



# Draft Rules – Edits Highlighted

Vehicle Inspection Program Updates 2024

Advisory Committee Meeting 3

## Key to Identifying Changed Text:

~~Deleted Text~~

New/inserted text

## Division 256 MOTOR VEHICLES

### 340-256-0010

#### Definitions

The definitions in OAR 340-200-0020, 340-204-0010, and this rule apply to this division. If this rule defines the same term as OAR 340-200-0020 or 340-204-0010, the definition in this rule applies in this division.

- (1) "Application Receipt Period" means the calendar days including and between September 1 and October 31 of every year that the Department will begin the process of receiving annual renewal and applications for Approved Retrofit Technology.
- (2) "Approved Retrofit Technology" means on-road Diesel Particulate Matter pollution control system that meets the criteria established in OAR 340-256-0510.
- (3) "Basic test" means an inspection and maintenance program designed to measure exhaust emission levels during an unloaded idle mode as described in OAR 340-256-0340.
- (4) "CARB" means California Air Resources Board.
- (5) "CCD" means the Commerce and Compliance Division of the Oregon Department of Transportation.
- (6) "Certificate of Approved Retrofit Compliance" means an electronic certification issued by the Department that attests that the Medium-or Truck is equipped with Approved Retrofit Technology that complies with all applicable provisions in OAR 340-256-0510 through OAR 340-256-0560.
- (7) "CO<sub>2</sub>" means a chemical formula representing the compound carbon dioxide.

(8) "CO" means a chemical formula representing the compound carbon monoxide.

(9) "Certificate of Compliance" means a hard copy or electronic document stating that the vehicle identified on the certificate is equipped with the required functioning motor vehicle pollution control systems and otherwise complies with the Commission's emission control criteria, standards, and rules. A certificate of compliance is issued by a Private Business Fleet Vehicle Emission Inspector, a Public Agency Fleet Vehicle Emission Inspector, a Vehicle Emissions Inspector employed by DEQ, or an Independent Contractor.

(10) "Clean-Screening" means a procedure by which DEQ determines that a vehicle has acceptable emissions and then allows the vehicle owner to bypass the traditional emissions inspection station test. DEQ's decision may be the result of remotely sensing the emissions, the status of emissions equipment, or another means determined by DEQ.

(11) "Commission" means the Environmental Quality Commission.

(12) "Component Swapping" means moving components of an Approved Retrofit Technology from the Medium or ~~Heavy-duty~~Heavy-duty Truck on which it was originally installed to another Medium- or ~~Heavy-duty~~Heavy-duty Truck in compliance with OAR 340-256-0560.

(13) "Dealer" means any person who is engaged wholly or in part in the business of buying, selling, or exchanging, either outright or on conditional sale, bailment lease, chattel mortgage, or otherwise, motor vehicles.

(14) "Dealership" means a business involved in the sale of vehicles that is franchised with an automobile manufacturer as defined in ORS 650.120(9).

(15) "DEQ" means the Department of Environmental Quality.

(16) "Diesel Engine" means a compression ignition engine.

(17) "Diesel motor vehicle" means a motor vehicle powered by a stratified charge compression-ignition internal combustion engine.

(18) "Diesel Particulate Matter" means the particles found in the exhaust of a Diesel Engine.

(19) "Director" means the director of DEQ.

(20) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation.

(21) "Emissions" means gas or vapor released to the atmosphere from a motor vehicle component or resulting from fuel combustion within a motor vehicle engine.

(22) "Emissions Inspection Station" means a facility, operated by DEQ or an Independent Contractor, for the purpose of conducting emissions inspections of vehicles required to be inspected under this Division.

(23) "EPA" means the United States Environmental Protection Agency.

(24) "Exhaust emissions" means substances emitted into the atmosphere from any opening downstream of the exhaust ports of a motor vehicle engine.

(25) "Factory-installed motor vehicle pollution control system" means a motor vehicle pollution control system installed by the vehicle or engine manufacturer to comply with United States motor vehicle emission control laws and regulations published in the Code of Federal Regulations, 40 C.F.R. Parts 85 and 86.

(26) "Franchised" means a sale entity licensed by the DMV and under an agreement as defined in ORS 650.120(5) to sell motor vehicles.

[\(27\) "Fleet participant" means a person who has applied for and been approved to conduct remote OBD testing for a fleet of vehicles as described in OAR 340-265-0469](#)

~~(2728)~~ "Gas analytical system" means a device that measures the amount of contaminants in the exhaust emissions of a motor vehicle and that has been issued a license by DEQ under OAR 340-256-0450 and ORS 468A.380.

~~(298)~~ "Gaseous fuel" includes, but is not limited to, liquefied petroleum gases and natural gases in liquefied or gaseous forms.

~~(3029)~~ "Gasoline motor vehicle" means a motor vehicle powered by a spark-ignition internal combustion engine.

~~(310)~~ "Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the maximum design loaded weight of a vehicle.

~~(321)~~ "~~Heavy-duty~~[Heavy-duty](#) motor vehicle" means any motor vehicle with a GVWR greater than 8,500 pounds.

~~(332)~~ "~~Heavy-duty~~[Heavy-duty](#) Truck" means a Diesel Motor Vehicle, or combination of Diesel Motor Vehicles operated as a unit, that has or have a gross vehicle weight rating that is greater than 26,000 pounds.

~~(343)~~ "HC" is an abbreviation that means hydrocarbon.

(35) "Host participant" means a person who has applied for and been approved to conduct remote OBD testing as described in OAR 340-256-0467

(364) "Hydrocarbon" means a class of chemical compounds consisting of hydrogen and carbon.

(375) "Idle speed" means the engine speed when accelerator pedal is fully released.

(376) "Imported vehicle" means a vehicle legally imported from another country through channels other than the maker's official distribution system.

(387) "Independent Contractor" means any person with whom DEQ enters into an agreement providing for the construction, equipment, maintenance, personnel, management or operation of emissions inspection stations or activities under ORS 468A.370 and these rules.

(398) "Inspection and Maintenance Program or I/M Program" means a program of conducting regular inspections of motor vehicles, including measurement of air contaminants in the motor vehicle exhaust and an inspection of the motor vehicle pollution control system, to identify vehicles that do not meet the standards of this Division or that have malfunctioning, maladjusted or missing motor vehicle pollution control systems, and, when necessary, of requiring the repair or adjustment of vehicles to make the motor vehicle pollution control systems function as intended and to reduce tailpipe emissions of air contaminants.

(4039) "In-use motor vehicle" means any motor vehicle that is not a new motor vehicle.

(419) "Light-duty motor vehicle" means any motor vehicle with a GVWR of 8,500 pounds or less.

(424) "Medium-duty Truck" means a Diesel Motor Vehicle, or combination of Diesel Motor Vehicles operated as a unit, that has or have a gross vehicle weight rating that is greater than 14,000 pounds but less than or equal to 26,000 pounds.

(432) "Model year" means the annual production period of new motor vehicles or new motor vehicle engines designated by the calendar year in which such period ends. If the manufacturer does not designate a production period, the model year with respect to such vehicles or engines means the 12-month period beginning January of the year in which production of the vehicle or engine begins.

(443) "Motor vehicle" or "vehicle" means any self-propelled vehicle used for transporting persons or commodities on public roads.

(454) "Motor vehicle pollution control system" means equipment designed for installation on a motor vehicle for the purpose of reducing the pollutants emitted from

the vehicle, or a system or engine adjustment or modification that causes a reduction of pollutants emitted from the vehicle, or a system or device that inhibits the introduction of fuels that can adversely affect the overall motor vehicle pollution control system.

(465) "Motor Vehicle Fleet Operation" means ownership, control, management or any combination thereof, by any person, of five or more motor vehicles.

(476) "New motor vehicle" means a motor vehicle whose equitable or legal title has never been transferred to a person who, in good faith, purchases the motor vehicle for purposes other than resale.

(487) "OBD" and "OBD-II" means the On Board Diagnostic system in a vehicle that tracks the effectiveness of the motor vehicle's pollution control system.

(48) "OBD Test" means an emissions test that downloads diagnostic information from the vehicle's OBD computer to evaluate the effectiveness of the motor vehicle pollution control system.

(49) "On-Site Vehicle Test" means an emissions test conducted at the vehicle owner's location.

(50) "Owner" means the person having all the incidents of ownership in a vehicle. Where the incidents of ownership are in different persons, it means the person, other than a security interest holder or lessor, entitled to the possession of a vehicle under a security agreement or a lease for a term of 10 or more successive days.

(51) "Opacity" means the degree to which transmitted light is obscured, expressed in percent.

(52) "Periodic Verification Process" means the ongoing requirement to provide proof of Approved Retrofit Technology maintenance and operation to the Department to maintain the validity of a Certificate of Approved Retrofit Compliance.

(53) "Permanent Fleet Vehicle" means a motor vehicle that the Oregon Department of Transportation identifies with permanent fleet tags, stickers, plates or other identification ODOT determines appropriate.

(54) "Person" means an individual, public or private corporation, political subdivision, agency, board, department, or bureau of the state, municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever that is recognized by law as the subject of rights and duties.

(55) "PPM" means parts per million by volume.

(56) "Private Business Fleet" means a group of 100 or more Oregon-registered, in-use, motor vehicles that are owned by any person, excluding those vehicles held primarily for the purpose of resale.

(57) "Private Business Fleet Vehicle Emissions Inspector" means any person employed on a full-time basis by a Private Business Fleet who possesses a current and valid license issued by DEQ under OAR 340-256-0440 and ORS 468A.380.

(58) "Public Agency Fleet" means a group of 50 or more government-owned vehicles registered under ORS 805.040.

(59) "Public Agency Fleet Vehicle Emissions Inspector" means any person employed on a full-time basis by a Public Agency Fleet that possesses a current and valid license issued by DEQ under OAR 340-256-0440 and ORS 468A.380.

(60) "Public roads" means any street, alley, road, highway, freeway, thoroughfare, or section thereof used by the public, or dedicated or appropriated to public use.

(61) "Re-Designation" means the complete removal of an Approved Retrofit Technology from the Medium or Heavy-duty Truck on which it was original installed and the subsequent transfer of the Approved Retrofit Technology to another Medium or Heavy-duty Truck within the person's commonly owned fleet in compliance with OAR 340-256-0560.

(62) "Regional Authority" means a regional air quality control authority established under the provisions of ORS 468A.005 to 468A.035, 468A.075, 468A.100 to 468A.130, and 468A.140 to 468A.175.

(63) "Remote Sensing" means a technique for determining the level of a vehicle's emissions without connecting equipment directly to the vehicle, done either by optically measuring the pollutants in the vehicle's exhaust plume, by remotely receiving a vehicle's emissions diagnostic information, or by other means determined by DEQ.

(64) "Ringlemann Smoke Chart" means the Ringlemann Smoke Chart with instructions for use as published in May 1967, by the U.S. Department of Interior, Bureau of Mines, Information circular 8333.

(65) "RPM" means engine crankshaft revolutions per minute.

~~(XX) "SAE Jxxxx" (where "xxxx" is a number) means a standard adopted by SAE International, an organization that sets standards for OBD equipment and its use. The date of the standard adopted by reference in these rules is listed in a parenthetical following the reference to the standard. The Standards may be found at <https://www.sae.org/standards>.~~

(66) "Self-Service Test" means a procedure for vehicle testing offered by DEQ where the vehicle owner or driver can perform an emissions test on the vehicle at a facility provided by DEQ using remote sensing, plug-in OBD emissions testing, or other means designated by DEQ.

(XX) "Telematic devices" means...

(XX) "Test equipment" means...

(67) "Vehicle Emission Inspector" means any person employed by the Department or an Independent Contractor who possesses a current and valid license issued by the Department under OAR 340-256-0440 and ORS 468A.380.

(68) "VIN" or "Vehicle Identification Number" means a unique code including a serial number that identifies a specific vehicle.

(XX) "VIP" means DEQ's Vehicle Inspection Program established under this division.

(69) "Visible emissions" means those gases or particulates, excluding uncombined water, that separately or in combination are visible upon release to the outdoor atmosphere.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

**Statutory/Other Authority:** ORS 468A.360, ORS 468A.810 & ORS 468.020

**Statutes/Other Implemented:** ORS 468A.350 - 468A.400, 468A.810 & ORS 468A.810

**History:**

DEQ 11-2021, amend filed 07/23/2021, effective 07/23/2021

DEQ 21-2020, amend filed 11/19/2020, effective 11/19/2020

DEQ 7-2005, f. & cert. ef. 7-12-05

DEQ 14-2003, f. & cert. ef. 10-24-03

DEQ 11-2001, f. & cert. ef. 10-4-01

DEQ 17-2000, f. & cert. ef. 10-25-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0005 & 340-024-0305

DEQ 25-1996, f. & cert. ef. 11-26-96

DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 23-1984, f. 11-19-84, ef. 4-1-85

DEQ 12-1982, f. & ef. 7-21-82

DEQ 18-1980, f. & ef. 6-25-80

DEQ 22-1979, f. & ef. 7-5-79

DEQ 9-1978, f. & ef. 7-7-78

DEQ 139, f. 6-30-77, ef. 7-1-77

DEQ 89, f. 4-22-75, ef. 5-25-75  
DEQ 4-1993, f. & cert. ef. 3-10-93  
DEQ 8, f. 4-7-70, ef. 5-11-70

### **340-256-0300**

#### **Emission Control System Inspection: Scope**

ORS 468A.350 to 468A.400, 803.350, and 815.295 to 815.325, and OAR 340-256-0300 through 340-256-0465 establish the criteria, methods, and standards for inspecting motor vehicles to determine eligibility for obtaining a Certificate of Compliance or inspection. Any person subject to these rules must obtain a Certificate of Compliance as required under ORS 803.350. Any person seeking an exemption from the inspection requirements of this rule must prepare and submit to DEQ or DMV a statement describing the grounds for the exemption on forms as provided by DEQ or DMV.

(1) Except as provided in sections (3) and (4) of this rule, any person owning or leasing 1975 and newer model year vehicles in the Portland Vehicle Inspection Area must ensure the vehicles meet the requirements of one of the following emission tests:

(a) Basic test. A light-duty motor vehicle of the model years specified in this paragraph must meet the basic test requirements of OAR 340-256-0340, 340-256-0380, and 340-256-0400.

(A) Gasoline model year 1975 through 1995

(B) Diesel model year 1975 through 1996

(b) A light-duty gasoline vehicle that is a 1996 and newer model year or a light-duty diesel vehicle that is a 1997 and newer model year must meet the OBD test requirements of OAR 340-256-0355. For those vehicles that cannot be OBD tested due to manufacturer defects in the vehicle, incompatibility with the OBD test system, or other similar manufacturing problems, the vehicle must meet either the basic test requirements of OAR 340-256-0340, 340-256-0380, 340-256-0400, or other test criteria as determined by DEQ.

(c) A heavy-duty motor vehicle must meet the basic test requirements of OAR 340-256-0340, 340-256-0390, and 340-256-0420, except gasoline powered heavy-duty motor vehicles that are 2013 model year and newer and equipped with OBDII or higher systems must meet the OBD test requirements of OAR 340-256-0355. For those vehicles that cannot be OBD tested due to manufacturer defects in the vehicle, incompatibility with the OBD test system, or other similar manufacturing



problems, the vehicle must meet either the basic test requirements of OAR 340-256-0340, 340-356-0380, 340-256-0400, or other test criteria as determined by DEQ.

(2) Except as provided in sections (3) and (4) of this rule, any person owning or leasing vehicles that are up to 20 model years in age in the Medford-Ashland Air Quality Maintenance Area must ensure the vehicles meet the requirements of one of the following emission tests:

(a) A light-duty gasoline vehicle that is a 1996 and newer model year or a light-duty diesel vehicle that is 1997 and newer model year must meet the OBD test requirements of OAR 340-256-0355. For those vehicles that cannot be OBD tested due to manufacturer defects in the vehicle, incompatibility with the OBD test equipment, or other similar manufacturing problems, the vehicle must meet the basic test requirements of OAR 340-256-0340, 340-256-0380, and 340-256-0400 or other test criteria as determined by DEQ.

(b) A light-duty vehicle that is 20 model years in age through 1995 model year must meet the basic test requirements of OAR 340-256-0340, 340-256-0380, and 340-256-0400.

(c) A heavy-duty vehicle must meet the basic test requirements of OAR 340-256-0340, 340-256-0390, and 340-256-0420. All gasoline powered heavy-duty vehicles equipped with OBDII or higher systems must meet the OBD test requirements of OAR 340-256-0355. For those vehicles that cannot be OBD tested due to manufacturer defects in the vehicle, incompatibility with the OBD test equipment, or other similar manufacturing problems, the vehicle must meet the basic test requirements of OAR 340-256-0340, 340-256-0390, and 340-256-0420 or other test criteria as determined by DEQ.

(d) Gasoline powered imported light-duty and heavy-duty motor vehicle conforming to EPA import regulations will be tested using basic or OBD test requirements as determined by DEQ.

(3) DEQ may test any gasoline powered heavy-duty or light-duty motor vehicle using one of the following procedures as an alternative to the test procedure otherwise required by this rule:

(a) Clean-Screen Testing following the procedures of OAR 340-256-0357 or

(b) Self-Service OBD Testing following the procedures of OAR 340-256-0358.

[\(4\) New vehicles are exempt from the OBD test requirements of OAR 340-256-0355 until January 1 of the calendar year that is four years after a vehicle's designated model year. New vehicles that were initially registered in Oregon and are owned by the original purchaser must comply with that requirement beginning with their first registration after the initial registration period.](#)

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

**Statutory/Other Authority:** ORS 467.030 & ORS 468A.350 - 468A.400

**Statutes/Other Implemented:** ORS 468A.350 - 468A.400 , 803.350, [803.415](#), 815.295 & [815.300](#)

**History:**

DEQ 21-2020, amend filed 11/19/2020, effective 11/19/2020

DEQ 8-2006(Temp), f. 6-30-06, cert. ef. 7-5-06 thru 12-31-06

DEQ 7-2005, f. & cert. ef. 7-12-05

DEQ 14-2003, f. & cert. ef. 10-24-03

DEQ 17-2000, f. & cert. ef. 10-25-00

DEQ 13-2000, f. & cert. ef. 7-28-00

DEQ 4-2000(Temp), f. & cert. ef. 2-17-00 thru 8-9-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0300

DEQ 2-1998, f. & cert. ef. 3-5-98

DEQ 25-1996, f. & cert. ef. 11-26-96

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 23-1984, f. 11-19-84, cert. ef. 4-1-85

DEQ 139, f. 6-30-77, cert. ef. 7-1-77

DEQ 89, f. 4-22-75, cert. ef. 5-25-75

**340-256-0320**

**Emission Control System Inspection: Motor Vehicle Inspection Program Fee Schedule**

This rule sets out the fee schedule for Certificates of Compliance and licenses issued by DEQ's Vehicle Inspection Program:

(1) The cost of each Certificate of Compliance issued by DEQ, including those issued at emissions test stations and those issued through the Clean-Screen and Self-Service Testing procedures, is:

(a) In the Portland Vehicle Inspection Area, a maximum of \$25; or

(b) In the Medford-Ashland AQMA, a maximum of \$15 until June 30, 2021; and then a maximum of \$20.

(2) The cost of each Certificate of Compliance issued by a Private Business Fleet or Public Agency Fleet is:

(a) In the Portland Vehicle Inspection Area, a maximum of \$10; and

(b) In the Medford-Ashland AQMA, a maximum of \$5.

(3) The cost of each License issued to a Private Business Fleet or Public Agency Fleet is:

(a) Initial \$5;

(b) Annual renewal \$1.

(4) The cost of each License issued to a Private Business Fleet or Public Agency Fleet Vehicle Emission Inspector is:

(a) Initial \$5;

(b) Annual renewal \$1.

(5) The cost of each License issued for a Gas Analytical System is:

(a) Initial \$5;

(b) Annual renewal \$1.

(6) The cost of each Certificate of Compliance issued on-site to an automobile dealership is a maximum of \$30.

**Statutory/Other Authority:** ORS 468A.400

**Statutes/Other Implemented:** ORS 468A.400

**History:**

DEQ 21-2020, amend filed 11/19/2020, effective 11/19/2020

DEQ 13-2020, temporary amend filed 05/07/2020, effective 06/01/2020 through 11/27/2020

DEQ 14-2003, f. & cert. ef. 10-24-03

DEQ 11-2001, f. & cert. ef. 10-4-01

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0307

DEQ 25-1996, f. & cert. ef. 11-26-96

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 3-1992, f. & cert. ef. 2-4-92

DEQ 20-1981, f. 7-28-81, ef. 8-1-81

**340-256-0340**

**Emission Control System Inspection: Light-duty Motor Vehicle and Heavy-duty Gasoline Motor Vehicle Emission Control Test Method for Basic Program**

This rule documents the general requirements and test sequence for the basic light-duty motor vehicle and heavy-duty gasoline motor vehicle emission test method.

(1) General Requirements:

- (a) The vehicle must have a properly affixed and readable VIN.
- (b) DEQ must reject from the testing area vehicles having coolant, oil or fuel leaks or any other such defect that make conducting the emission test unsafe. The inspector may not conduct the emissions test until the defects are corrected.
- (c) The vehicle transmission must be placed in neutral gear if equipped with a manual transmission or in park position if equipped with an automatic transmission. The hand or parking brake must be engaged. If the brake is defective, then wheel chocks must be placed in front of or behind the vehicle's tires, or both when appropriate.
- (d) All accessories are to be turned off.
- (e) The inspector must ensure that the motor vehicle is equipped with the required functioning motor vehicle pollution control system in accordance with the criteria of OAR 340-256-0380 or 340-256-0390. For vehicles not meeting these criteria upon completion of the testing process, the inspector must issue a report to the driver stating all ways in which the motor vehicle pollution control system does not meet the criteria of OAR 340-0256-0380 and 0390.
- (f) Exhaust gas sampling algorithm. The analysis of exhaust gas concentrations will begin 10 seconds after the applicable test mode begins and will be analyzed at a rate of two times per second. The measured value for pass or fail determinations will be a simple running average of the measurements taken over five seconds.
- (g) Pass or fail determinations. A pass or fail determination will be made for each applicable test mode based on a comparison of the applicable standards listed in OAR 340-256-0400 and 340-256-0420 and the measured value for HC and CO. A vehicle will pass the test mode if any pair of simultaneous values for HC and CO are below or equal to the applicable standards. A vehicle will fail the test mode if the values for either HC or CO, or both, in all simultaneous pairs of values are above the applicable standards.
- (h) Void test conditions. If the measured concentration of CO plus CO<sub>2</sub> falls below the applicable standards listed in OAR 340-256-0380 and 340-256-0390, or if the vehicle's engine stalls at any time during the test sequence, the test will end, and any exhaust gas measurements will be voided.
- (i) Multiple exhaust pipes. Exhaust gas concentrations from vehicle engines equipped with multiple exhaust pipes will be sampled simultaneously.
- (j) The test will be terminated upon reaching the overall maximum test time.

(2) Test sequence. The test sequence will consist of a first-chance idle mode, a high idle conditioning mode, and a second chance idle mode.

(a) First-chance idle mode: the engine RPM shall be maintained between 550 and 1300 during the first chance idle mode. The maximum duration of this test shall be 30 seconds.

(A) If, before an elapsed time of 30 seconds, the measured values are less than or equal to the applicable standards listed in OAR 340-256-0400 and 340-256-0420, the vehicle will pass, and the test will be terminated.

(B) If, before an elapsed time of 30 seconds, the measured values exceed the applicable gross emission standards listed in OAR 340-256-0400 and 340-256-0420, the vehicle will fail, and the test will be terminated.

(b) High idle conditioning mode: If, before an elapsed time of 30 seconds, the test has not been terminated in accordance with (2)(a)(A) or (2)(a)(B) then the engine RPM shall be raised and maintained between 2200 and 2800. The maximum duration of the high idle conditioning mode test shall be 180 seconds. If, before an elapsed time of 180 seconds, the measured values exceed the applicable gross emission standards listed in OAR 340-256-0400 and 340-256-0420 the vehicle will fail and the test will be terminated.

(c) Second-chance idle mode: If the test has not been terminated in accordance with (2)(a) or (2)(b) then the engine RPM shall be lowered and maintained between 550 and 1300 during the second chance idle mode. The maximum duration of the second-chance idle mode test shall be 30 seconds.

(A) If, before an elapsed time of 30 seconds, measured values are less than or equal to the applicable standards listed in OAR 340-256-0400 and 340-256-0420, the vehicle will pass, and the test will be terminated.

(B) If, before an elapsed time of 30 seconds, the measured values exceed the applicable gross emission standards listed in OAR 340-256-0400 and 340-256-0420, the vehicle will fail, and the test will be terminated.

(C) If, after an elapsed time of 30 seconds, measured values exceed the applicable standards listed in OAR 340-256-0400 and 340-256-0420, the vehicle will fail, and the test will be terminated.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

**Statutory/Other Authority:** ORS 468A.360

**Statutes/Other Implemented:** ORS 468A.350 - 468A.385

**History:**

DEQ 21-2020, amend filed 11/19/2020, effective 11/19/2020  
DEQ 163-2018, minor correction filed 04/12/2018, effective 04/12/2018  
DEQ 7-2005, f. & cert. ef. 7-12-05  
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0309  
DEQ 25-1996, f. & cert. ef. 11-26-96  
DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94  
DEQ 16-1993, f. & cert. ef. 11-4-93

### **340-256-0355**

#### **Emission Control System Inspection: Emissions Control Test Method for OBD Test Program**

This rule documents the general requirements and test sequence for the light or heavy-duty vehicle OBD test method.

(1) General Requirements:

(a) DEQ must reject from the testing area vehicles having coolant, oil or fuel leaks or any other such defect that make conducting the emission test unsafe. The inspector may not conduct the emissions test until the defects are corrected.

(b) Light-duty gasoline vehicles must be 1996 and newer model years.

(c) Light-duty diesel vehicles must be 1997 and newer model years.

(d) Heavy-duty gasoline vehicles must be 2013 and newer model years and equipped with an OBD-II compliant or newer OBD system.

(e) The vehicle must have a properly affixed and readable VIN.

(f) The vehicle's OBD system must match the original manufacturer's information and must communicate with DEQ's OBD analytical equipment.

(A) All 2005 and subsequent model year light-duty vehicles must have the VIN included in the vehicle OBD information.

(B) All 2013 and subsequent model year heavy-duty vehicles must have the VIN included in the vehicle OBD information.

(g) If an Original Equipment Manufacturer LPG powered vehicle, model year 1996 through 2004, has a DEQ-recognized OBD manufacture defect, DEQ will follow the idle emission testing criteria of OAR 340-256-0340, OAR 340-256-0380, OAR 340-256-0390, OAR 340-256-0400 and OAR 340-256-0420.

(2) Test criteria:

(a) Gasoline powered motor vehicles from model years 1996 to 2000 are allowed two unready monitors; 2001 and newer vehicles are allowed one unready monitor.

(b) Diesel powered motor vehicles from 1997 to 2008 are not allowed any unready monitors; 2009 and newer model year diesel powered motor vehicles are allowed one unready monitor.

(c) A vehicle which previously failed with either a catalyst or evaporative Diagnostic Trouble Code must have their respective monitor in a ready status to pass a subsequent retest. The vehicle will be allowed one or two unready monitors depending on the model year, but an unready catalyst or evaporative monitor cannot be one of them.

(d) Vehicle OBD systems deviating from manufacturer's design or intended operation will fail for:

(A) Malfunctions of the OBD systems triggering the Malfunction Indicator Light commanded on.

(B) A missing, broken or inaccessible Data Link Connector port.

(C) Low or missing vehicle battery voltage from the Data Link Connector port.

(D) Vehicle OBD data that does not match original manufacturer's OBD data.

(E) The OBD system VIN does not match the vehicle VIN labeling unless recognized by DEQ as a known unresolvable manufacture defect.

(F) The OBD system fails to properly communicate.

(e) When light-duty 1996 – 1998 vehicles that DEQ knows have manufacture readiness issues have three or more unready monitors and do not fail OBD systems criteria in section (2)(d)(A-F), DEQ will test those vehicles with a basic test following OAR 340-256-0340.

(3) The Director or the Director's delegate may grant a waiver from one or more of the requirements or criteria listed in sections (1) and (2) for vehicle classes that DEQ determines present prohibitive inspection problems meeting the requirements or criteria of sections (1) and (2) if DEQ deems the motor vehicle pollution control system otherwise meets the standards of this Division.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

**Statutory/Other Authority:** ORS 468A.380  
**Statutes/Other Implemented:** ORS 468A.365

**History:**

DEQ 21-2020, amend filed 11/19/2020, effective 11/19/2020  
DEQ 17-2000, f. & cert. ef. 10-25-00

**340-256-0356**

**Emission Control System Inspection: Emissions Control Test Method for On-Site Vehicle Testing for Automobile Dealerships**

This rule documents the on-site motor vehicle emissions test method for automobile dealerships. The on-site vehicle test will be performed in accordance with OAR 340-256-0355. The test will be performed by DEQ using DEQ testing equipment and conducted at the dealership location. The test program applies to manufacturer franchise automobile dealerships. Dealerships may use either on-site testing or the centralized DEQ test stations, or DEQ authorized OBD devices.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

**Statutory/Other Authority:** ORS 468A.380(1)(c)  
**Statutes/Other Implemented:** ORS 468A.365

**History:**

DEQ 21-2020, amend filed 11/19/2020, effective 11/19/2020  
DEQ 11-2001, f. & cert. ef. 10-4-01

**340-256-0370**

**Emission Control System Inspection: Renewal of Registration for Light-duty Motor Vehicles and Heavy-duty Gasoline Motor Vehicles Temporarily Operating Outside of ~~Oregon~~ [the Oregon Vehicle Inspection Boundaries](#)**

Vehicles registered in the Portland Vehicle Inspection Area and Medford-Ashland AQMA and ~~operated in another state at an address located at least 150 miles outside the Oregon border~~ [currently are temporarily operated at an address located South of the US-Canada border, North of latitude line 40°N, and West of longitude line 121°W](#) must comply with the following requirements:

(1) For vehicles operated within another Environmental Protection Agency approved Inspection and Maintenance (I/M) program area, DEQ shall establish reciprocity provisions to ensure motor vehicle compliance with the other state's I/M requirements. Compliance with the other state's I/M program requirements is equivalent to the issuance of a Certificate of Compliance.

(2) For vehicles operated ~~in another state,~~ [outside of the boundaries listed in 340-256-0370](#), but not within another Environmental Protection Agency approved



Inspection and Maintenance (I/M) area, DEQ shall issue a temporary exemption from Oregon I/M Program testing requirements until the vehicle returns to Oregon. Within 30 calendar days of the date the vehicle returns to Oregon it must comply with the Oregon I/M Program's test criteria, methods and standards.

(3) For vehicles operated in Oregon, but East of longitude line 121°W, DEQ shall issue a temporary exemption from Oregon I/M Program testing requirements until the vehicle returns to the registered address. Within 30 calendar days of the date the vehicle returns to the registered address it must comply with the Oregon I/M Program's test criteria, methods and standards.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

**Statutory/Other Authority:** ORS 468A.360

**Statutes/Other Implemented:** ORS 468A.360

**History:**

DEQ 21-2020, amend filed 11/19/2020, effective 11/19/2020

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0318

DEQ 25-1996, f. & cert. ef. 11-26-96

DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94

**340-256-0465**

**Emission Control System Inspection: Test Equipment ~~Licensing~~ Criteria for OBD Test Program**

This equipment must contain the standard terminal Diagnostic Link Connector for OBD systems and be capable of the following:

(1) Making an automatic pass/fail decision based on malfunction indicator light observations and vehicle OBD system download;

(2) Transferring electronic vehicle test result to the ~~VIP central data server~~ [DEQ online computer servers](#) ~~for emissions data~~;

~~(3) Meeting additional fleet operations specifications as DEQ prescribes.~~

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

**Statutory/Other Authority:** ORS 468A.380

**Statutes/Other Implemented:** ORS 468A.380

**History:**

DEQ 21-2020, amend filed 11/19/2020, effective 11/19/2020

DEQ 17-2000, f. & cert. ef. 10-25-00

**340-256-0466**

**Emissions Control System Inspection: Test Equipment Criteria for Remote OBD Test Method**

(1) Devices used by participants in the remote OBD testing program must meet the following standards:

~~(a) Telematic devices must be designed to meet SAE J1962 (July 12, 2016), SAE J1979 (February 16, 2017), SAE J1979-2 (Find Date), and be tested to comply with SAE J1699/2 (September 13, 2017) by the provider of the telematic device;~~

~~(b) telematic device must be able to properly retrieve, store and upload all codes listed in SAE J2012 (December 13, 2016);~~

(c) Device manufacturers must take best practices to handle known communications anomalies; and

(d) All devices that acquire and handheld data must be capable of electronically submitting data to the DEQ online computer servers either;

(A) Through the telematics device itself; or

(B) Through a data acquisition server; and

(2) Devices manufactured for the remote OBD test must comply with criteria listed in the Oregon DEQ Remote OBD Specification Document for Telematic Device Providers as of March 05, 2016

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation that EQC adopted under OAR 340-200-0040.]

**Statutory/Other Authority: ORS 468A.380**

**Statutes/Other Implemented: ORS 468A.380**

**340-256-0467**

**Remote OBD Testing Program: Requirements for Host Participation and Test Method in the Remote OBD Testing Program**

(1) Eligibility: Host participants in the Remote OBD Testing Program must meet the following eligibility requirements:

(a) Must have provided a commercially viable primary automobile service or automobile service – related product for at least 12-months. A person who proposes to operate solely as an emissions testing business is not eligible;

(b) Must be located in, and provide service within the state of Oregon; and

(c) Must be in compliance with environmental laws, and demonstrate a history of compliance with environmental quality laws during the 10-year period prior to apply to become a host participant, as provided in ORS 468.0066;

(d) Must not have committed any crimes or violated any stat laws or rules, that included engagement in any fraudulent or deceptive activity; and

(e) Must have been issued, maintain and comply with all other applicable business licensing, registration, and permitting requirements.

(2) Application: A person who would like to participate as a Host Participant in the Remote OBD Testing program must submit an application to DEQ in the form and format required by the DEQ. The application must include, at minimum;

(a) name

(b) etc

(c) all of the following information which must be marked as confidential the applicant asserts that is not subject to disclosure under ORS 468.006(2)(b):

(A) A list of the applicant's current corporate officers, managers, members of the board of directors, general partners or other persons who exercise substantial control on behalf of or over the applicant;

(B) A list of:

(i) Parent corporations, or similar business entities, that exercise substantial control over the applicant; and

(ii) subsidiary corporations, or similar business entities, over which the applicant exercises substantial control; and

(C) Notices or other documents stating that a person has violated the provisions or ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535 and 454.605 to 454.755 and ORS chapters 459, 459A, 465, 466, 468, 468A and 468B, any rule or standard adopted under those statutes or any order or permit issued by the department or the Environmental Quality Commission.

(3) Upon receipt of an application as described in section (2);

(a) DEQ will review the application to determine whether it is complete. DEQ will notify the applicant of its determination of completeness within 60 days of DEQ's receipt of the application, however, if DEQ does not notify the applicant of its completeness determination within 60 days of receipt then the application will be deemed denied;

(b) DEQ may request supplemental information in writing before making a final determination of completeness. If DEQ requests supplemental information, the applicant must provide the information to the DEQ within 30 calendar days of the date of DEQ's request. If the applicant does not provide the supplemental information by that deadline, the application will be deemed denied. DEQ will again review the application to determine whether it is complete as provided in subsection (a), and the date that DEQ receives the supplemental information will be deemed the new application submittal date; and

(c) DEQ will review complete applications to determine whether the applicant meets the eligibility criteria in section (1). Applicants that meet that criteria will be approved to be host participants.

(4) Testing Procedures: Host participants must continuously meet the following program requirements:

(a) Host participants must maintain compliance with the eligibility requirements described in section (1).

(b) All remote OBD testing must be done with equipment that is leased or owned by the host participant;

(c) all leased or owned equipment used for remote OBD testing must meet the standards established in OAR 340-256-0466.

(d) Vehicles with observable coolant, oil or fuel leaks or any other such defect that make conducting the emission test unsafe, must be rejected from the testing area. An inspection may not be conducted unless and until the defects are corrected;

(e) Emissions test of light-duty gasoline vehicles may only be conducted on vehicles that are model year 2005 and newer model years;

(f) Emissions test of heavy-duty gasoline vehicles may only be conducted on vehicles that are:

(A) Model year 2013 and newer model years; and

(B) Equipped with an OBD-II compliant or newer OBD system;

(g) Emissions test may only be conducted on vehicles with a properly affixed and readable VIN; and

(h) Emissions tests may only be conducted if a vehicle's OBD system matches the original manufacturer's information and communicates with the participant's OBD analytical equipment, and;

(A) All 2005 and subsequent model year light-duty vehicles must have the VIN included in the vehicle OBD information and;

(B) All 2013 and subsequent model year heavy-duty vehicles must have the VIN included in the vehicle OBD information,

(4) All communications with customer about the test must comply with the following:

(A) A host participant may not represent themselves or the testing devices as agents of the State of Oregon, DEQ, or the VIP program; and

(B) A host participant may not communicate whether the vehicle has passed or failed the test;

(5) Fees: Host participants may not request or require payment of any fees other than as provided in this section. Host participants are prohibited from setting the fee to same dollar amount as a Clear Air Certificate in the respective regions. If a host participant charges such a fee, then the following statement, in clearly legible writing, must be included in the invoice or receipt provided to the customer: "DEQ does not require or charge any fees for testing via DEQ Too. The only fee required by the DEQ is the cost of the Clean Air Certificate. Any additional fees are at the discretion of the business conducting the emissions test and are not required by DEQ."

(6) Record Keeping: host participants in the remote OBD testing program must keep a record of:

(a) All devices used for testing and the manufacturing information for each device used;

(b) A copy of the host participant's application to DEQ to be approved as a host participant.

(7) DEQ may audit participants in the remote OBD testing program to ensure testing method and recordkeeping compliance. Host participants must provide all records described in section (6), and all other relevant information, as requested by DEQ, and must cooperate fully with DEQ's audit.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.380

Statutes/Other Implemented: ORS 468.066 and 468A.380

340-256-0468

Emission Control System Inspection: Requirements for Dealership Participation in Remote OBD Testing Program

(1) Eligibility: Dealership participants in the Remote OBD Testing Program must meet the following eligibility requirements:

(a) Must obtain and have current all required licenses to operate a dealership,

(b) Must be located in, and provide service within the state of Oregon; and

(c) Must be in compliance with environmental laws, and demonstrate a history of compliance with environmental quality laws during the 10-year period prior to apply to become a host participant, as provided in ORS 468.066;

(d) Must not have committed any crimes or violated any stat laws or rules, that included engagement in any fraudulent or deceptive activity; and

(e) Must have been issued, maintain and comply with all other applicable business licensing, registration, and permitting requirements.

(2) Application: A person who would like to participate as a Dealership Participant in the Remote OBD Testing program must submit an application to DEQ in the form and format required by the DEQ. The application must include, at minimum;

(a) name

(b) etc

(c) all of the following information which must be marked as confidential the applicant asserts that is not subject to disclosure under ORS 468.066(2)(b):

(A) A list of the applicant's current corporate officers, managers, members of the board of directors, general partners or other persons who exercise substantial control on behalf of or over the applicant;

(B) A list of:

(i) Parent corporations, or similar business entities, that exercise substantial control over the applicant; and

(ii) subsidiary corporations, or similar business entities, over which the applicant exercises substantial control; and

(C) Notices or other documents stating that a person has violated the provisions or ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535 and 454.605 to 454.755 and ORS chapters 459, 459A, 465, 466, 468, 468A and 468B, any rule or standard adopted under those statutes or any order or permit issued by the department or the Environmental Quality Commission.

(3) Upon receipt of an application as described in section (2);

(a) DEQ will review the application to determine whether it is complete. DEQ will notify the applicant of its determination of completeness within 60 days of DEQ's receipt of the application, however, if DEQ does not notify the applicant of its completeness determination within 60 days of receipt then the application will be deemed denied;

(b) DEQ may request supplemental information in writing before making a final determination of completeness. If DEQ requests supplemental information, the applicant must provide the information to the DEQ within 30 calendar days of the date of DEQ's request. If the applicant does not provide the supplemental information by that deadline, the application will be deemed denied. DEQ will again review the application to determine whether it is complete as provided in subsection (a), and the date that DEQ receives the supplemental information will be deemed the new application submittal date; and

(c) DEQ will review complete applications to determine whether the applicant meets the eligibility criteria in section (1). Applicants that meet that criteria will be approved to be Dealership participants.

(4) Testing Procedures: Dealership participants must continuously meet the following program requirements:

(a) Dealership participants must maintain compliance with the eligibility requirements described in section (1).

(b) All remote OBD testing must be done with equipment that is leased or owned by the Dealership participant;

(c) all leased or owned equipment used for remote OBD testing must meet the standards established in OAR 340-256-0466.

(d) Vehicles with observable coolant, oil or fuel leaks or any other such defect that make conducting the emission test unsafe, must be rejected from the testing area. An inspection may not be conducted unless and until the defects are corrected;

(e) Emissions test of light-duty gasoline vehicles may only be conducted on vehicles that are model year 2005 and newer model years;

(f) Emissions test of heavy-duty gasoline vehicles may only be conducted on vehicles that are:

(A) Model year 2013 and newer model years; and

(B) Equipped with an OBD-II compliant or newer OBD system;

(g) Emissions test may only be conducted on vehicles with a properly affixed and readable VIN; and

(h) Emissions tests may only be conducted if a vehicle's OBD system matches the original manufacturer's information and communicates with the participant's OBD analytical equipment, and;

(A) All 2005 and subsequent model year light-duty vehicles must have the VIN included in the vehicle OBD information and;

(B) All 2013 and subsequent model year heavy-duty vehicles must have the VIN included in the vehicle OBD information.

(5) Record Keeping: Dealership participants in the remote OBD testing program must keep a record of:

(a) All devices used for testing and the manufacturing information for each device used;

(b) A copy of the dealership participant's application to DEQ to be approved as a Dealership participant.

(6) DEQ may audit participants in the remote OBD testing program to ensure testing method and recordkeeping compliance. Dealership participants must provide all records described in section (5), and all other relevant information, as requested by DEQ, and must cooperate fully with DEQ's audit.

(7) If Dealership Participants are testing vehicles as a Host Participant at the same address as the Dealership Participant they must adhere to all as Host Participant requirements in **340-256-0468 (8)**

(8) Fees: If a Dealership participant intends to offer Remote OBD testing for the general public meaning cars not in their inventory, they must have a second separate telematic device to operate as a Host participant. Dealerships operating as a Host may not request or require payment of any fees other than as provided in this section. Dealership participants operating as a Host participant are prohibited from



setting the fee to same dollar amount as a Clear Air Certificate in the respective regions. If a Dealership participant charges such a fee, then the following statement, in clearly legible writing, must be included in the invoice or receipt provided to the customer: "DEQ does not require or charge any fees for testing via DEQ Too. The only fee required by the DEQ is the cost of the Clean Air Certificate. Any additional fees are at the discretion of the business conducting the emissions test and are not required by DEQ."

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation that EQC adopted under OAR 340-200-0040.]

**Statutory/Other Authority: ORS 468A.380**

**Statutes/Other Implemented: ORS 468A.380**

### **340-256-0469**

#### **Emission Control System Inspection: Requirements for Fleet Participation in Remote OBD Testing Program**

1) Eligibility: Fleet participants in the Remote OBD Testing Program must meet the following eligibility requirements:

(a) Must be the person or representative of person in ownership of vehicle fleet,

(b) Must be located in, and provide service within the state of Oregon; and

(c) Must be in compliance with environmental laws, and demonstrate a history of compliance with environmental quality laws during the 10-year period prior to apply to become a host participant, as provided in ORS 468.066;

(d) Must not have committed any crimes or violated any stat laws or rules, that included engagement in any fraudulent or deceptive activity; and

(e) Must have been issued, maintain and comply with all other applicable business licensing, registration, and permitting requirements.

(2) Application: A person who would like to participate as a Fleet Participant in the Remote OBD Testing program must submit an application to DEQ in the form and format required by the DEQ. The application must include, at minimum;

(a) name

(b) etc

(c) all of the following information which must be marked as confidential the applicant asserts that is not subject to disclosure under ORS 468.066(2)(b):

(A) A list of the applicant's current corporate officers, managers, members of the board of directors, general partners or other persons who exercise substantial control on behalf of or over the applicant;

(B) A list of:

(i) Parent corporations, or similar business entities, that exercise substantial control over the applicant; and

(ii) subsidiary corporations, or similar business entities, over which the applicant exercises substantial control; and

(C) Notices or other documents stating that a person has violated the provisions or ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535 and 454.605 to 454.755 and ORS chapters 459, 459A, 465, 466, 468, 468A and 468B, any rule or standard adopted under those statutes or any order or permit issued by the department or the Environmental Quality Commission.

(3) Upon receipt of an application as described in section (2);

(a) DEQ will review the application to determine whether it is complete. DEQ will notify the applicant of its determination of completeness within 60 days of DEQ's receipt of the application, however, if DEQ does not notify the applicant of its completeness determination within 60 days of receipt then the application will be deemed denied;

(b) DEQ may request supplemental information in writing before making a final determination of completeness. If DEQ requests supplemental information, the applicant must provide the information to the DEQ within 30 calendar days of the date of DEQ's request. If the applicant does not provide the supplemental information by that deadline, the application will be deemed denied. DEQ will again review the application to determine whether it is complete as provided in subsection (a), and the date that DEQ receives the supplemental information will be deemed the new application submittal date; and

(c) DEQ will review complete applications to determine whether the applicant meets the eligibility criteria in section (1). Applicants that meet that criteria will be approved to be fleet participants.

(4) Testing Procedures: Fleet participants must continuously meet the following program requirements:

(a) Fleet participants must maintain compliance with the eligibility requirements described in section (1).

(b) All remote OBD testing must be done with equipment that is leased or owned by the fleet participant;

(c) all leased or owned equipment used for remote OBD testing must meet the standards established in OAR 340-256-0466.

(d) Vehicles with observable coolant, oil or fuel leaks or any other such defect that make conducting the emission test unsafe, must be rejected from the testing area. An inspection may not be conducted unless and until the defects are corrected;

(e) Emissions test of light-duty gasoline vehicles may only be conducted on vehicles that are model year 2005 and newer model years;

(f) Emissions test of heavy-duty gasoline vehicles may only be conducted on vehicles that are:

(A) Model year 2013 and newer model years; and

(B) Equipped with an OBD-II compliant or newer OBD system;

(g) Emissions test may only be conducted on vehicles with a properly affixed and readable VIN; and

(h) Emissions tests may only be conducted if a vehicle's OBD system matches the original manufacturer's information and communicates with the participant's OBD analytical equipment, and;

(A) All 2005 and subsequent model year light-duty vehicles must have the VIN included in the vehicle OBD information and;

(B) All 2013 and subsequent model year heavy-duty vehicles must have the VIN included in the vehicle OBD information.

(5) Record Keeping: fleet participants in the remote OBD testing program must keep a record of:

(a) All devices used for testing and the manufacturing information for each device used;

(b) A copy of the fleet participant's application to DEQ to be approved as a fleet participant.

(6) DEQ may audit participants in the remote OBD testing program to ensure testing method and recordkeeping compliance. Fleet participants must provide all records described in section (5), and all other relevant information, as requested by DEQ, and must cooperate fully with DEQ's audit.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.380

Statutes/Other Implemented: ORS 468A.380

### **340-256-0470**

#### **Emission Control System Inspection: Agreement With Independent Contractor; Qualifications of Contractor; Agreement Provisions**

(1) The Director is authorized to enter into an emissions inspection agreement with one or more independent contractors, subject to public bidding, to provide for the construction, equipment, establishment, maintenance and operation of any emissions inspection stations or activities in such numbers and locations as may be required to provide vehicle owners reasonably convenient access to inspection facilities for the purpose of obtaining compliance with rules contained in this Division.

(2) The Director is prohibited from entering into an emissions inspection agreement with any independent contractor who:

(a) Is engaged in the business of manufacturing, selling, maintaining or repairing vehicles, except that the independent contractor shall not be precluded from maintaining or repairing any vehicle owned or operated by the independent contractor;

(b) Does not have the capability, resources or technical and management skill to adequately construct, equip, operate or maintain a sufficient number of emissions inspection stations to meet the demand for inspection of every vehicle which is required to be submitted for inspection pursuant to this Division.

(3) All ~~persons employed by the independent contractor~~participants in the performance of an emissions inspection agreement are employees of the ~~independent participant business contractor~~ and not of ~~this the State of Oregon state~~. An employee of the ~~independent contractor~~participant business shall not wear any badge, insignia, patch, emblem, device, word or series of words which would tend to indicate that such person is employed by ~~this the State of Oregon state~~. Employees of the ~~independent contractor~~participant business are specifically prohibited under this subsection from wearing the flag of this state, the words "state of Oregon," the words "emissions inspection program" or any similar emblem or phrase.

(4) The emissions inspection agreement authorized by this rule shall contain at least the following provisions:

(a) A contract term or duration of not more than ten years with reasonable compensation to the contractor if the provisions of this rule are repealed during the ten-year term;

(b) That nothing in the agreement or contract requires the state to purchase any asset or assume any liability if such agreement or contract is not renewed; If a business exits the program DEQ is not obligated to reimburse, cover the costs, nor is liable for any costs associated with joining and operating in the program

~~(c) The minimum requirements for adequate staff, equipment, management and hours and place of operation of emissions inspection stations;~~

(d) The submission of such reports and documentation concerning the operation of emissions inspection ~~stations testing as DEQ as the Director and the Attorney General~~ may require;

(e) Surveillance by DEQ and the Department of Administrative Services to ensure compliance with vehicle emissions testing standards, procedures, rules and laws;

(f) The right of this state, upon providing reasonable notice to the independent contractor, to terminate the contract with the independent contractor and to assume operation of the vehicle emissions inspection program;

(g) The right of this state upon termination of the term of the agreement or upon assumption of the operation of the program to have transferred and assigned to it for reasonable compensation any interest in land, buildings, improvements, equipment, parts, tools and services used by the independent contractors in their operation of the program;

(h) The right of this state upon termination of the term of the agreement or assumption of the operation of the program to have transferred and assigned to it any contract rights, and related obligations, for land, buildings, improvements, equipment, parts, tools and services used by the independent contractors in their operation of the program;

(i) The obligation of the independent contractors to provide in any agreement to be executed by them, and to maintain in any agreements previously executed by them, for land, buildings, improvements, equipment, parts, tools and services used in their operation of the program for the right of the independent contractors to assign to this state any of their rights and obligations under such contract;

(j) The amounts of liquidated damages payable by this state to the independent contractor if the state exercises its right to terminate the contract at the conclusion of the first, second, third or fourth year of the contract pursuant to section (f) of this rule. The damages recoverable by the independent contractor if the state exercises

its right to terminate the contract shall be limited to the liquidated damages specified in the contract;

(k) Any other provision deemed necessary by the Department of Administrative Services for enforcement of the emissions inspection agreement.

(5) In conjunction with the Attorney General and the Department of Administrative Services, DEQ shall establish bid specifications or contract terms for a contract with an independent contractor as provided in this rule, review bids for award of a contract with the independent contractors and negotiate any terms of a contract with the independent contractors.

(6) Before entering into any contract the Director shall inquire into the marketplace of independent contractors and based upon this review shall select the independent contractor who in the sole discretion of the Director is best qualified to perform the duties required by this rule and can be operational on January 1, 1998. After a contract is awarded to an independent contractor, the Director may modify the contract with the independent contractor to allow the contractor and the state to comply with amendments to applicable statutes or rules. This modification is exempt from public bidding and may include the addition, deletion or alteration of any contract provision in order to make compliance feasible, including inspection fees and services rendered. Provisions relating to contract term or duration may be amended, except that the term or duration of the contract shall not be extended more than three and one-half years beyond the term of the original contract as awarded. If the Director cannot negotiate an acceptable modification of the contract, the state may terminate the contract.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

**Statutory/Other Authority:** ORS 468.020 & 468A.363

**Statutes/Other Implemented:** ORS 468A.363

**History:**

DEQ 21-2020, amend filed 11/19/2020, effective 11/19/2020

DEQ 171-2018, minor correction filed 04/12/2018, effective 04/12/2018

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0360

DEQ 25-1996, f. & cert. ef. 11-26-96

**NEW RULE**

**340-256-XXXX**

**Violations and Disqualification from Participation in Remote OBD Testing Program**

(1) Any violation of the requirements to comply with OAR 340-256-0467 by a host participant, OAR 340-256-0468 dealership participant, or OAR 340-256-0469 fleet

participant in the Remote OBD Testing Program is subject to enforcement as provided in this rule.

(2) A violation described in section (1) is subject to DEQ taking any of the following enforcement actions:

(a) A proposed order assessing civil penalties as provided under OAR chapter 340, division 12;

(b) A proposed order disqualifying the person from participation in the Remote OBD Testing Program; and-

(c) If DEQ finds a serious danger to the public health or safety would result from continued participation in the Remote OBD Testing Program, DEQ may issue a final order immediately suspending the person's authorization to participate in the Remote OBD Testing Program.

(3)(a) A person who receives a proposed order described in section (2)(a) may request a hearing to challenge the order no later than 320 days after the proposed order is issued. The hearing will be conducted as a contested case hearing as provided in ORS 183.413 through 183.470 and OAR chapter 340, division 11. If a hearing is not requested, the proposed order(s) will become a final order by operation of law 20 days after the proposed order is issued.

(b) A person who receives a proposed order described in section (2)(b) may request a hearing to challenge the order no later than 60 days after the proposed order is issued. The hearing will be conducted as a contested case hearing as provided in ORS 183.413 through 183.470 and OAR chapter 340, division 11. If a hearing is not requested, the proposed order(s) will become a final order by operation of law 20 days after the proposed order is issued.

(c) A person who receives a final order described in section (2)(c) may request a hearing to challenge the order no later than 90 days after the proposed order is issued. The hearing will be conducted as a contested case hearing as provided in ORS 183.413 through 183.470 and OAR chapter 340, division 11.

#### **Translation or other formats**

[Español](#) | [한국어](#) | [繁體中文](#) | [Русский](#) | [Tiếng Việt](#) | [العربية](#)  
800-452-4011 | TTY: 711 | [deqinfo@deq.oregon.gov](mailto:deqinfo@deq.oregon.gov)

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