

**The Oregon Administrative Rules contain OARs filed through December
14, 2007**

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 257

OREGON LOW EMISSION VEHICLES

340-257-0010

Purpose

The purpose of this division is to establish an **Oregon Low Emission Vehicle program** that implements California vehicle emission standards pursuant to section 177 of the federal Clean Air Act. This program establishes criteria and procedures for the manufacture, distribution and sale of new motor vehicles in Oregon as listed in OAR 340-257-0050.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020, 468A.010, 468A.015, 468A.025 & 468A.360

Stats. Implemented: ORS 468.020

Hist.: DEQ 10-2005(Temp), f. 12-27-05, cert. ef. 1-1-06 thru 6-30-06; DEQ 6-2006, f. & cert. ef. 6-29-06

340-257-0020

Applicability & Effective date

This division is in effect as of January 1, 2006 and applies to and establishes requirements for automobile manufacturers, Oregon motor vehicle dealers, and all 2009 and subsequent model year passenger cars, light duty trucks, medium duty vehicles, and medium duty passenger vehicles registered, leased, rented, delivered for sale or sold in the State of Oregon, except as provided in OAR 340-257-0060 Exemptions.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.360

Stats. Implemented: ORS 468.020

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340-257-0030

Definitions and Abbreviations

The definitions in OAR 340-200-0020, the definitions in CCR, Title 13, sections incorporated by reference, and the definitions in this rule apply to this division. If the same term is defined in different passages, the definitions in this rule apply first, followed by definitions in CCR Title 13 sections incorporated by reference, and finally the definitions in OAR 340-200-0020.

(1) "Assembled Vehicle" means a motor vehicle that:

(a) Is an assembled vehicle under ORS 801.130; or

(b) Is a replica vehicle under ORS 801.425.

(c) Will be used for occasional transportation, exhibitions, club activities, parades, tours, testing its operation, repairs or maintenance and similar uses; and

(d) Will not be used for general daily transportation.

(2) "ATPZEV" means advanced technology Partial Zero Emission Vehicle as defined in CCR, Title 13, section 1962(i).

(3) "CARB" means California Air Resources Board.

(4) "CCR" means California Code of Regulations.

(5) "Custom Vehicle" means a motor vehicle that:

(a) Is a street rod under ORS 801.513; or

(b) Was manufactured to resemble a vehicle at least twenty-five (25) years old and of a model year after 1948; and

(A) Has been altered from the manufacturer's original design; or

(B) Has a body constructed from non-original materials.

(6) "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 CCR, Title 13, section 1961(c) and 1961.1(b).

(7) "Emission debits" are earned when a manufacturer's reported fleet average exceeds the required fleet average. Debits are calculated according to formulas contained in CCR, Title 13, section 1961(c) and 1961.1(b).

(8) "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 incorporated herein by reference.

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

(10) "Independent low volume manufacturer" is defined in CCR, Title 13, section 1900 and incorporated herein by reference.

(11) "Intermediate volume manufacturer" is defined in CCR, Title 13, section 1900 and incorporated herein by reference.

(12) "Large volume manufacturer" is defined in CCR, Title 13, section 1900 and incorporated herein by reference.

(13) "Light duty truck" is any 2000 and subsequent model year motor vehicle certified to the standards in CCR, Title 13, 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, is a derivative of such vehicle, or is available with special features enabling off-street or off-highway operation and use.

(14) "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 12 persons; or

(c) Is designed for more than 9 persons in seating rearward of the drivers 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.

(15) "Medium duty vehicle" means any pre-1995 model year heavy-duty vehicle having a manufacturer's gross vehicle weight rating of 8,500 pounds or less; any 1992 through 2006 model-year heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in section 1960.1(h)(2) having a manufacturer's gross vehicle weight rating of 14,000 pounds or less; and any 2000 and subsequent model heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in Section 1961(a)(1) or 1962 having a manufacturer's gross vehicle weight rating between 8,501 and 14,000 pounds.

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

(17) "Non-methane organic gas" (NMOG) is the sum of non-oxygenated and oxygenated hydrocarbons contained in a gas sample as measured in accordance with the "California Non-Methane Organic Gas Test Procedures," which is incorporated herein by reference.

(18) "NMOG fleet average emissions" is a motor vehicle manufacturer's average vehicle emissions of all non-methane organic gases from passenger cars and light duty trucks in any model year subject to this regulation delivered for sale in Oregon.

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

(20) "PZEV" means Partial Zero Emission Vehicle as defined in CCR, Title 13, section 1962(i).

(21) "Small volume manufacturer" is defined as set forth in CCR, Title 13, section 1900 and incorporated herein by reference.

(22) "ZEV" means Zero Emission Vehicle as defined in CCR Title 13, section 1962(i).

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020, 468A.025 & 468A.360

Stats. Implemented: ORS 468.020

Hist.: DEQ 10-2005(Temp), f. 12-27-05, cert. ef. 1-1-06 thru 6-30-06; DEQ 6-2006, f. & cert. ef. 6-29-06

340-257-0040

Requirement to Meet California vehicle emission standards.

(1) Starting with the 2009 model year and for each model year thereafter no person may lease, rent out, license, deliver for sale, or sell any vehicle unless such vehicle is certified

to the California emission standards pursuant to OAR 340-257-0050, except as provided in 340-257-0060, Exemptions.

(2) All motor vehicle manufacturers must comply with the fleet average emission requirements and the warranty, recall, and other applicable requirements contained in this division.

(3) All motor vehicle dealers must comply with the sales and reporting requirements contained in this division.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.360

Stats. Implemented: ORS 468.020

Hist.: DEQ 10-2005(Temp), f. 12-27-05, cert. ef. 1-1-06 thru 6-30-06; DEQ 6-2006, f. & cert. ef. 6-29-06

340-257-0050

Incorporation by Reference

(1) For purposes of applying the incorporated sections of the California Code of Regulations, "California" means "Oregon" and "Air Resources Board (ARB)" or "California Air Resources Board (CARB)" means Department of Environmental Quality or Environmental Quality Commission depending on context, unless otherwise specified in this division or the application is clearly inappropriate.

(2) Emission standards, warranty, recall and other California provisions adopted by reference. Each manufacturer of new 2009 and subsequent model year passenger cars, light duty trucks, and medium duty vehicles must comply with each applicable standard specified in California Code of Regulations (CCR), Title 13 as incorporated by reference herein:

(a) Section 1900: Definitions. California effective date 1/1/2006.

(b) Section 1956.8(g) and (h): Exhaust Emission Standards and Test Procedures - 1985 and Subsequent Model Heavy Duty Engines and Vehicles. California effective date 12/4/03.

(c) Section 1960.1: Exhaust Emission Standards and Test Procedures - 1981 and through 2006 Model Passenger Cars, Light-Duty and Medium-Duty Vehicles. California effective date 3/26/04.

(d) Section 1961: Exhaust Emission Standards and Test Procedures - 2004 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. California effective date 1/1/06.

- (e) Section 1961.1: Greenhouse Gas Exhaust Emission Standards and Test Procedures - 2009 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. California effective date 01/01/06.
- (f) Section 1962: Zero-Emission Vehicle Standards for 2005 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. California effective date 3/26/04.
- (g) Section 1962.1: Electric Vehicle Charging Requirements. California effective date 7/24/02.
- (h) Section 1965: Emission Control and Smog Index Labels - 1979 and Subsequent Model Year Vehicles. California effective date 12/04/03.
- (i) Section 1968.2: Malfunction and Diagnostic System Requirements - 2004 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. California effective date 04/21/03.
- (j) 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. California effective date 04/21/03.
- (k) Section 1976: Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions. California effective date 11/27/99.
- (l) Section 1978: Standards and Test Procedures for Vehicle Refueling Emissions. California effective date 12/4/03.
- (m) Section 2035: Purpose, Applicability and Definitions. California effective date 12/26/90.
- (n) 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. California effective date 11/27/99.
- (o) 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. California effective date 11/27/99.
- (p) Section 2039: Emission Control System Warranty Statement. California effective date 12/26/90.
- (q) Section 2040: Vehicle Owner Obligations. California effective date 12/26/90.
- (r) Section 2046: Defective Catalyst. California effective date 2/15/79.

- (s) Section 2109: New Vehicle Recall Provisions. California effective date 12/30/83.
- (t) Section 2111: Applicability. California effective date 8/21/02.
- (u) Section 2112: Definitions. California effective date 11/15/03.
- (v) Appendix A to Article 2.1. California effective date 11/15/03.
- (w) Section 2113: Initiation and Approval of Voluntary and Influenced Recalls. California effective date 1/26/95.
- (x) Section 2114: Voluntary and Influenced Recall Plans. California effective date 11/27/99.
- (z) Section 2115: Eligibility for Repair. California effective date 1/26/95.
- (aa) Section 2116: Repair Label. California effective date 1/26/95.
- (bb) Section 2117: Proof of Correction Certificate. California effective date 1/26/95.
- (cc) Section 2118: Notification. California effective date 1/26/95.
- (dd) Section 2119: Record keeping and Reporting Requirements. California effective date 11/27/99.
- (ee) Section 2120: Other Requirements Not Waived. California effective date 1/26/95.
- (ff) Section 2122: General Provisions. California effective date 1/26/95.
- (gg) Section 2123: Initiation and Notification of Ordered Emission-Related Recalls. California effective date 1/26/95.
- (hh) Section 2124: Availability of Public Hearing. California effective date 1/26/95.
- (ii) Section 2125: Ordered Recall Plan. California effective date 1/26/95.
- (jj) Section 2126: Approval and Implementation of Recall Plan. California effective date 1/26/95.
- (kk) Section 2127: Notification of Owners. California effective date 1/26/95.
- (ll) Section 2128: Repair Label. California effective date 1/26/95.
- (mm) Section 2129: Proof of Correction Certificate. California effective date 1/26/95.

(nn) Section 2130: Capture Rates and Alternative Measures. California effective date 11/27/99.

(oo) Section 2131: Preliminary Tests. California effective date 1/26/95.

(pp) Section 2132: Communication with Repair Personnel. California effective date 1/26/95.

(qq) Section 2133: Record keeping and Reporting Requirements. California effective date 1/26/95.

(rr) Section 2135: Extension of Time. California effective date 1/26/95.

(ss) Section 2141: General Provisions. California effective date 12/28/00.

(tt) Section 2142: Alternative Procedures. California effective date 2/23/90.

(uu) Section 2143: Failure Levels Triggering Recall. California effective date 11/27/99.

(vv) Section 2144: Emission Warranty Information Report. California effective date 11/27/99.

(ww) Section 2145: Field Information Report. California effective date 11/27/99.

(xx) Section 2146: Emissions Information Report. California effective date 11/27/99.

(yy) Section 2147: Demonstration of Compliance with Emission Standards. California effective date 8/21/02.

(zz) Section 2148: Evaluation of Need for Recall. California effective date 11/27/99.

(aaa) Section 2149: Notification of Subsequent Action. California effective date 2/23/90.

(bbb) Section 2235: Requirements. California effective date 9/17/91.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020, 468A.025 & 468A.360

Stats. Implemented: ORS 468.020

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340-257-0060

Exemptions

The following vehicles are not subject to this division:

- (1) Military tactical vehicles;
- (2) Vehicles sold for registration and use in a state that is not subject to the California vehicle emission standards;
- (3) Previously registered vehicles with more than seven thousand five hundred miles, provided that for vehicle dealers, the mileage at the time of sale is determined by the odometer statement when the dealer acquired the vehicle;
- (4) Vehicles available only for rent to a final destination in a state that is not subject to the California vehicle emission standards;
- (5) Vehicles purchased by a nonresident before establishing residency in the State of Oregon, regardless of the mileage on the vehicle;
- (6) Vehicles purchased by Oregon residents while assigned to active military duty outside the State of Oregon;
- (7) Vehicles transferred by inheritance or as a result of divorce, dissolution, or legal separation; and
- (8) Emergency vehicles when a public safety agency has demonstrated to the Department's satisfaction that a vehicle that will meet said agency's needs is not otherwise reasonably available.
- (9) A vehicle acquired by an Oregon resident to replace a vehicle registered to such resident that was stolen, damaged or failed beyond reasonable repair while out of state, provided that such replacement vehicle is acquired out of state when the previously-owned vehicle was either stolen, damaged, or failed beyond reasonable repair.
- (10) Custom and Assembled vehicles that:
 - (a) Will be maintained for occasional transportation, exhibitions, club activities, parades, tours, testing of operation, repair, maintenance and similar uses; and
 - (b) Will not be used for general daily transportation.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.360

Stats. Implemented: ORS 468.020

Hist.: DEQ 10-2005(Temp), f. 12-27-05, cert. ef. 1-1-06 thru 6-30-06; DEQ 6-2006, f. & cert. ef. 6-29-06

340-257-0070

Fleet Average Non-Methane Organic Gas (NMOG) Exhaust Emission Requirements, Reporting, and Compliance.

(1) Fleet average requirement. Effective model year 2009 and each model year thereafter, each motor vehicle manufacturer's NMOG fleet average emissions from passenger cars, light duty trucks and medium duty vehicles delivered for sale in Oregon must not exceed the Fleet Average NMOG Exhaust Emission Requirement set forth in CCR, Title 13, section 1961. Compliance will be based on the number of vehicles, subject to this regulation, delivered for sale in the State of Oregon.

(2) Fleet average NMOG exhaust emission credits and debits. Effective model year 2009, each vehicle manufacturer may accrue NMOG emission credits and debits and use credits in accordance with the procedures in California Code of Regulations, Title 13, section 1961. Debits and credits accrued and used will be based on the number of vehicles, subject to this division, produced and delivered for sale by each manufacturer in the State of Oregon.

(3) Reporting. Effective model year 2009, and for each model year thereafter, each manufacturer must submit by March 1 a report to the Department that includes:

(a) Pre-model year data that projects the fleet average NMOG exhaust emissions for vehicles expected to be delivered for sale in Oregon and

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

The report must follow the procedures in CCR, Title 13, section 1961 and be in the same format used to report such information to the California Air Resources Board.

(4) Compliance with fleet average NMOG requirement. Effective model year 2012, if a report submitted by the manufacturer under subsection(3)(b) of this rule demonstrates that the manufacturer is not in compliance with the fleet average emission standard, the manufacturer must submit to the Department within 60 days a Fleet Average Remediation Report. The Fleet Average Remediation Report must:

(a) Describe how the manufacturer intends to equalize any accrued debits, as required in CCR, Title 13, section 1961;

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

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

(5) For model years 2009 through 2011, manufacturers must submit the Fleet Average Remediation Report, if needed, to the Department 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.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020, 468A.025 & 468A.360

Stats. Implemented: ORS 468.020

Hist.: DEQ 10-2005(Temp), f. 12-27-05, cert. ef. 1-1-06 thru 6-30-06; DEQ 6-2006, f. & cert. ef. 6-29-06

340-257-0080

ZEV Sales Requirement

(1) Effective model year 2009, and each subsequent model year, each manufacturer must comply with the ZEV sales requirement contained in CCR, Title 13, section 1962, including early credit and banking provisions.

(2) An intermediate volume or large volume manufacturer of ZEVs, ATPZEVs and PZEVs may use vehicle equivalent credits in accordance with CCR, Title 13, section 1962, to offset the ZEV sales requirement required by section (1) of this rule.

(3) Notwithstanding OAR 340-257-0050, and except as provided in section(4) of this rule, the provisions of CCR, Title 13, section 1962(c)(2)(D) regarding "Counting a Type III ZEV Placed in a Section 177 State" will not end after the 2011 model year, but will continue in Oregon throughout the duration of the alternate compliance path specified in CCR, Title 13, Section 1962(b)(2)(B).

(4) Section (3) of this rule will not apply three years after the Department finds that the following conditions are met:

(a) The number of Type III ZEVs required to meet the minimum floor requirements in CCR, Title 13, section 1962 between the years 2012 and 2017 is proportioned among all states that have adopted California's vehicle emission standards, and

(b) Oregon's hydrogen refueling infrastructure is likely to be adequate to accommodate the number of Type III ZEVs needed to meet the minimum floor requirements of CCR, Title 13, section 1962(b)(2)(B)1 between 2012 and 2017.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020, 468A.025 & 468A.360

Stats. Implemented: ORS 468.020

Hist.: DEQ 10-2005(Temp), f. 12-27-05, cert. ef. 1-1-06 thru 6-30-06; DEQ 6-2006, f. & cert. ef. 6-29-06

340-257-0090

ZEV Credit Bank and Reporting

(1) Beginning model year 2009, each intermediate volume and large volume manufacturer of ZEVs, ATPZEVs, and PZEVs may open an account in the ZEV Credit Bank operated by the Department. Except as provided in section (2) of this rule, the account must be opened no later than January 1, 2009.

(2) In order to generate and deposit credits for vehicles delivered for sale in Oregon during the 1999 through 2005 model years, a manufacturer must open an account with the ZEV Credit Bank and submit an appropriate Notice of Generation to the Department on or before September 1, 2006.

(3) Manufacturers wishing to claim ZEV credits must use the format and process contained in CARB's Manufacturer's Advisory Correspondence (MAC) 2004-01 for reporting and tracking ZEV deliveries and placements, unless this division specified different requirements. The Department will follow CARB's procedures contained in that MAC for tracking and recording ZEV sales and credits.

(4) Except as provided in section (2) of this rule, annually each manufacturer must submit to the Department a Notice of Credit Generation or Notice of Credit Transfer to or from another manufacturer. Credits generated or acquired must reported to the Department on or before September 1 following the close of the model year in which the qualifying vehicle was produced and delivered for sale in Oregon.

(5) To deposit credits into the ZEV Credit Bank, a manufacturer must submit a Notice of Credit Generation to the Department. The Notice of Generation must include the following:

(a) For ZEVs delivered for sale in Oregon:

(A) Manufacturer's ZEV Credit Bank account identifier;

(B) Model year of vehicle qualifying for credit;

(C) CARB Executive Order number;

(D) ZEV Tier type (NEV, 0, I, II, III for California, III for Section 177 states);

(E) Vehicle identification number; and

(F) Date the vehicle was delivered for sale in Oregon.

(b) For ZEVs placed in service in Oregon, all information listed under subsection (6)(a) of this rule, plus the following:

(A) Date the vehicle was placed in service, and

(B) Whether the vehicle was placed in service with an option to purchase or lease the vehicle.

(c) For ATPZEVs and PZEVs delivered for sale in Oregon:

(A) Vehicle certification class (ATPZEV or PZEV);

(B) Manufacturer's ZEV Credit Bank account identification;

(C) Model year of vehicle(s);

(D) For ATPZEVs, the Federal test group;

(E) The CARB Executive Order number;

(F) Number of vehicles delivered; and

(6) The number of the credits generated and deposited for each qualifying vehicle must be the number of qualifying vehicles multiplied by the applicable multiplier specified in CCR, Title 13, section 1962, except the multiplier applied to vehicles produced and delivered for sale in Oregon from January 1, 1999 to January 13, 2004 will be the highest applicable multiplier used by the CARB for the period January 1, 1999 to January 13, 2004.

(7) A vehicle equivalent credit does not constitute or convey a property right.

(8) A manufacturer with an account in the ZEV Credit Bank may acquire credits from another manufacturer with an account in the ZEV Credit Bank. However, if the credits are to be used for future compliance with the ZEV sales requirement at CCR Title 13, section 1962, the transaction must be recorded in the ZEV Credit Bank and certified by both parties to the transaction.

(9) A manufacturer may deposit into its account in the ZEV Credit Bank a number of credits equal to its California credit balance at the beginning of the 2009 model year. The transferred credit balance will be multiplied by the number of new motor vehicles registered in Oregon, and divided by the number of new motor vehicles registered in California. The proportion of new motor vehicles in Oregon and California will be determined by the average number of vehicles registered in model years 2003 through 2005, or by the average number of vehicles registered in model years 2009. The deposit may be made only after all credit obligations for model years 2008 and earlier have been satisfied in California.

(10) Each manufacturer with a ZEV Credit Bank account under this rule must report to the Department the following information:

(a) By May 1, 2009, the total number of PC and LDT1 vehicles produced and delivered for sale in Oregon and California for 2003 through 2005 model years; or

(b) By May 1, 2009, the total projected number of PC and LDT1 vehicles to be produced and delivered for sale in Oregon and California during model year 2009 and, by March 1, 2010, the actual number of 2009 model year PC and LDT1 vehicles produced and delivered for sale in Oregon and California; and

(c) By May 1, 2009, provide the Department with the total number of banked California credits after all 2008 model year and earlier obligations have been met.

(11) A manufacturer electing to deposit credits under section (9) of this rule must offer for sale in Oregon in model years 2009 through 2011 any PZEV, ATPZEV or ZEV, except Type III ZEVs, that it offers for sale in California during the same period.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020, 468A.025 & 468A.360

Stats. Implemented: ORS 468.020

Hist.: DEQ 10-2005(Temp), f. 12-27-05, cert. ef. 1-1-06 thru 6-30-06; DEQ 6-2006, f. & cert. ef. 6-29-06

340-257-0100

Fleet Average Greenhouse Gas Exhaust Emission Requirements, Reporting and Compliance

(1) Each manufacturer subject to the greenhouse gas provisions of this regulation must 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 CCR, Title 13, section 1961.1.

(2) Requirements for Large Volume Manufacturers. The fleet average greenhouse gas exhaust emission standards for passenger cars, light-duty trucks, and medium-duty passenger vehicles produced and delivered for sale in the State of Oregon by a large volume manufacturer for each 2009 and subsequent model year are established in CCR, Title 13, section 1961.1.

(3) Requirements for 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 Oregon by small volume, intermediate volume and independent low volume manufacturers are set forth in CCR, Title 13, section 1961.1, which specifies that requirements for these manufacturers are waived before the 2016 model year.

(4) Greenhouse gas emission credits and debits. Greenhouse gas credits and debits may be accrued and used based on each manufacturer's sale of vehicles in Oregon in accordance with CCR, Title 13, section 1961.1.

(5) Optional alternative compliance with greenhouse gas emission standards. Greenhouse gas vehicle test groups that are certified pursuant to CCR, 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 Oregon.

(6) Alternative compliance credit. A manufacturer must submit to the Department the data set forth in CCR, Title 13, section 1961.1(a)(1)(B)2.a.i for Oregon-specific sale and use in order to receive the credit identified in (5) above.

(7) Reporting on greenhouse gas requirements. Effective model year 2009 and for each model year thereafter, each manufacturer must submit by March 1 a report to the Department that includes:

(a) Pre-model year data that projects the fleet average greenhouse gas emissions for vehicles expected to be delivered for sale in Oregon and

(b) End-of-model year data that calculates the fleet average greenhouse gas emissions for the model year just ended. The report must include the number of greenhouse gas vehicle test groups, delineated by model type, certified pursuant to CCR, Title 13, section 1961.1. The report must follow the procedures in CCR, Title 13, section 1961.1 and be in the same format used to report such information to the California Air Resources Board.

(8) Compliance with fleet average greenhouse gas requirements. Effective model year 2009, if the report submitted by the manufacturer under subsection (7)(b) of this rule demonstrates that the manufacturer is not in compliance with the fleet average emission standards, the manufacturer must submit to the Department within 60 days a Fleet Average Remediation Report. The Fleet Average Remediation Report must:

(a) Describe how the manufacturer intends to equalize any accrued debits, as required in CCR, Title 13, section 1961.1;

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

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

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020, 468A.025 & 468A.360

Stats. Implemented: ORS 468.020

Hist.: DEQ 10-2005(Temp), f. 12-27-05, cert. ef. 1-1-06 thru 6-30-06; DEQ 6-2006, f. & cert. ef. 6-29-06

340-257-0110

Additional Reporting Requirements.

(1) The manufacturer must submit to the Department 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 Oregon within thirty (30) days of the Department's request. If such reports are available electronically, the manufacturer must send the record in an electronic format acceptable to the director or the director's designee.

(2) Upon request, except as provided in section (3) of this rule, each manufacturer must report to the Department the vehicle identification numbers (VIN) and the California or federal vehicle emission category of each passenger car, light duty truck, and medium duty passenger vehicle delivered for sale in one or more of the following states: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

(3) Section (2) of this rule does not apply during any period that vehicle titling or registration is effectively denied to passenger cars, light duty trucks, and medium duty passenger vehicles in Oregon that do not comply with the requirements of this division.

(4) To determine compliance with this division, the Department may require any vehicle manufacturer to submit any documentation the Department deems necessary to the effective administration and enforcement of this division, including all certification materials submitted to CARB.

(5) Dealers must report to the Department the sale of each previously-titled light-duty and medium-duty motor vehicle subject to this division. The report must include the following information and be submitted in a manner the Department prescribes:

- (a) The dealer's name and address;
- (b) Vehicle description including make and model year;
- (c) The vehicle identification number;
- (d) Date of sale;
- (e) The California or federal emission category to which the vehicle is certified; and
- (f) Evidence of any applicable exemption.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.360

Stats. Implemented: ORS 468.020

Hist.: DEQ 10-2005(Temp), f. 12-27-05, cert. ef. 1-1-06 thru 6-30-06; DEQ 6-2006, f. & cert. ef. 6-29-06

340-257-0120

Warranty Requirements.

(1) For all 2009 and subsequent model year vehicles subject to the provisions of this division, each manufacturer must provide, to the ultimate purchaser and each subsequent purchaser, a warranty that complies with the requirements contained in CCR, Title 13, sections 2035 through 2038, 2040, and 2046.

(2) The 15-year or 150,000-mile extended warranty specified in CCR, Title 13, section 1962(c)(2)(D) for PZEVs is not included as a requirement of this rule or OAR 340-257-0050, provided that PZEVs delivered for sale to Oregon are equipped with the same quality components as PZEVs supplied to areas where the full 15-year or 150,000-mile warranty remains in effect. The provisions of this section do not amend the requirements of CCR, Title 13, section 1962(c)(2)(D) that indicate the warranty period for a zero emission energy storage device used for traction power will be 10 years.

(3) For all 2009 and subsequent model year vehicles subject to the provisions of this division, each manufacturer must include the emission control system warranty statement that complies with the requirements in CCR, Title 13, section 2039. Manufacturers may modify this statement as necessary to inform Oregon vehicle owners of the warranty's applicability. The manufacturer must provide a telephone number that Oregon consumers can use to learn answers to warranty questions.

(4) Upon the Department's request, any manufacturer must submit to the Department Failure of Emission-Related Components reports as defined in CCR, 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 division.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020, 468A.025 & 468A.360

Stats. Implemented: ORS 468.020

Hist.: DEQ 10-2005(Temp), f. 12-27-05, cert. ef. 1-1-06 thru 6-30-06; DEQ 6-2006, f. & cert. ef. 6-29-06

340-257-0130

Recalls

(1) Any order issued or enforcement action taken by CARB to correct noncompliance with any section of Title 13, that results in the recall of any vehicle pursuant to CCR, Title 13, sections 2109-2135, will be prima facie evidence concerning vehicles registered in Oregon. If the manufacturer can demonstrate to the Department's satisfaction that the order or action is not applicable to vehicles registered in Oregon, the Department will not pursue a recall of vehicles registered in Oregon.

(2) Any voluntary or influenced emission-related recall campaign initiated by any manufacturer pursuant to CCR, Title 13, sections 2113-2121 must extend to all applicable vehicles registered in Oregon. If the manufacturer can demonstrate to the Department's satisfaction that said campaign is not applicable to vehicles registered in Oregon, the campaign will not apply in Oregon.

(3) For vehicles subject to an order of enforcement action under section (1) of this rule, each manufacturer must send to owners of vehicles registered in the State of Oregon a notice that complies with the requirements in CCR, Title 13, sections 2118 or 2127. The manufacturer must provide a telephone number that Oregon consumers can use to learn answers to questions about any recall that affects Oregon vehicles.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020, 468A.025 & 468A.360

Stats. Implemented: ORS 468.020

Hist.: DEQ 10-2005(Temp), f. 12-27-05, cert. ef. 1-1-06 thru 6-30-06; DEQ 6-2006, f. & cert. ef. 6-29-06

340-257-0140

Permits and Fees

(1) "Indirect source" as defined in OAR 340-254-0030(6) includes a large or intermediate volume manufacturer for purposes of OAR 340-0254-0010. Such sources are subject to permit and fee requirements as specified in section (2) of this rule and not the provisions in OAR 340-254-0040 to 340-254-0080.

(2) Beginning January 1, 2007, each large-volume or intermediate-volume vehicle manufacturer offering light duty or medium duty vehicles for sale in Oregon must have a Motor Vehicle Indirect Source permit issued by the Department. Each Motor Vehicle Indirect Source permit will be issued for a period of up to 10 years and is subject to an annual fee.

(3) Each large-volume and intermediate-volume manufacturer must report to the Department the number of light and medium-duty vehicles it delivered for sale in Oregon during the previous calendar year. These reports must be submitted to the Department by March 1 of each year except as provided in section (7) of this rule.

(4) The Department will assess annual permit fees for each large and intermediate-volume manufacturer for periods beginning July 1 and ending June 30 of the subsequent year except as provided in section (7) of this rule.

(5) The Department will assess annual permit fees by apportioning a total of \$200,000 among all Motor Vehicle Indirect Source Permit holders according to each permit holder's reported market share for the previous calendar year except as provided in section (7) of this rule. In the event that not all required data are reported, the Department will estimate the total Oregon vehicle sales for the applicable year and the resulting fees according to means the Department judges to be appropriate.

(6) Within 60 days after reports required by this rule are due, the Department will notify each large and intermediate-volume manufacturer of the fee required for the next permit period. Within 30 days of receiving notice of the required permit fee, each permit holder must remit the specified amount payable to the Oregon Department of Environmental Quality. Motor Vehicle Indirect Source permits for which permit fees are not current will be deemed to have lapsed and will no longer be in effect.

(7) The initial report required by section (3) of this rule must be submitted by October 1, 2006. The initial period for which a Motor Vehicle Indirect Source Permit is required begins January 1, 2007 and ends June 30 of the same year. Total permit fees for the initial period will be \$200,000.

Stat. Auth.: ORS 468.065, 468A.010, 468A.015, 468A.040.

Stats. Implemented: ORS 468.020

Hist.: DEQ 10-2005(Temp), f. 12-27-05, cert. ef. 1-1-06 thru 6-30-06; DEQ 6-2006, f. & cert. ef. 6-29-06

340-257-0150

Inspections and Information Requests

(1) The Department may inspect new and used motor vehicles and related records for the purposes of determining compliance with the requirements of this division. The Department inspections will occur during regular business hours and on any premises owned, operated or used by any dealer or rental car agency for the purposes of determining compliance with the requirements of this division.

(2) For the purposes of determining compliance with this division, the Department may require any vehicle dealer or rental car agency to submit any documentation the Department deems necessary to the effective administration and enforcement of this division. This provision does not require creation of new records.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.360

Stats. Implemented: ORS 468.020

Hist.: DEQ 10-2005(Temp), f. 12-27-05, cert. ef. 1-1-06 thru 6-30-06; DEQ 6-2006, f. & cert. ef. 6-29-06

340-257-0160

Severability

Each section of this division is severable, and if any section of this regulation is held invalid, the remainder will continue in full force and effect.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.360

Stats. Implemented: ORS 468.020

Hist.: DEQ 10-2005(Temp), f. 12-27-05, cert. ef. 1-1-06 thru 6-30-06; DEQ 6-2006, f. & cert. ef. 6-29-06

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