**Key to Identifying Changed Text:**

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**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**Division 257
OREGON LOW EMISSION VEHICLES**

[**340-257-0030**](https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=75881)
**Definitions and Abbreviations**

The definitions in OAR 340-200-0020, the definitions in CCR, Title 13, sections incorporated by reference in OAR 340-257-0050, and the definitions in this division apply to this division. If the same term is defined in different passages, the definitions in this division 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 1962.1(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) “Emergency vehicle” means a vehicle as defined in ORS 801.260 that is equipped with lights and sirens as required under ORS 820.350 and 820.370 and that is any of the following:

(a) Operated by public police, fire or airport security agencies.

(b) Designated as an emergency vehicle by a federal agency.

(c) Designated as an emergency vehicle by the Director of Transportation.

(7) "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).

(8) "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).

(9) "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(b).

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

(11) "Independent low volume manufacturer" is defined in CCR, Title 13, section 1900(b)(8).

(12) "Intermediate volume manufacturer" is defined in CCR, Title 13, section 1900(b)(9)..

(13) "Large volume manufacturer" is defined in CCR, Title 13, section 1900(b)(10).

(14) "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.

(15) "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 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.

(16) "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 1962.1 having a manufacturer's gross vehicle weight rating between 8,501 and 14,000 pounds.

(17) "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.

(18) "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.

(19) "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.

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

(21) "PZEV" means partial zero emission vehicle as defined in CCR, Title 13, section 1962.1(j).

(22) "Small volume manufacturer" is defined as set forth in CCR, Title 13, section 1900(b)(22), and incorporated herein by reference.

(23) “TZEV” means transitional zero emission vehicle as defined in CCR Title 13, section 1962.1(j)

(24) "ZEV" means zero emission vehicle as defined in CCR Title 13, section 1962.1(j).

**Note:** A copy of the California Non-Methane Organic Gas Test Procedures is available through the link below.

**Statutory/Other Authority:** ORS 468.020, 468A.025, & 468A.360
**Statutes/Other Implemented:** ORS 468.010, 468A.015, 468A.025, & 468A.360
**History:**
DEQ 13-2013, f. & cert. ef. 12-19-13
DEQ 6-2011, f. & cert. ef. 4-29-11
DEQ 6-2006, f. & cert. ef. 6-29-06
DEQ 10-2005(Temp), f. 12-27-05, cert. ef. 1-1-06 thru 6-30-06

[**340-257-0050**](https://secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID_OARD=q49ysH9h75yKJkDSu_61-QIzwb_b2-AZFZYTCtpuSpR7rdifCXyl!568786841?ruleVrsnRsn=75887) **Incorporation by Reference**

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

(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 the following sections of the California Code of Regulations (CCR), Title 13, which are incorporated by reference herein. References to provisions of CCR, Title 13 in this division are to such provisions effective on the California effective dates listed in this section:

(a) Section 1900: Definitions. California effective date 7/25/16.

(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 12/5/14.

(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 12/31/12.

(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 12/31/12.

(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 8/7/12.

(f) Section 1961.2: Exhaust Emission Standards and Test Procedures — 2015 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. California effective date 9/28/18 [anticipated].

(g) Section 1961.3: Greenhouse Gas Emission Standards and Test Procedures — 2017 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. California effective date 9/28/18 [anticipated].

(h) Section 1962: Zero-Emission Vehicle Standards for 2005 through 2008 Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles. California effective date 2/13/2010.

(i) Section 1962.1: Zero-Emission Vehicle Standards for 2009 through 2017 Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. California effective date 1/1/16.

(j) Section 1962.2: Zero-Emission Vehicle Standards for 2018 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. California effective date 1/1/16.

(k) Section 1962.3: Electric Vehicle Charging Requirements. California effective date 8/7/12.

(l) Section 1965: Emission Control and Smog Index Labels - 1979 and Subsequent Model Year Vehicles. California effective date 10/8/15.

(m) 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 7/25/16.

(n) 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 7/25/16.

(o) Section 1976: Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions. California effective date 10/8/15.

(p) Section 1978: Standards and Test Procedures for Vehicle Refueling Emissions. California effective date 10/8/15.

(q) Section 2035: Purpose, Applicability and Definitions. California effective date 11/9/07.

(r) 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 12/5/14.

(s) 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 8/7/12.

(t) Section 2039: Emission Control System Warranty Statement. California effective date 12/26/90.

(u) Section 2040: Vehicle Owner Obligations. California effective date 12/26/90.

(v) Section 2046: Defective Catalyst. California effective date 2/15/79.

(w) Section 2109: New Vehicle Recall Provisions. California effective date 12/30/83.

(x) Section 2111: Applicability. California effective date 12/8/10.

(y) Section 2112: Definitions. California effective date 12/5/14.

(z) Appendix A to Article 2.1. California effective date 8/16/2009.

(aa) Section 2113: Initiation and Approval of Voluntary and Influenced Recalls. California effective date 1/26/95.

(bb) Section 2114: Voluntary and Influenced Recall Plans. California effective date 11/27/99.

(cc) Section 2115: Eligibility for Repair. California effective date 1/26/95.

(dd) Section 2116: Repair Label. California effective date 1/26/95.

(ee) Section 2117: Proof of Correction Certificate. California effective date 1/26/95.

(ff) Section 2118: Notification. California effective date 1/26/95.

(gg) Section 2119: Record keeping and Reporting Requirements. California effective date 11/27/99.

(hh) Section 2120: Other Requirements Not Waived. California effective date 1/26/95.

(ii) Section 2122: General Provisions. California effective date 12/8/2010.

(jj) Section 2123: Initiation and Notification of Ordered Emission-Related Recalls. California effective date 1/26/95.

(kk) Section 2124: Availability of Public Hearing. California effective date 1/26/95.

(ll) Section 2125: Ordered Recall Plan. California effective date 1/26/95.

(mm) Section 2126: Approval and Implementation of Recall Plan. California effective date 1/26/95.

(nn) Section 2127: Notification of Owners. California effective date 1/26/95.

(oo) Section 2128: Repair Label. California effective date 1/26/95.

(pp) Section 2129: Proof of Correction Certificate. California effective date 1/26/95.

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

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

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

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

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

(vv) Section 2141: General Provisions. California effective date 12/8/10.

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

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

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

(zz) Section 2145: Field Information Report. California effective date 8/7/12.

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

(bbb) Section 2147: Demonstration of Compliance with Emission Standards. California effective date 12/5/14.

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

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

(eee) Section 2235: Requirements. California effective date 8/8/12.

**Statutory/Other Authority:** ORS 468.020, 468A.025 & 468A.360
**Statutes/Other Implemented:** ORS 468.010, 468A.015, 468A.025 & 468A.360

**History**:
DEQ 13-2013, f. & cert. ef. 12-19-13
DEQ 6-2011, f. & cert. ef. 4-29-11
DEQ 6-2006, f. & cert. ef. 6-29-06
DEQ 10-2005(Temp), f. 12-27-05, cert. ef. 1-1-06 thru 6-30-06

[**340-257-0090**](https://secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID_OARD=GmmL4mhIXg4MooHnWuj751Ut_iKPHRvO_5_03HMJhCX_hN_KtOhI!-1397433681?ruleVrsnRsn=244747) **ZEV Credit Bank and Reporting**

(1) Beginning model year 2009, each intermediate volume and large volume manufacturer of ZEVs, ATPZEVs, PZEVs, and TZEVs may open an account in the ZEV Credit Bank operated by DEQ.

(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 DEQ 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) 2011-02 for reporting and tracking ZEV deliveries and placements, unless this division specifies different requirements. DEQ 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 DEQ a Notice of Credit Generation or Notice of Credit Transfer to or from another manufacturer. Credits generated or acquired must be reported to DEQ 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 DEQ. 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 (only through model year 2017); and

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

(b) For model years through 2017, 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;

(d) For TZEVs 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) Date the vehicle was delivered for sale in Oregon, 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, sections 1962, 1962.1 or 1962.2 as appropriate, 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 1962.1, 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 year 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 DEQ 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 DEQ 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.

**Note:** A copy of CARB's Manufacturer's Advisory Correspondence (MAC) 2011-02 is available through the link below.

**Statutory/Other Authority**: ORS 468.020, 468A.025 & 468A.360
**Statutes/Other Implemented**: ORS 468.020

**History**:
[DEQ 173-2018, minor correction filed 04/16/2018, effective 04/16/2018](https://secure.sos.state.or.us/oard/viewReceiptPDF.action;JSESSIONID_OARD=GmmL4mhIXg4MooHnWuj751Ut_iKPHRvO_5_03HMJhCX_hN_KtOhI!-1397433681?filingRsn=37694)
DEQ 13-2013, f. & cert. ef. 12-19-13
DEQ 6-2011, f. & cert. ef. 4-29-11
DEQ 6-2006, f. & cert. ef. 6-29-06
DEQ 10-2005(Temp), f. 12-27-05, cert. ef. 1-1-06 thru 6-30-06