

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rules(s) adopted on August 19, 2009 by the
Date prior to or same as filing date.

Oregon Department of Transportation, Driver and Motor Vehicle Services Division

735

Agency and Division

Administrative Rules Chapter Number

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Rules Coordinator

Address

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to become effective

upon filing

Date upon filing or later

Rulemaking Notice was published in the

July 2009

Month and Year

*Oregon Bulletin.***

RULE CAPTION

Compliance with U.S. Standards for Vehicle Safety and Emissions

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.

ADOPT: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND: 735-022-0090

REPEAL:

ORS 184.616, 184.619, 802.010 and 803.045

Stats. Auth.

40 CFR Part 86, and 49 CFR Part 571

Other Authority

ORS 803.045

Stats. Implemented

RULE SUMMARY

DMV has seen an increase in the number of applications to title and register motorcycles and mopeds that are manufactured abroad and imported to the United States for sale. DMV has determined that a number of these vehicles do not comply with federal vehicle standards.

Vehicles that are not manufactured to comply with federal vehicle safety and emissions standards are not eligible to receive Oregon title and registration. DMV believes that some manufacturers or distributors of imported vehicles are falsifying the Manufacturers Certificate of Origin (MCO) by including a statement that the vehicle complies with federal vehicle standards, when in fact the vehicle does not comply. Purchasers of these non-compliant vehicles are then able to obtain title and registration which allows them to be used on Oregon highways in violation of state and federal law. This alarming trend could put vehicle consumers and other users of the road at risk of personal injury and contribute to air pollution and greenhouse gas emissions.

In order to keep these non-compliant vehicles off Oregon roads, DMV has adopted a policy which includes new procedures for verifying proof of compliance with federal vehicle standards. The policy, which became effective May 1, 2009, specifies that before issuing title and registration DMV will conduct visual inspections of some vehicles. To implement this policy, DMV has amended OAR 735-022-0090 (Proof of Compliance with Federal Vehicle Standards) to clarify that DMV will not issue title and registration if DMV has reason to believe the vehicle is non-compliant. DMV will apply this rule amendment retroactively to May 1, 2009, the effective date of the policy.

Authorized Signer

Thomas L. McClellan

Printed Name

Date

* With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

** The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.