

# House Bill 2183

Sponsored by Representative WILDE (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Environmental Quality Commission to establish list of vehicles most likely to fail test of pollution control equipment. Requires proof of compliance with pollution control requirements for listed vehicles.

## A BILL FOR AN ACT

1  
2 Relating to pollution control equipment; creating new provisions; and amending ORS 815.295.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) The Environmental Quality Commission shall establish by rule a list of**  
5 **motor vehicle makes and year models representing the top 25 percent of motor vehicle**  
6 **makes and year models that, according to pollution control equipment testing data analyzed**  
7 **using a methodology developed by the commission, are the most likely to fail a test of the**  
8 **motor vehicle's pollution control equipment.**

9 **(2) The commission may not include motor vehicles with a model year of 1974 or earlier**  
10 **in the list established under this section.**

11 **(3) The commission shall update the list established under this section every two years.**

12 **SECTION 2.** ORS 815.295 is amended to read:

13 815.295. (1) A person commits the offense of failure to be equipped with required pollution con-  
14 trol equipment if the person operates a motor vehicle upon a highway or leaves a motor vehicle  
15 standing upon a highway and the vehicle is not equipped with a motor vehicle pollution control  
16 system, as defined under ORS 468A.350, that is in compliance with motor vehicle pollutant, noise  
17 control and emission standards adopted by the Environmental Quality Commission under ORS  
18 468A.360.

19 (2) A person shall not be found in violation of this section if proof of compliance has been issued  
20 for the vehicle in compliance with ORS 815.310. Whenever proof of compliance is revoked, suspended  
21 or restricted because a certified system, as defined in ORS 468A.350, or factory-installed system, as  
22 defined in ORS 468A.350, has been found to be unsafe in actual use or is otherwise mechanically  
23 defective, the defect must be corrected or the system must be brought into compliance with the rules  
24 of the commission within 30 days after such finding.

25 (3) Exemptions to this section are established under ORS 815.300. In addition to such ex-  
26 emptions, the following exemptions to this section are established:

27 (a) If the Environmental Quality Commission adopts a rule under ORS 468A.360 requiring cer-  
28 tified or factory-installed systems on motor vehicles registered in designated counties, such vehicles  
29 are not required to be in compliance with such rules until after the date of registration, reregis-  
30 tration or renewal of the vehicle immediately subsequent to the effective date of the rule.

31 (b) Implements of husbandry, road machinery, road rollers and farm tractors are exempt from

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.  
New sections are in **boldfaced** type.

1 this section.

2 (c) Antique vehicles maintained as collectors' items and used for exhibitions, parades, club ac-  
3 tivities and similar uses, but not used primarily for the transportation of persons or property, are  
4 exempt from this section.

5 **(4) Notwithstanding the exemptions established under ORS 815.300:**

6 **(a) A person operating a motor vehicle upon a highway in this state or leaving a vehicle**  
7 **standing upon a highway is in violation of this section if:**

8 **(A) The motor vehicle is of a make and year model identified on the list established by**  
9 **the Environmental Quality Commission under section 1 of this 2021 Act; and**

10 **(B) Proof of compliance with pollution control equipment requirements under ORS**  
11 **815.310 has not been issued for the motor vehicle.**

12 **(b) The requirements for certification of pollution control equipment before registration**  
13 **under ORS 803.350 and 803.465 apply to a motor vehicle described in this subsection.**

14 ~~[(4)]~~ **(5)** The offense described in this section, failure to be equipped with required pollution  
15 control equipment, is a Class C traffic violation.

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