



State of Oregon Department of Environmental Quality

Clean Trucks Rule

Draft Rules – Edits Highlighted

Key to Identifying Changed Text:

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New/inserted text

Chapter 340

Division 257

OREGON LOW EMISSION AND ZERO EMISSION VEHICLES

340-257-0010

Purpose

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

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

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.279 & 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 6-2006, f. & cert. ef. 6-29-06

DEQ 10-2005(Temp), f. 12-27-05, cert. ef. 1-1-06 thru 6-30-06

340-257-0020

Applicability and Effective Date

(1) This division is in effect as of January 1, 2006 as it 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.

(2) This division is in effect as of January 1, 2025 as it applies to and establishes requirements for medium- and heavy-duty truck manufacturers, Oregon truck dealers, and all 2025 and subsequent model year medium-duty trucks, and heavy-duty trucks registered, leased, rented,

delivered for sale or sold in the State of Oregon, except as provided in OAR 340-257-0060 Exemptions.

(3) A one-time fleet reporting requirement, which will allow DEQ to collect information to understand the use of medium- and heavy-duty vehicles, applies to persons as described in OAR 340-257-0200.

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

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DEQ 10-2005(Temp), f. 12-27-05, cert. ef. 1-1-06 thru 6-30-06

340-257-0030

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) "Administrative/office building" means a building or structure used primarily for day-to-day activities that are related to administrative tasks, such as financial planning, recordkeeping, billing, personnel, physical distribution, and logistics, within a business.

(2) "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.

(3) "ATPZEV" means advanced technology partial zero emission vehicle as defined in CCR, Title 13, section 1962.1(i).

(4) "Broker" means a person who has broker authority from the Federal Motor Carrier Safety Association and, for compensation, arranges, or offers to arrange, the transportation of property by an authorized motor carrier.

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

- (6) "CCR" means California Code of Regulations.
- (7) "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.
- (8) "Distribution center/warehouse" means a location used primarily for the storage of goods that are intended for subsequent shipment.
- (9) "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.
- (10) "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).
- (11) "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).
- (12) "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).
- (13) "Gross vehicle weight rating" or "GVWR" is the value specified by the manufacturer as the loaded weight of a single vehicle.
- (14) "Hotel/motel/resort" means a commercial establishment offering lodging to travelers and, sometimes, to permanent residents
- (15) "Independent low volume manufacturer" is defined in CCR, Title 13, section 1900(b)(8).

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

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

(18) "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.

(19) "Manufacturer/factory/plant" means a location with equipment for assembling parts, producing finished products, intermediate parts, or energy products

(20) "Medical/hospital/care" means an institution engaged in providing, by, or under the supervision of, physicians, inpatient diagnostic, and therapeutic services or rehabilitation services by, or under the supervision of, physicians.

(21) "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.

(22) "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.

(23) "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.

(24) "Motor carrier" means a person that transports passengers or property for compensation. A motor carrier, or person who is an employee or agent of a carrier is not a broker when it arranges or offers to arrange the transportation of shipments that it is authorized to transport and that it has accepted and legally bound itself to transport.

(25) "Multi-building campus/base" means a property typically operated by a single person with several buildings, often serving multiple purposes.

(26) "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.

(27) "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.

(28) "NZEV" means "near-zero-emission vehicle" as defined at 13 CCR § 1963(c).

(29) "Operating authority number" means the motor carrier's registration, as required by 49 U.S.C. 13902, 49 CFR part 365m 49 CFR part 368, and 49 CFR 392.9a to operate a commercial motor vehicle to transport goods or passengers for hire across state lines.

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

(31) "PZEV" means partial zero emission vehicle.

(32) "Restaurant" means a business establishment where the primary purpose is serving meals or refreshments that may be purchased.

(33) "Service center" means a facility that supports a business operation that generates revenue by providing a specific service or product, or a group of services or products, to a customer.

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

(35) "Store" means an establishment that sells goods or a variety of goods and services to the general public.

(36) "Truck/equipment yard" means an establishment that primarily stores or dispatches trucks and equipment, such as a garage or parking lot.

(37) "TZEV" means transitional zero emission vehicle.

(38) "Vehicle awaiting sale" means vehicles in the possession of dealers, financing companies or other entities that do not intend to operate the vehicle in Oregon or offer the vehicle for hire for

operation in Oregon, and that are operated only to demonstrate functionality to potential buyers or to move short distances while awaiting sale for purposes such as maintenance or storage.

(39) "ZEV" means zero emission vehicle.

[NOTE: View a copy of the California Non-Methane Organic Gas Test Procedures by clicking on the "Tables" link below.]

[\[ED. NOTE: To view attachments referenced in rule text, click here to view rule.\]](#)

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

Statutes/Other Implemented: ORS 468.010, 468A.015, 468A.025 & 468A.360

History:

[DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019](#)

[DEQ 196-2018, amend filed 11/15/2018, effective 11/15/2018](#)

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

340-257-0040

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(1) and (2), except as provided in 340-257-0060, Exemptions.

(12) Starting with the 2025 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(1) and (3), except as provided in 340-257-0060, Exemptions.

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

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

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

Statutes/Other Implemented: ORS 468.020

History:

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

Incorporation by Reference

(1) For purposes of applying the incorporated sections of the California Code of Regulations in sections (2) and (3), 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 the DEQ 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 11/1/2021 [anticipated].

(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 11/1/2021 [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.

(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 11/1/2021 [anticipated].
- (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~~ 11/1/2021 [anticipated]
- (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 11/1/2021 [anticipated].
- (r) Section 2036: Defects Warranty Requirements for 1979 Through 1989 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles; 1979 and Subsequent Model Motorcycles and Heavy-Duty Vehicles; and Motor Vehicle Engines Used in Such Vehicles; and 2020 and Subsequent Model Year Trailers. California effective date 11/1/2021 [anticipated].
- (s) 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.
- (t) 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.
- (u) Section 2039: Emission Control System Warranty Statement. California effective date 12/26/90.
- (v) Section 2040: Vehicle Owner Obligations. California effective date 12/26/90.

- (w) Section 2046: Defective Catalyst. California effective date 2/15/79.
- (x) Section 2109: New Vehicle Recall Provisions. California effective date 12/30/83.
- (y) Section 2111: Applicability. California effective date 11/1/2021 [anticipated].
- (z) Section 2112: Definitions. California effective date 11/1/2021 [anticipated].
- (aa) Appendix A to Article 2.1. California effective date 8/16/2009.
- (bb) Section 2113: Initiation and Approval of Voluntary and Influenced Recalls. California effective date 11/1/2021 [anticipated].
- (cc) Section 2114: Voluntary and Influenced Recall Plans. California effective date 11/1/2021 [anticipated].
- (dd) Section 2115: Eligibility for Repair. California effective date 11/1/2021 [anticipated].
- (ee) Section 2116: Repair Label. California effective date 11/1/2021 [anticipated].
- (ff) Section 2117: Proof of Correction Certificate. California effective date 11/1/2021 [anticipated].
- (gg) Section 2118: Notification. California effective date 11/1/2021 [anticipated].
- (hh) Section 2119: Record keeping and Reporting Requirements. California effective date 11/1/2021 [anticipated].
- (ii) Section 2120: Other Requirements Not Waived. California effective date 1/26/95.
- (jj) Section 2122: General Provisions. California effective date 12/8/2010.
- (kk) Section 2123: Initiation and Notification of Ordered Emission-Related Recalls. California effective date 11/1/2021 [anticipated].
- (ll) Section 2124: Availability of Public Hearing. California effective date 1/26/95.
- (mm) Section 2125: Ordered Recall Plan. California effective date 11/1/2021 [anticipated].
- (nn) Section 2126: Approval and Implementation of Recall Plan. California effective date 11/1/2021 [anticipated].
- (oo) Section 2127: Notification of Owners. California effective date 11/1/2021 [anticipated].
- (pp) Section 2128: Repair Label. California effective date 11/1/2021 [anticipated].

- (qq) Section 2129: Proof of Correction Certificate. California effective date 11/1/2021 [anticipated].
- (rr) Section 2130: Capture Rates and Alternative Measures. California effective date 11/1/2021 [anticipated].
- (ss) Section 2131: Preliminary Tests. California effective date 11/1/2021 [anticipated].
- (tt) Section 2132: Communication with Repair Personnel. California effective date 1/26/95.
- (uu) Section 2133: Record keeping and Reporting Requirements. California effective date 11/1/2021 [anticipated].
- (vv) Section 2135: Extension of Time. California effective date 1/26/95.
- (ww) Section 2141: General Provisions. California effective date 11/1/2021 [anticipated].
- (xx) Section 2142: Alternative Procedures. California effective date 11/1/2021 [anticipated].
- (yy) Section 2143: Failure Levels Triggering Recall. California effective date 11/1/2021 [anticipated].
- (zz) Section 2144: Emission Warranty Information Report. California effective date 11/1/2021 [anticipated].
- (aaa) Section 2145: Field Information Report. California effective date 11/1/2021 [anticipated].
- (bbb) Section 2146: Emissions Information Report. California effective date 11/1/2021 [anticipated].
- (ccc) Section 2147: Demonstration of Compliance with Emission Standards. California effective date 11/1/2021 [anticipated].
- (ddd) Section 2148: Evaluation of Need for Recall. California effective date 11/1/2021 [anticipated].
- (eee) Section 2149: Notification of Subsequent Action. California effective date 11/1/2021 [anticipated].
- (fff) Section 2235: Requirements. California effective date 8/8/12.
- (3) Emission standards, warranty, recall and other California provisions adopted by reference. Each manufacturer of new 2025 and subsequent model year medium-duty and heavy-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 1963 Advanced Clean Trucks Purpose, Applicability, Definitions, and General Requirements. California effective date 3/15/21

(b) Section 1963.1 Advanced Clean Trucks Deficits Section. California effective date 3/15/21

(c) 1963.2 Advanced Clean Trucks Credit Generation, Banking, and Trading Section. California effective date 3/15/21

(d) 1963.3 Advanced Clean Trucks Compliance Determination Section. California effective date 3/15/21

(e) 1963.4 Advanced Clean Trucks Reporting and Recordkeeping Section. California effective date 3/15/21

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

Statutes/Other Implemented: ORS 468.010, 468A.015, 468A.025 & 468A.360

History:

[DEQ 196-2018, amend filed 11/15/2018, effective 11/15/2018](#)

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

[340-257-0055](#)

Enforcement of Advanced Clean Trucks Requirements

The requirements in sections (1) through (3) apply to all vehicle manufacturers that are subject to the rules adopted by reference in OAR 340-257-0050(3).

(1) Audit of Records. A manufacturer must make records of vehicle sales into Oregon available to the DEQ within 30 days of a request for audit to verify the accuracy of the reported information. Submitting false information is a violation of this regulation.

(2) Authority to Suspend, Revoke, or Modify. If the DEQ finds that any ZEV or NZEV credit was obtained based on false information, the credit will be deemed invalid and DEQ may suspend, revoke or modify the credit, as DEQ determines is appropriate.

(3) Violation for Failure to Meet Credit and Deficit Requirements. Any manufacturer that fails to retire an appropriate amount of ZEV or NZEV credits as specified in the rule CCR Title 13, section 1963.3(c), adopted by reference in OAR 340-257-0050(3)(d), and that does not make up deficits within the specified time allowed by CCR Title 13, section 1963.3(b), shall be in violation of these rules. The violation shall be deemed to accrue when the deficit is not balanced

by the end of the specified time allowed by CCR Title 13, section 1963.3(b). For the purposes of calculating the number of violations that have occurred or the amount of the civil penalty under OAR chapter 340, division 12, the number of vehicles not meeting the DEQ's standards or procedures shall be equal to one half of the manufacturer's outstanding deficit.

340-257-0060

Exemptions

The following vehicles are not subject to this division:

- (1) Military tactical vehicles;
- (2) Vehicles sold for registration and use in a state that is not subject to the California vehicle emission standards;
- (3) Previously registered vehicles with more than seven thousand five hundred miles, provided that for vehicle dealers, the mileage at the time of sale is determined by the odometer statement when the dealer acquired the vehicle;
- (4) Vehicles available only for rent to a final destination in a state that is not subject to the California vehicle emission standards;
- (5) Vehicles purchased by a nonresident before establishing residency in the State of Oregon, regardless of the mileage on the vehicle;
- (6) Vehicles purchased by Oregon residents while assigned to active government service outside the State of Oregon;
- (7) Vehicles transferred from one person to another due to: death, inheritance, devise or bequest; divorce, dissolution, annulment or legal separation; merger or consolidation; bankruptcy; court judgment or decree; or possessory lien, seizure or foreclosure;
- (8) Emergency vehicles; (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; and
- (10) Custom and assembled vehicles that:
 - (a) Will be maintained for occasional transportation, exhibitions, club activities, parades, tours, testing of operation, repair, maintenance and similar uses; and
 - (b) Will not be used for general daily transportation.

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

Statutes/Other Implemented: ORS 468.020

History:

DEQ 6-2011, f. & cert. ef. 4-29-11

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DEQ 10-2005(Temp), f. 12-27-05, cert. ef. 1-1-06 thru 6-30-06

340-257-0070**Fleet Average Non-Methane Organic Gas (NMOG) Exhaust Emission Requirements, Reporting, and Compliance.**

(1) Fleet average requirement.

(a) Effective model year 2009 through 2014, except as provided in this subsection, 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(b). For the 2014 model year only, a manufacturer may comply with the fleet average NMOG + NO_x values in subsection (b) of this section in lieu of complying with the NMOG fleet average emissions in this subsection. A manufacturer must either comply with the NMOG + NO_x fleet average requirements for both its PC/LDT1 fleet and its LDT2/MDPV fleet or comply with the NMOG fleet average requirements for both its PC/LDT1 fleet and its LDT2/MDPV fleet. A manufacturer must calculate its fleet average NMOG + NO_x values using the applicable full useful life standards. Compliance will be based on the number of vehicles subject to this regulation, delivered for sale in Oregon.

(b) Effective model year 2015, each motor vehicle manufacturer's NMOG + NO_x fleet average emissions from passenger cars, light duty trucks and medium duty vehicles delivered for sale to Oregon must not exceed the Fleet Average NMOG + NO_x Exhaust Emission Requirement set forth in CCR, Title 13, section 1961.2. Compliance will be based on the number of vehicles subject to this regulation, delivered for sale in Oregon.

(2) Fleet average NMOG and NMOG plus NO_x exhaust emission credits and debits.

(a) Effective model year 2009 through 2014, except as provided in this subsection 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(b). For the 2014 model year only, a manufacturer may comply with the fleet average NMOG + NO_x values in subsection (b) of this section in lieu of complying with the NMOG fleet average emissions in this subsection. A manufacturer must either comply with the NMOG + NO_x fleet average requirements for both its PC/LDT1 fleet and its LDT2/MDPV fleet or comply with the NMOG fleet average requirements for both its PC/LDT1 fleet and its LDT2/MDPV fleet. A manufacturer must calculate its fleet average NMOG + NO_x values using the applicable full useful life standards. . 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 Oregon.

(b) Effective model year 2015, each vehicle manufacturer may accrue NMOG + NO_x emission credits and debits and use credits in accordance with the procedures in California Code of Regulations, Title 13, section 1961.2. 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 Oregon.

(3) Reporting.

(a) Effective model year 2009 through model year 2014 except as provided in this subsection, each manufacturer must report to DEQ by March 1 data that calculates the fleet average NMOG exhaust emissions for the model year just ended. The report must follow the procedures in CCR, Title 13, section 1961, and be in the same format used to report such information to the California Air Resources Board. Manufacturers that elect to comply with the NMOG + NO_x fleet average emission limit for 2014 must report as provided in subsection (b) of this section.

(b) Effective model year 2015 and each model year thereafter, each manufacturer must report to DEQ by March 1 data that calculates the fleet average NMOG + NO_x exhaust emissions for the model year just ended. The report must follow the procedures in CCR, Title 13, section 1961.2 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 through 2014, if a report submitted by the manufacturer under subsection (3)(a) of this rule demonstrates that the manufacturer is not in compliance with the fleet average emission standard, the manufacturer must submit to DEQ 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(c)(3);

(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) Compliance with fleet average NMOG plus NO_x requirement. Effective model year 2015, 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 DEQ 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 1961.2(c)(3);

(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.

(6) For model years 2009 through 2011, manufacturers must submit the Fleet Average Remediation Report, if needed, to DEQ by March 1, 2012. If debits are accrued in all three years, one year of debits must be equalized by the end of the 2012 model year.

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

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

340-257-0080

ZEV Sales Requirement

(1) Effective model year 2009 through 2017, each manufacturer must comply with the ZEV sales requirement contained in CCR, Title 13, section 1962.1, including early credit and banking provisions.

(2) Effective model year 2018 and each subsequent model year, each manufacturer must comply with the ZEV sales requirement contained in CCR, Title 13, section 1962.2 including early credit and banking provisions.

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

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

Statutes/Other Implemented: ORS 468.010, 468A.015, 468A.025 & 468A.360

History:

[DEQ 172-2018, minor correction filed 04/16/2018, effective 04/16/2018](#)

DEQ 13-2013, f. & cert. ef. 12-19-13

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

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.

(12) Beginning with the model year 2024, any manufacturer that produces on-road vehicles over 8,500 pounds GVWR may generate, bank, and trade ZEV and NZEV credits pursuant to 13 CCR Section 1963.2.

[NOTE: View a copy of CARB's Manufacturer's Advisory Correspondence (MAC) 2011-02 by clicking on the "Tables" link below.

[\[ED. NOTE: To view attachments referenced in rule text, click here to view rule.\]](#)

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

Statutes/Other Implemented: ORS 468.020

History:

[DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019](#)

[DEQ 196-2018, amend filed 11/15/2018, effective 11/15/2018](#)

[DEQ 173-2018, minor correction filed 04/16/2018, effective 04/16/2018](#)

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

340-257-0100

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 and 1961.3.

(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 and 1961.3.

(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, and CCR, Title 13, section 1961.3, which specifies the requirements that apply for the 2017 and each subsequent 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 and 1961.3.

(5) Optional alternative compliance with greenhouse gas emission standards. Greenhouse gas vehicle test groups that are certified pursuant to CCR, Title 13, section 1961.1(a)(1)(B)2.a in the State of California may receive equivalent credit if delivered for sale and use in the State of Oregon.

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

(7) Reporting on greenhouse gas requirements. Effective model year 2009 and for each model year thereafter, each manufacturer must report to the Department by May 1, 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 or 1961.3 as appropriate. The report must follow the procedures in CCR, Title 13, section 1961.1 or 1961.3 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 or 1961.3 as appropriate; (b) Identify all vehicle models delivered for sale in Oregon, their corresponding certification standards, and the percentage of each model delivered for sale in Oregon and California in relation to total fleet sales in the respective state; and

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

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

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 6-2006, f. & cert. ef. 6-29-06

DEQ 10-2005(Temp), f. 12-27-05, cert. ef. 1-1-06 thru 6-30-06

340-257-0110

Additional Reporting Requirements

(1) The manufacturer must submit to DEQ one copy of the California Executive Order and Certificate of Conformity for certification of new motor vehicles for each engine family to be sold in the State of Oregon within thirty (30) days of DEQ's request. If such reports are available electronically, the manufacturer must send the record in an electronic format acceptable to the director or the director's designee.

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

(3) Upon request, dealers must report to DEQ the sale of each previously-titled light-duty and medium-duty motor vehicle subject to this division. The report must include the following information and be submitted in a manner DEQ prescribes:

(a) The dealer's name and address;

(b) Vehicle description including make and model year;

(c) The vehicle identification number;

(d) Date of sale;

(e) The California or federal emission category to which the vehicle is certified; and

(f) Evidence of any applicable exemption.

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

340-257-0120

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 1962.1(c)(2)(D) for PZEVs is not included as a requirement of this rule or OAR 340-257-0050, for the period 2009 through 2017 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 1962.1(c)(2)(D) that indicate the warranty period for a zero emission energy storage device used for traction power will be 10 years or 150,000 miles, whichever occurs first.

(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 must submit the documents required by subsections (a) and (b) of section 2039 only upon the Department's request. Manufacturers may modify this statement as necessary to inform Oregon vehicle owners of the warranty's applicability. The manufacturer must provide a telephone number that Oregon consumers can use to learn answers to warranty questions.

(4) Upon the Department's request, any manufacturer must submit to the Department Failure of Emission-Related Components reports as defined in CCR, Title 13, section 2144, for vehicles subject to this regulation. For purposes of compliance with this requirement, manufacturers may submit copies of the Failure of Emission-Related Components reports that are submitted to the California Air Resources Board in lieu of submitting reports for vehicles subject to this division.

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

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

340-257-0130

Recalls

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

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

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

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

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

Statutes/Other Implemented: ORS 468.020

History:

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

340-257-0140

Permits and Fees

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

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

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

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

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

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

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

Statutory/Other Authority: ORS 468.065, 468A.010, 468A.015 & 468A.040.

Statutes/Other Implemented: ORS 468.020

History:

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

340-257-0150

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.

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

Statutes/Other Implemented: ORS 468.020

History:

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

340-257-0160

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.

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

Statutes/Other Implemented: ORS 468.020

History:

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

340-257-0200

Fleet Reporting Applicability

(1) Except as provided in section (2), the following persons must submit to DEQ all of the information described in OAR 340-270-0210. As used in this rule, all operations conducted by persons under common ownership or control shall be aggregated and considered to be one person to determine fleet reporting applicability.

(a) Any person that owns or operates a business with gross annual revenues greater than \$50 million in the United States for the 2021 tax year, including revenues from all subsidiaries, subdivisions, or branches, and that operated a facility in Oregon in 2021 that had one or more vehicles over 8,500 pounds GVWR operated in Oregon in 2021.

(b) Any person that owns or operates a facility in Oregon and that, in the 2021 calendar year, owned or operated 50 or more vehicles with a GVWR greater than 8,500 pounds.

(c) Any person that operated a facility in Oregon and that, in the 2021 calendar year, dispatched 50 or more vehicles with a GVWR greater than 8,500 pounds into or throughout Oregon.

(d) Any Oregon government agency, including State and local government, that operated one or more vehicles over 8,500 pounds GVWR in Oregon in 2021.

(e) Any Federal government agency that operated one or more vehicles over 8,500 pounds GVWR in Oregon in 2021.

(2) The following vehicles and persons are exempt from the reporting requirements and should not be counted or reported for the purposes of the applicability requirements in section (1) or the reporting requirements in OAR 340-257-0210:

(a) Military tactical vehicles and military tactical facilities owned or operated by the United States Department of Defense or any of the United States military services;

(b) Vehicles awaiting sale; and

(c) Emergency vehicles.

340-257-0210

General Requirements

(1) All persons required to report under this rule must report information to the Department no later than June 30, 2022.

(2) Subsidiaries, parent companies, or joint ventures may independently report information for each vehicle over 8,500 pounds. Alternatively, the corporate parent or joint venture business may report on behalf of its subsidiaries, as long as the information for all vehicles over 8,500 pounds is reported for each subsidiary, corporate parent, and joint venture.

(3) A person subject to OAR 340-257-0200 through 340-257-0220 and that has brokerage or motor carrier authority, or both, must submit a report, even if no vehicles are owned by the person.

(4) Information pertaining to vehicles that are under common ownership or control may be submitted separately by each fleet owner.

(5) A person that is a fleet owner may report vehicle data as the fleet was comprised on any date of the person's choosing, so long as that date falls between January 1, 2021, and December 31, 2021.

(6) All information submitted to DEQ shall be public information, unless the person submitting the information asserts a confidentiality claim as provided in OAR 340-214-0130 the information is entitled to confidential treatment pursuant to the Oregon Public Records Law, ORS 192.311 through 192.478..

340-257-0220

Fleet Reporting Requirement

A person required to report under this rule as identified in OAR 340-257-0200 must report the information as required by and according to the requirements of each section of this rule. Such reporting must include information for each and every operation under common ownership or control.

(1)(a) Name (i.e., if a business, the registered business name) and all business names that the person does business as (i.e., all "dba" or "doing business as" names);

(b) Mailing address including street name or PO box, city, state, and zip code;

(c) Name of the responsible official;

- (d) Responsible official's email address;
 - (e) Responsible official's phone number;
 - (f) Name of corporate parent or governing body, as applicable;
 - (g) Federal Taxpayer Identification Number of corporate parent or other persons with which the reporting person has vehicles under common ownership or control;
 - (h) For a government agency, the jurisdiction (federal, state, or local);
 - (i) Federal Taxpayer Identification Number;
 - (j) Primary six-digit North American Industry Classification System code;
 - (k) For a non-governmental person, the total annual revenue for the person in the United States for 2021;
 - (l) Broker authority under the Federal Motor Carrier Safety Administration;
 - (m) The operating authority numbers, including motor carrier identification number, United States Department of Transportation number, and International Registration Plan number;
 - (n) The number of persons with whom the reporting person had a contract to deliver items or to perform work in Oregon using vehicles over 8,500 pounds GVWR in 2021;
 - (o) The estimated number of subhauleders, vehicles operated by subhauleders, and the number of vehicles operated by subhauleders that operated under the reporting person's motor carrier authority; and
 - (p) The number of vehicles with a GVWR over 8,500 pounds the reporting person owned and operated in Oregon in 2021 that do not have a vehicle home base in Oregon.
- (2) For each person required to report, they shall report general information about the vehicle home base. Vehicles that accrue a majority of their annual miles in Oregon but are not assigned to a particular location in Oregon must be reported as part of the person's headquarters or another location where the vehicles' operation is managed. The person must report for each vehicle home base:
- (a) Facility address including street name, city, state, and zip code;
 - (b) Facility type category, using one of the following categories:
 - (i) Administrative/office building;

- (ii) Distribution center/warehouse;
- (iii) Hotel/motel/resort;
- (iv) Manufacturer/factory/plant;
- (v) Medical/hospital/care;
- (vi) Multi-building campus/base;
- (vii) Restaurant;
- (viii) Service center;
- (ix) Store;
- (x) Truck/equipment yard; or
- (xi) Any other facility type;
- (c) Name of responsible official;
- (d) Responsible official's email address;
- (e) Whether the facility is owned or leased by the person;
- (f) What type of fueling infrastructure is installed at the facility;
- (g) Whether the refueling infrastructure at the facility was initially installed on or after January 1, 2010; and
- (h) The types of trailers the reporting person pulls, if it has tractors assigned or domiciled at this facility.

(3) For each vehicle home base, a person may report the information grouped by vehicle body type, and weight class bins and fuel type. A person may complete responses for each individual vehicle and include the vehicle's body type, weight class bin, and fuel type. If applicable, a person shall separately report vehicles dispatched under their brokerage authority. When responding, each vehicle shall only be counted once for each response. A person shall report:

- (a) Number of vehicles in each vehicle group;
- (b) The percent of the vehicles in each vehicle group with operating characteristics including, but not limited to: daily mileage, usage patterns, refueling, trailer towing, and other such characteristics as specified by the Department;

- (c) The average annual mileage for a typical vehicle in this vehicle group;
 - (d) The average length of time a typical vehicle in this vehicle group is retained by the reporting entity after acquisition;
 - (e) Whether the reporting person is the fleet owner for this group of vehicles, or if they are dispatched under the reporting person's brokerage authority; and
 - (f) The start and end date of the analysis period selected by the reporting person pursuant to section (5).
- (4) A person must choose a period of time, for example annual or quarterly data averaged for work days during the period selected to determine responses. For example, if an entity selects annual data to determine vehicle daily mileage, the person must average the annual mileage accrued based on the number of workdays that year.
- (a) A shorter analysis period may be used if the reporting person deems it more representative of periods of high vehicle utilization when answering questions about typical daily operation. For example, if a reporting person with seasonal workload fluctuations determines that a week or month during the busy season is representative, average the data records for that week or month when determining a response.
 - (b) If an alternative analysis period is used, the reporting person must be prepared to describe their reasoning at the request of the Department.
- (5) For information reported as required under OAR 340-257-0210(3)(a) through (f) for a vehicle group at one location, a reporting person may repeat that information for the same vehicle group at another vehicle home base if the reporting person determines that the operation at the second location is substantially similar to that at the first location.
- (6) A broker shall provide information about vehicle usage that is dispatched under contract, such as if a broker hires a truck to move a load, only the miles driven under that contract are required for the response. If known, the broker may voluntarily report information about the miles driven outside the contract.

340-257-0230

Fleet Reporting Recordkeeping

- (1) A person required to report as identified in OAR 340-257-0200 shall maintain all of the following records related to such reporting for a period of five years after the reporting deadline:

(a) For owned on-road vehicles, mileage records and dates from records, such as maintenance logs, vehicle logs, or odometer readings, or other records with the information that the reporting person used to prepare the information the person submitted as required under OAR 340-257-0210;

(b) For on-road vehicles not owned, but dispatched by the person, dispatch records and dates, contracts, or other records with the information that the reporting person used to prepare the information the person submitted as required under OAR 340-257-0210;

(c) Vehicle registration for each owned vehicle operated in Oregon; and

(d) Contracts with persons, or contracts with subhaulers, or other records with the information that the reporting person used to prepare the information the person submitted as required under OAR 340-257-0210.

(2) A person subject to OAR 340-257-0200 through 340-257-0220 must respond to requests for clarification of reported information within 14 days of receiving the request from DEQ.