



# Advanced Clean Cars II

## Draft Rules – Edits Highlighted

### Key to Identifying Changed Text:

~~Deleted Text~~

New/inserted text

### Division 257 OREGON LOW EMISSION VEHICLES

#### 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) "Common ownership or control" means ownership or control by the same individual(s), corporation(s), partnership(s), association(s), or parent company(ies). A business entity operated by, and vehicles managed day to day by, the same directors, officers, or managers, or by corporations controlled by the same parent company or the same majority stockholders, are considered to be under common control even if title to vehicles is held by different business entities.

(8) "Community-based clean mobility program" means a program that:

(a) Provides access to clean mobility solutions other than vehicle ownership including ZEV car sharing, ride-sharing, vanpools, ride-hailing, or on-demand first-mile/last-mile services;

(b) Serves a community in which at least 75 percent of the census tracts in the project area (where community residents live and services operate) are either:

(A) Areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation;

(B) Areas with concentrations of people that are of low income, high unemployment, low levels of homeownership, high rent burden, sensitive populations, or low levels of educational attainment;

(C) In a census tract with median household incomes at or below 80 percent of the statewide median income; or

(D) A tribal community; and

(c) Is implemented by a community-based organization, Native American Tribal government, or a public agency or nonprofit organization that has received a letter of support from a project-related community-based organization or local community group that represents community members that will be impacted by the project or has a service background related to the type of project.

~~(9)~~ "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.

(10) “Dealer” means any person engaged in the business of selling, offering to sell, soliciting or advertising the sale of new vehicles who has been issued a vehicle dealer certificate under ORS 822.020, granted by the manufacturer or distributor for the retail sale of said manufacturer’s or distributor’s new vehicles.

(119) “Distribution center/warehouse” means a location used primarily for the storage of goods that are intended for subsequent shipment.

(120) “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.

(134) "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).~~

(142) "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).~~

(153) "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).~~

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

(175) “Hotel/motel/resort” means a commercial establishment offering lodging to travelers and, sometimes, to permanent residents

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

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

(2018) "Large volume manufacturer" is defined in CCR, Title 13, section 1900(b)(10).

(2149) "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.

(220) "Manufacturer" means any person who assembles new on-road motor vehicles, or imports such vehicles for resale, or who acts for and is under the control of any such person in connection with the distribution of new motor vehicles, but shall not include any dealer with respect to new motor vehicles received in commerce. In general, this term includes any person who manufactures or assembles an on-road vehicle or other incomplete on-road vehicle for sale in Oregon or otherwise introduces a new onroad motor vehicle into commerce in Oregon. This includes importers who import on-road vehicles for resale and persons that assemble glider vehicles. This does not include persons who supply parts to the importer or vehicle manufacturer of record.

(234) "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.

(242) "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.

(253) "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.

(264) "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.

(275) "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.

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

(297) "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.

(3028) "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.

(3129) "NZEV" means "near-zero-emission vehicle" as defined at 13 CCR § 1963(c).

(320) "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.

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

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

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

(364) "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.

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

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

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

(4038) “TZEV” means transitional zero emission vehicle.

(4139) “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.

(420) "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 17-2021, amend filed 11/17/2021, effective 11/17/2021](#)

[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

**[340-257-0050](#)**

**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. [Where such incorporated sections of the California Code of Regulations refer to states that have also adopted California’s regulations under Clean Air Act section 177, such references shall be interpreted to include both California and any other such states. Where such incorporated sections of the California Code of Regulations refer to enforcement and civil penalty authority under the California Health and Safety Code for violation of those regulations, such references shall be interpreted to authorize DEQ to pursue enforcement of such violations under ORS chapters 468 and 468A and OAR chapter 340, division 12.](#)

(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 adopted date [8/25/22 \[anticipated\]](#)~~9/9/21~~.

(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 adopted date ~~9/9/21~~[8/25/22 \[anticipated\]](#).

(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 ~~adopted~~ date [8/25/22 \[anticipated\]](#)~~12/12/18~~.

[\(h\) Section 1961.4: Exhaust Emission Standards and Test Procedures — 2026 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. California adopted date 8/25/22 \[anticipated\] except that subsection 1961.4\(g\)\(1\) is not adopted by reference.](#)

~~(i)~~ 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.

~~(j)~~ 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.

(~~k~~) Section 1962.2: Zero-Emission Vehicle Standards for 2018 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. California ~~adopted~~ ~~effective~~ date ~~8/25/22~~ ~~[anticipated]~~ ~~1/1/16~~.

(~~l~~) Section 1962.3: Electric Vehicle Charging Requirements. California ~~effective date~~ ~~8/7/12~~ ~~adopted~~ date ~~8/25/22~~ ~~[anticipated]~~.

(~~m~~) Section 1962.4: Zero Emission Vehicle Standards for 2026 and Subsequent Model Year Passenger Cars and Light-Duty Trucks. California ~~adopted~~ date ~~8/25/22~~ ~~[anticipated]~~; except that subsection 1962.4(e)(2)(A)3 is not adopted by reference.

(~~n~~) Section 1962.5: Data Standardization Requirements for 2026 and Subsequent Model Year Light-Duty Zero Emission Vehicles and Plug-in Hybrid Electric Vehicles. California ~~adopted~~ date ~~8/25/22~~ ~~[anticipated]~~.

(~~o~~) Section 1962.6: Battery Labeling Requirements. California ~~adopted~~ date ~~8/25/22~~ ~~[anticipated]~~.

(~~p~~) Section 1962.7: In-Use Compliance, Corrective Action and Recall Protocols for Zero Emission for 2026 and Subsequent Model Year Passenger Cars and Light-Duty Trucks. California ~~adopted~~ date ~~8/25/22~~ ~~[anticipated]~~.

(~~q~~) Section 1962.8: Warranty Requirements for Zero Emission and Batteries in Plug-in Hybrid Electric 2026 and Subsequent Model Year Passenger Cars and Light-Duty Trucks. California ~~adopted~~ date ~~8/25/22~~ ~~[anticipated]~~.

(~~r~~) Section 1965: Emission Control and Smog Index Labels - 1979 and Subsequent Model Year Vehicles. California ~~adopted~~ date ~~8/25/22~~ ~~[anticipated]~~ ~~9/9/21~~.

(~~s~~) Section 1968.2: Malfunction and Diagnostic System Requirements — 2004 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. California ~~adopted~~ date ~~8/25/22~~ ~~[anticipated]~~ ~~9/9/21~~.

(~~t~~) 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~~.

(~~u~~) Section 1976: Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions. California ~~effective~~ ~~adopted~~ ~~effective~~ date ~~8/25/22~~ ~~[anticipated]~~ ~~10/8/15~~.

(~~v~~) Section 1978: Standards and Test Procedures for Vehicle Refueling Emissions. California ~~adopted~~ date ~~8/10/8/15~~ ~~25/22~~ ~~[anticipated]~~.

(~~w~~) Section 2035: Purpose, Applicability and Definitions. California ~~adopted~~ date ~~9/9/21~~.



(~~xf~~) 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 adopted date 9/9/21.

(~~ys~~) 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~~-adopted date [8/25/22 \[anticipated\]](#)~~12/5/14~~.

(~~zt~~) 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~~-adopted date [8/25/22 \[anticipated\]](#)~~8/7/12~~.

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

(~~bb\*~~) Section 2040: Vehicle Owner Obligations. California effective date 12/26/90.

(~~cc#~~) Section 2046: Defective Catalyst. California effective date 2/15/79.

(~~dd\*~~) Section 2109: New Vehicle Recall Provisions. California effective date 12/30/83.

(~~ee\*~~) Section 2111: Applicability. California adopted date 9/9/21 .

(~~ffz~~) Section 2112: Definitions. California adopted date [8/25/22 \[anticipated\]](#)~~9/9/21~~.

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

(~~hhbb~~) Section 2113: Initiation and Approval of Voluntary and Influenced Recalls. California adopted date 9/9/21.

(~~ii~~~~ee~~) Section 2114: Voluntary and Influenced Recall Plans. California adopted date 9/9/21.

(~~jj~~~~dd~~) Section 2115: Eligibility for Repair. California adopted date 9/9/21.

(~~kk~~~~ee~~) Section 2116: Repair Label. California adopted date 9/9/21.

(~~ll~~~~ff~~) Section 2117: Proof of Correction Certificate. California adopted date 9/9/21 .

(~~mm~~~~gg~~) Section 2118: Notification. California adopted date 9/9/21.

(~~nn~~~~hh~~) Section 2119: Record keeping and Reporting Requirements. California adopted date 9/9/21.

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

- (~~pp~~~~jj~~) Section 2122: General Provisions. California effective date 12/8/2010.
- (~~qq~~~~kk~~) Section 2123: Initiation and Notification of Ordered Emission-Related Recalls. California adopted date 9/9/21.
- (~~rr~~~~ll~~) Section 2124: Availability of Public Hearing. California effective date 1/26/95.
- (~~ss~~~~mm~~) Section 2125: Ordered Recall Plan. California adopted date 9/9/21.
- (~~tt~~~~nn~~) Section 2126: Approval and Implementation of Recall Plan. California adopted date 9/9/21.
- (~~uu~~~~oo~~) Section 2127: Notification of Owners. California adopted date 9/9/21.
- (~~vv~~~~pp~~) Section 2128: Repair Label. California adopted date 9/9/21.
- (~~ww~~~~qq~~) Section 2129: Proof of Correction Certificate. California adopted date 9/9/21.
- (~~xx~~~~rr~~) Section 2130: Capture Rates and Alternative Measures. California adopted date 9/9/21.
- (~~yy~~~~ss~~) Section 2131: Preliminary Tests. California adopted date 9/9/21.
- (~~zz~~~~tt~~) Section 2132: Communication with Repair Personnel. California effective date 1/26/95.
- (~~aaa~~~~uu~~) Section 2133: Record keeping and Reporting Requirements. California adopted date 9/9/21.
- (~~bbb~~~~vv~~) Section 2135: Extension of Time. California effective date 1/26/95.
- (~~ccc~~~~ww~~) Section 2141: General Provisions. California adopted date 9/9/21.
- (~~ddd~~~~xx~~) Section 2142: Alternative Procedures. California adopted date 9/9/21.
- (~~eee~~~~yy~~) Section 2143: Failure Levels Triggering Recall. California adopted date 9/9/21.
- (~~fff~~~~zz~~) Section 2144: Emission Warranty Information Report. California adopted date 9/9/21.
- (~~ggg~~~~aaa~~) Section 2145: Field Information Report. California adopted date 9/9/21.
- (~~hhh~~~~bbb~~) Section 2146: Emissions Information Report. California adopted date 9/9/21.
- (~~iii~~~~eee~~) Section 2147: Demonstration of Compliance with Emission Standards. California adopted date [8/25/22 \[anticipated\]](#)9/9/21.
- (~~iii~~~~ddd~~) Section 2148: Evaluation of Need for Recall. California adopted date 9/9/21.

(kkk~~eee~~) Section 2149: Notification of Subsequent Action. California adopted date 9/9/21.

(lll~~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 17-2021, amend filed 11/17/2021, effective 11/17/2021](#)

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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

**[340-257-0070](#)**

**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 + NOx 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 + NOx 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 + NOx 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 [through 2025](#), each motor vehicle manufacturer's NMOG + NOx 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 + NOx 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.

[\(c\) Effective model year 2026 and in subsequent model years, each motor vehicle manufacturer's NMOG + NOx 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 + NOx Exhaust Emission Requirement set forth in CCR, Title 13, section 1961.4. Compliance will be based on the number of vehicles subject to this regulation, delivered for sale in Oregon, unless the motor vehicle manufacturer chooses for compliance to be based on the cumulative number of vehicles that are certified to the exhaust standards in CCR, Title 13, section 1961.4\(d\) or \(e\), as applicable, that are produced and delivered for sale in Oregon, California and any other states or the District of Columbia that have adopted California's standards set forth in CCR, Title 13, section 1961.4 for that model year pursuant to section 177 of the federal Clean Air Act \(42 U.S.C. § 7507\).](#)

(2) Fleet average NMOG and NMOG plus NOx exhaust emission credits and debits [for passenger cars, light-duty trucks and medium-duty vehicles](#).

(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 + NOx 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 + NOx 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 + NOx 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 [through 2025](#), each vehicle manufacturer may accrue NMOG + NOx 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.

(c) Effective model year 2026 and in each subsequent year, each vehicle manufacturer may accrue NMOG + NOx emission credits and debits and use credits in accordance with the procedures in California Code of Regulations, Title 13, section 1961.4. 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, unless the motor vehicle manufacturer chooses for compliance to be based on the cumulative number of vehicles that are certified to the exhaust standards in CCR, Title 13, section 1961.4(d) or (e), as applicable, that are produced and delivered for sale in Oregon, California and any other states or the District of Columbia that have adopted California's standards set forth in CCR, Title 13, section 1961.4 for that model year pursuant to section 177 of the federal Clean Air Act (42 U.S.C. § 7507)

### (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 + NOx fleet average emission limit for 2014 must report as provided in subsection (b) of this section.

(b) Effective model year 2015 through model year 2025 ~~and each model year thereafter~~, each manufacturer must report to DEQ by March 1 data that calculates the fleet average NMOG + NOx 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.

(c) Effective model year 2026 and in each subsequent model year, each manufacturer must report to DEQ by March 1 data that calculates the fleet average NMOG + NOx exhaust emissions for the model year just ended. The report must follow the procedures in CCR, Title 13, section 1961.4 and be in the same format used to report such information to the California Air Resources Board.

(d) Unless identified and documented as a trade secret or otherwise confidential under OAR 340-214-0130, records in DEQ's possession for the vehicles subject to the requirements of the California regulations adopted by reference in this division, including without limitation CCR, Title 13, section 1961.4, are subject to disclosure as public records. Such records subject to disclosure include, without limitation:

(A) Each manufacturer's annual production data and the corresponding calculated NMOG+NOx fleet average; and

(B) Each manufacturer's annual NMOG+NOx fleet average credit or debit balances for each model year.

(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 NOx requirement. Effective model year 2015 through 2025, 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) Compliance with fleet average NMOG plus NOx requirement. Effective model year 2026 and in each subsequent model year, if a report submitted by the manufacturer under subsection (3)(c) 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 1961.4;

(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 through 2025 for passenger cars, light-duty trucks and medium-duty vehicles delivered for sale in Oregon, 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.

(3) Effective model year 2026 and in each subsequent model year for passenger cars, light-duty trucks and medium-duty vehicles delivered for sale in Oregon, each manufacturer must comply with the ZEV sales requirement contained in CCR, Title 13, section 1962.4 including early credit and banking provisions.

~~(4)~~ Effective model year 2025 and each subsequent model year for medium and heavy-duty vehicles, each manufacturer must comply with the ZEV sales requirement contained in CCR, Title 13, section 1963.1.

[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 17-2021, amend filed 11/17/2021, effective 11/17/2021](#)

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

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**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, or 1962.4 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, [1962.2](#), or [1962.4](#), 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 2022, any manufacturer that produces on-road vehicles over 8,500 pounds GVWR may generate, bank, and trade ZEV and NZEV credits as required under 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 17-2021, amend filed 11/17/2021, effective 11/17/2021](#)

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

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

**340-257-0095**

**ZEV Allowances for Environmental Justice Values**

(1) Community-Based Clean Mobility Programs

(a) DEQ must determine that a program qualifies as a community-based clean mobility program under this rule before a manufacturer may earn vehicle values under CCR, Title 13, section 1962.4(e)(2)(A)1.

(b) A manufacturer may request DEQ to make a determination that a program qualifies as a community-based clean mobility program. When making this request, the manufacturer shall provide:

(A) Attestation that the program meets each element of the definition of community-based clean mobility program;

(B) Contact information for the program, including program name, program implementer name (if different), mailing address including a street address, city, state, and zip code, federal tax identification number (if any), contact person name, contact person phone number, and contact person email address;

(C) A description of the program, including program objectives, total number of vehicles, and the program service location or area;

(D) A written communication from a responsible official (e.g., executive, principal officer) of the entity that administers the program, which shall include the following:

(i) Certification that the vehicles will be put into service exclusively for the purposes of operating a community-based clean mobility program with a minimum of four years of service operation;

(ii) Certification that vehicle titles or lease agreements will be held by an organizational entity, not by individual drivers; and

(iii) Certification that the program meets the definition of community-based clean mobility program.

(c) In response to a request under section (1)(b):

(A) DEQ may determine that a program qualifies as a community-based clean mobility program if the manufacturer has demonstrated that the program meets the requirements described in section (2) and is a community-based clean mobility program; and

(B) DEQ will notify the manufacturer of the determination in writing within 60 days. If the program is determined to qualify as a community-based clean mobility program, DEQ will issue an order designating the community-based clean mobility program.

(d) Renewal. A DEQ order issued under section (3) approving a community-based clean mobility program shall remain valid for four years. A manufacturer may request a renewal of a determination of a community-based clean mobility program by providing the information and materials specified under section (2). DEQ will review and approve or deny a renewal request by the process specified in section (3).

(e) Revocation. DEQ may revoke an order issued under this section (3) if DEQ determines that:

(A) The community-based clean mobility program no longer satisfies the definition of a community-based clean mobility program or the requirements in section (2); or

(B) The community-based clean mobility program has resold or returned, prior to four years of service, one or more vehicles that a manufacturer provided for use of the program for which the manufacturer has earned Environmental Justice Vehicle Values pursuant to CCR, Title 13, subsection 1962.4(e)(2)(A)1, except for resale to another qualifying community-based clean mobility program.

#### (2) Vehicles Sold at the End of Lease to Participating Dealerships

(a) DEQ must determine that an Oregon dealership participates in a financial assistance program before a manufacturer may earn vehicle values under CCR, Title 13, section 1962.4(e)(2)(B)1.

(b) Qualifying vehicles eligible for the vehicle value are specified under CCR, Title 13, section 1962.4(e)(2)(B)2.

### **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 1962.8, 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

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

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