

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 257

OREGON LOW EMISSION VEHICLES

Table of Contents

340-257-0010	Purpose
340-257-0020	Applicability
340-257-0030	Definitions and Abbreviations
340-257-0040	Requirement to Meet California Vehicle Emission Standards
340-257-0050	Incorporation by Reference
340-257-0060	Exemptions
340-257-0070	Fleet Average Non-Methane Organic Gas Exhaust Emission Requirements, Reporting, and Compliance
340-257-0080	Zero Emission Vehicles (ZEV)
340-257-0090	ZEV Credit Bank and Reporting
340-257-0100	Fleet Average Greenhouse Gas Exhaust Emission Requirements, Reporting, and Compliance
340-257-0110	Additional Reporting Requirements
340-257-0120	Warranty Requirements
340-257-0130	Recalls
340-257-0140	[Reserved]
340-257-0150	Inspections and Information Requests
340-257-0160	Severability

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.

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

Stats. Implemented: ORS 468.020

340-257-0020

Applicability

This division 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.

OREGON ADMINISTRATIVE RULES
 Chapter 340, Division 257 - Department of Environmental Quality

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

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) "ATPZEV" means advanced technology Partial Zero Emission Vehicle as defined in CCR, Title 13, section 1962(i).
- (2) "CARB" means California Air Resources Board.
- (3) "CCR" means California Code of Regulations.
- (4) "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).
- (5) "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).
- (6) "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.
- (7) "Gross vehicle weight rating" or "GVWR" is the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.
- (8) "Independent low volume manufacturer" is defined in CCR, Title 13, section 1900 and incorporated herein by reference.
- (9) "Intermediate volume manufacturer" is defined in CCR, Title 13, section 1900 and incorporated herein by reference.
- (10) "Large volume manufacturer" is defined in CCR, Title 13, section 1900 and incorporated herein by reference.
- (11) "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.
- (12) "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.

OREGON ADMINISTRATIVE RULES
Chapter 340, Division 257 - Department of Environmental Quality

(13) "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.

(14) "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.

(15) "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.

(16) "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.

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

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

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

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

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

Stats. Implemented: ORS 468.020

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 OAR 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

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

OREGON ADMINISTRATIVE RULES
Chapter 340, Division 257 - Department of Environmental Quality

(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 1-01-06.
- (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 1-31-05.
- (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 1-01-06.
- (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 08/14/05.
- (g) Section 1962.1: Electric Vehicle Charging Requirements. California effective date 08/14/05.
- (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 12-04-03.
- (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 1/16/79.
- (s) Section 2109: New Vehicle Recall Provisions. California effective date 11-30-83.
- (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.

OREGON ADMINISTRATIVE RULES
Chapter 340, Division 257 - Department of Environmental Quality

- (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: The publications referenced in this rule are available from the agency.]

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

Stats. Implemented: ORS 468.020

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;

OREGON ADMINISTRATIVE RULES
 Chapter 340, Division 257 - Department of Environmental Quality

- (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 outside of Oregon;
- (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.

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

OAR 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.
 - (a) 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.
 - (b) 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:

OREGON ADMINISTRATIVE RULES
Chapter 340, Division 257 - Department of Environmental Quality

- (a) Describe how the manufacturer intends to equalize any accrued debits, as required in CCR, Title 13, section 1961, and in accordance with section(2) of this rule;
- (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.

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

Stats. Implemented: ORS 468.020

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 above.
- (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.

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

Stats. Implemented: ORS 468.020

340-257-090

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. Except as provided in section (5) of this rule, the account must be opened no later than January 1, 2009.
- (2) In order to open an account with the ZEV Credit Bank, the manufacturer must submit to the Department an account application form containing the following information for the account holder:
- (a) Name,

OREGON ADMINISTRATIVE RULES
 Chapter 340, Division 257 - Department of Environmental Quality

- (b) Mailing address,
- (c) Telephone number,
- (d) Type of business (if applicable),
- (e) Authorized representative's name, title, phone number, fax number and email address, and
- (f) Authorized representative's signature.

(3) Upon receiving a complete account application, the Department will issue a unique identifier for the account and notify the account applicant of the identifier.

(4) Except as provided in section (5) 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 that are not 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 may not be deposited into the manufacturer's account and may not be used to offset ZEV Sales Requirements.

(5) 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.

(6) To deposit credits into the ZEV Credit Bank, a manufacturer must submit a Notice of Credit Generation to the Department on a form provided by 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) Date the vehicle was delivered for sale in Oregon,
- (E) For ATPZEVs, the Federal test group,
- (F) The CARB Executive Order number,
- (G) Number of vehicles delivered, and
- (H) VIN for each vehicle or the range of consecutive VINs for each group of vehicles.

(7) 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

OREGON ADMINISTRATIVE RULES
Chapter 340, Division 257 - Department of Environmental Quality

to January 13, 2004 will be the highest applicable multiplier used by the CARB for the period January 1, 1999 to January 13, 2004.

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

(9) 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.

(10) For each acquisition of credits from another manufacturer, the manufacturer from whom the credits are acquired must supply the following information to the Department, on a form provided by the Department:

- (a) Date of acquisition,
- (b) Model year the credits were generated,
- (c) Type of vehicle (NEV, ZEV type, ATPZEV, or PZEV), and
- (d) Number of credits in grams/mile NMOG.

(11) The Department will verify all credits and, if there are any discrepancies, will notify the manufacturer and adjust the account. The Department may audit an account at any time.

(12) A manufacturer may deposit into its account in the ZEV Credit Bank a number of credits equal to its California credit balance as of January 2, 2008, multiplied by the number of new motor vehicles registered in Oregon, and divided by the number of new motor vehicles registered in California. The deposit may be made only after all credit obligations for model years 2008 and earlier have been satisfied in California.

(13) A manufacturer electing to deposit credits under section (12) 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.

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

Stats. Implemented: ORS 468.020

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.

OREGON ADMINISTRATIVE RULES
Chapter 340, Division 257 - Department of Environmental Quality

- (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.i 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.

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

Stats. Implemented: ORS 468.020

340-257-0110

Additional Reporting Requirements.

- (1) Beginning with model year 2009, a 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. Such Executive Orders must be submitted within thirty (30) days after being received from CARB. 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. Manufacturers may discontinue submitting these reports if the Department so notifies them.
- (2) Effective model year 2009, and before the beginning of each model year, upon request each manufacturer must submit to the Department a list of all models of medium duty vehicles and medium duty passenger vehicles that will be delivered to Oregon dealers.
- (3) Upon the Department's request, each manufacturer must report to the Department the vehicle identification numbers (VIN) and the corresponding California or federal vehicle emission category of each passenger car, light duty truck, and medium duty passenger vehicle delivered for sale in the contiguous United States. If such reports are available electronically, the manufacturer must send the

OREGON ADMINISTRATIVE RULES
Chapter 340, Division 257 - Department of Environmental Quality

record in an electronic format acceptable to the director or the director's designee. Manufacturers may discontinue or amend these reports if the Department so agrees.

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

(5) Any person who sells a previously-titled light-duty and medium-duty motor vehicle subject to this division that is not exempt under OAR 340-257-0060 must report the sale to the Department. The report must be provided in a manner specified by the Department in coordination with the Oregon Department of Transportation, Driver and Motor Vehicles Services Division. The report must include the following information:

- (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

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) All manufacturers 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. Manufacturers may discontinue submitting these reports if so notified by the Department.

OREGON ADMINISTRATIVE RULES
Chapter 340, Division 257 - Department of Environmental Quality

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

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 inapplicable 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 inapplicable 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 affect Oregon vehicles.

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

340-257-0140

[Reserved]

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

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.

OREGON ADMINISTRATIVE RULES
Chapter 340, Division 257 - Department of Environmental Quality

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

Stats. Implemented: ORS 468.020