 70A.25 RCW, Motor Vehicle Emission Control, specifically RCW 70A.25.100 (2005 c 295 § 6) - formerly RCW 70.120.170(6)

Statute being implemented: Chapter 70A.25 RCW, Motor Vehicle Emission Control

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Name of proponent: (person or organization) Department of Ecology

Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Elena Guilfoil	Lacey	360-407-6855

Implementation:

Enforcement:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): In 2005, the legislature established the end date of January 1, 2020, for the motor vehicle emission inspection program (RCW 70A.25.100 (2005 c 295 § 6)). The statutory authority was not replaced by another statute.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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AND RECEIVED BY (date) April 5, 2021

Date: January 26, 2021

Name: Heather Bartlett

Title: Deputy Director

Signature:

