
SUBSTITUTE HOUSE BILL 1918

State of Washington

67th Legislature

2022 Regular Session

By House State Government & Tribal Relations (originally sponsored by Representatives Macri, Valdez, Berry, Ryu, Simmons, Peterson, Goodman, Ramel, Kloba, Bateman, Harris-Talley, and Pollet)

1 AN ACT Relating to reducing emissions from outdoor power
2 equipment; adding a new section to chapter 82.08 RCW; adding a new
3 section to chapter 82.12 RCW; adding a new section to chapter 43.19A
4 RCW; creating a new section; and providing expiration dates.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 82.08
7 RCW to read as follows:

8 (1) Beginning January 1, 2023, the tax imposed by RCW 82.08.020
9 does not apply to the sale of zero emission outdoor power equipment.

10 (2) Each seller of outdoor power equipment must notify potential
11 customers of the effective zero percent sales tax rate established in
12 this section for zero emission outdoor power equipment.

13 (a) A seller of outdoor power equipment in a physical location,
14 including a store or booth, must satisfy the requirements of this
15 subsection by affixing a notice, label, or sign to the outdoor power
16 equipment or in a prominent manner adjacent to the product, in arial
17 font and at least 14 point type.

18 (b) A seller of outdoor power equipment that uses an electronic
19 place, including an internet website or dedicated sales software
20 application, must satisfy the requirements of this subsection through

1 a prominent notice that appears both in any electronic spaces
2 advertising or displaying the product, and at the time of payment.

3 (c) A seller who fails to comply with, or who aids or abets in
4 the violation of, (a) or (b) of this subsection is liable for a class
5 4 civil infraction subject to a fine under chapter 7.80 RCW for each
6 violation.

7 (3) The definitions in this subsection apply throughout this
8 section unless the context clearly requires otherwise.

9 (a) "Battery" means a secondary battery or storage cell that can
10 be charged, discharged into a load, and recharged many times; and
11 includes one of several different combinations of electrode materials
12 and electrolytes.

13 (b) "Battery pack" means a group of any number of secondary or
14 rechargeable batteries within a casing and used as a power source for
15 outdoor power equipment.

16 (c) "Fuel cell" means an electrochemical reaction that generates
17 electric energy by combining atoms of hydrogen and oxygen in the
18 presence of a catalyst.

19 (d) "Outdoor power equipment" means vegetation cutting equipment,
20 leaf blowers, leaf shredders, leaf vacuums, soil tillers, soil
21 cultivators, augers, mulchers, edgers, wood chippers, stump grinders,
22 pressure washers, snow blowers, tampers, compactors, and other
23 equipment designed or marketed for use in an outdoor setting in the
24 management of vegetation, landscaped outdoor spaces, or built spaces.

25 (e) "Vegetation cutting equipment" includes lawn mowers, riding
26 lawn mowers, hedge trimmers, string trimmers, brush cutters,
27 chainsaws, pole trimmers, pole saws, and log splitters.

28 (f) "Zero emission outdoor power equipment" means outdoor power
29 equipment that is powered by a source that does not produce exhaust
30 gas other than water, and that is powered by an engine that produces
31 a gross horsepower of less than 25 horsepower at or below 19
32 kilowatts or is designed to produce less than 25 horsepower. "Zero
33 emission outdoor power equipment" includes, but is not limited to,
34 equipment powered by batteries, battery packs, fuel cells, or
35 electricity through an electric power cord. "Zero emission outdoor
36 power equipment" also includes lawnmowers powered solely by human
37 effort.

38 (4) This section expires January 1, 2033.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 82.12
2 RCW to read as follows:

3 (1) Beginning January 1, 2023, the tax imposed by RCW 82.12.020
4 does not apply to the use of zero emission outdoor power equipment.

5 (2) The definitions in section 1 of this act apply to this
6 section.

7 (3) This section expires January 1, 2033.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.19A
9 RCW to read as follows:

10 (1) Beginning January 1, 2025, state agencies and local
11 governments may only purchase outdoor power equipment that is zero
12 emission outdoor power equipment, except as provided in (a) and (b)
13 of this subsection.

14 (a) This requirement applies only to outdoor power equipment that
15 is powered by an engine that produces a gross horsepower of less than
16 25 horsepower at or below 19 kilowatts or is designed to produce less
17 than 25 horsepower.

18 (b) This requirement does not apply to outdoor power equipment
19 used for emergency response activities, to natural resource work
20 conducted on forestland as defined in RCW 76.04.005, in agricultural
21 settings, or in remote settings that routinely and reasonably can be
22 accessed only by water vessel. For purposes of this section,
23 "emergency response activity" means any activity by public safety
24 personnel, including first responders, to mitigate the impact of an
25 incident on human life, property, or natural resources. "Emergency
26 response activity" also includes extended response incidents and
27 training of emergency response personnel.

28 (2) Beginning January 1, 2025, state agencies and local
29 governments that purchase outdoor power equipment that produces a
30 gross horsepower of 25 horsepower or more or that is designed to
31 produce 25 horsepower or more must, whenever practicable, purchase
32 power equipment that is powered by a source that does not produce
33 exhaust gas other than water.

34 (3) Subject to the availability of funds for this purpose, the
35 department of commerce may provide technical assistance to state
36 agencies, local governments, and the general public regarding the
37 performance, cost, and availability of zero emission outdoor power
38 equipment and larger equipment.

1 (4) State agencies and local governments may procure zero
2 emission outdoor power equipment through contracts established by the
3 department of enterprise services under chapter 39.26 RCW.

4 (5) For purposes of this section, "outdoor power equipment" and
5 "zero emission outdoor power equipment" have the same meaning as in
6 section 1 of this act.

7 NEW SECTION. **Sec. 4.** This section is the tax preference
8 performance statement for the tax preference contained in section 1,
9 chapter . . ., Laws of 2022 (section 1 of this act). This performance
10 statement is only intended to be used for subsequent evaluation of
11 the tax preference. It is not intended to create a private right of
12 action by any party or be used to determine eligibility for
13 preferential tax treatment.

14 (1) The legislature categorizes this tax preference as one
15 intended to induce certain designated behavior by taxpayers, as
16 indicated by RCW 82.32.808(2) (a).

17 (2) It is the legislature's specific public policy objective to
18 encourage the use of zero emission outdoor power equipment. It is the
19 legislature's intent to support, through tax policy, reductions in
20 greenhouse gas and conventional air pollutant emissions associated
21 with outdoor power equipment usage.

22 (3) To measure the effectiveness of this tax preference in
23 achieving the specific public policy objective described in
24 subsection (2) of this section, the joint legislative audit and
25 review committee must review, at minimum, and to the extent
26 practicable and that such data is available:

27 (a) The amount of benefit to taxpayers in each county of the
28 state as a result of the tax preference established in section 1 of
29 this act; and

30 (b) The amount of tax preference applied to each type or category
31 of zero emission outdoor power equipment.

32 (4) The joint legislative audit and review committee may use any
33 other data it deems necessary in performing the evaluation under this
34 section.

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