

House Bill 2642

Sponsored by Representative EVANS (Pre-session 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act tells DEQ to contract with businesses to test vehicles. The Act stops the DEQ from testing vehicles at its own stations or letting employees do the tests for their employers. (Flesch Readability Score: 66.3).

Requires the Department of Environmental Quality to contract with businesses to provide motor vehicle pollution control equipment testing.

Prohibits the department from owning or operating motor vehicle pollution control testing stations. Prohibits the department from issuing a license to an employee of a fleet owner to inspect pollution control systems of fleet vehicles.

A BILL FOR AN ACT

1
2 Relating to motor vehicle pollution control systems; creating new provisions; amending ORS
3 468A.365, 468A.380, 468A.400, 805.120 and 815.310; and repealing ORS 468A.370 and 468A.387.

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

5 **SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS 468A.350 to**
6 **468A.400.**

7 **SECTION 2. (1) The Department of Environmental Quality shall contract with private**
8 **individuals, partnerships or corporations authorized to do business in the State of Oregon for**
9 **the performance of tests and inspections of motor vehicles and motor vehicle pollution con-**
10 **trol systems.**

11 **(2) The department may contract with private individuals, partnerships or corporations**
12 **authorized to do business in the State of Oregon for other services associated with con-**
13 **ducting a motor vehicle pollution control system inspection program.**

14 **(3) The department may not own or operate any testing station or other facility for the**
15 **purpose of conducting motor vehicle pollution control system tests or inspections described**
16 **under ORS 468A.365.**

17 **SECTION 3. ORS 468A.370 and 468A.387 are repealed.**

18 **SECTION 4. ORS 468A.380 is amended to read:**

19 468A.380. (1)(a) The Environmental Quality Commission by rule may:

20 [(a)] (A) Establish criteria and examinations for the qualification of persons eligible to inspect
21 motor vehicles and motor vehicle pollution control systems and execute the certificates described
22 under ORS 815.310, and for the procedures to be followed in such inspections.

23 [(b)] (B) Establish criteria and examinations for the qualification of equipment, apparatus and
24 methods used by persons to inspect motor vehicles and motor vehicle pollution control systems.

25 [(c)] (C) Establish criteria and examinations for the testing of motor vehicles.

26 **(b) Rules adopted by the commission may not provide for issuing a license to an owner**
27 **of a fleet of vehicles, or the owner's employees, for the purpose of inspecting fleet vehicles**

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 **and executing certificates described under ORS 815.310.**

2 (2) Subject to rules of the commission, the Department of Environmental Quality shall:

3 (a) Issue licenses to any person, type of equipment, apparatus or method qualified pursuant to
4 subsection (1) of this section.

5 (b) Revoke, suspend or modify licenses issued pursuant to paragraph (a) of this subsection in
6 accordance with the provisions of ORS chapter 183 relating to contested cases.

7 (c) Issue certificates of compliance for motor vehicles which, after being tested in accordance
8 with the rules of the commission, meet the criteria established under subsection (1) of this section
9 and the standards adopted pursuant to ORS 468A.350 to 468A.385 and 468A.400.

10 **SECTION 5.** ORS 815.310 is amended to read:

11 815.310. When proof of compliance with pollution control equipment requirements is required
12 under ORS 803.350, 803.465 and 815.295 the following apply:

13 (1) The proof may be provided by any means that the Department of Transportation and the
14 Environmental Quality Commission determine by joint rulemaking or by interagency agreement to
15 be satisfactory.

16 (2) Except as otherwise provided in this section, when a certificate of compliance is used as
17 proof, the certificate must comply with all the following:

18 (a) It must be signed by a person licensed and qualified under ORS 468A.380.

19 (b) It must be dated not more than 180 days prior to the motor vehicle registration or renewal
20 of registration.

21 (c) It must be on a form supplied by the Department of Environmental Quality and must include
22 such information as the department may require.

23 (3) In order for registration to continue to be valid for a motor vehicle that is registered as a
24 government-owned vehicle under ORS 805.040, a police undercover vehicle under ORS 805.060 or a
25 state-owned vehicle with regular registration plates under ORS 805.045, the vehicle must be certified
26 as frequently as a privately owned vehicle of the same registration type is required to be certified.
27 For purposes of this subsection, the registration type of a privately owned vehicle is determined by
28 the registration period for the vehicle under ORS 803.415. *[For local government vehicles, the proof
29 of certification may be provided through self-testing facilities provided by local governmental agencies.
30 Local governmental agencies providing self-testing facilities may not be charged a fee in connection with
31 provision of the required proof. However, a reasonable fee covering department expenses in adminis-
32 tering such self-testing programs may be charged.]*

33 **SECTION 6.** ORS 468A.365 is amended to read:

34 468A.365. The Environmental Quality Commission shall:

35 (1) Determine and adopt by rule criteria for certification of motor vehicle pollution control
36 systems. In determining the criteria the commission shall consider the following:

37 (a) The experience of any other state or the federal government;

38 (b) The cost of the system and of its installation;

39 (c) The durability of the system;

40 (d) The ease of determining whether the system, when installed on a motor vehicle, is function-
41 ing properly; and

42 (e) Any other factors which, in the opinion of the commission, render such a system suitable for
43 the control of motor vehicle air pollution or for the protection of the health, safety and welfare of
44 the public.

45 (2) Prescribe by rule the manner in which a motor vehicle pollution control system shall be

1 tested for certification. The rules may prescribe a more rigorous inspection procedure in the areas
 2 designated under ORS 815.300 (2)(a), including any expansion of such boundary under ORS 815.300
 3 (2)(b), in order to reduce air pollution emissions in those areas of the state. No such rule shall re-
 4 quire testing for certification more often than once during the period for which registration or re-
 5 newal of registration for a motor vehicle is issued. No rule shall require testing for certification of
 6 a motor vehicle that is exempted from the requirement for certification under ORS 815.300.

7 (3) Issue certificates of approval for classes of motor vehicle pollution control systems which,
 8 after being tested by the commission or by a method acceptable to the commission, the commission
 9 finds meet the criteria adopted under subsection (1) of this section.

10 (4) Designate by rule classifications of motor vehicles for which certified systems are available.

11 (5) Revoke, suspend or restrict a certificate of approval previously issued upon a determination
 12 that the system no longer meets the criteria adopted under subsection (1) of this section pursuant
 13 to procedures for a contested case under ORS chapter 183.

14 (6) Designate suitable methods and standards for testing systems and inspecting motor vehicles
 15 to determine and insure compliance with the standards and criteria established by the commission.

16 (7) *[Except as provided in ORS 468A.370,]* Contract for the use of or the performance of tests
 17 or other services within or without the state.

18 **SECTION 7.** ORS 468A.400 is amended to read:

19 468A.400. (1) The Department of Environmental Quality shall:

20 (a) Establish and collect fees for application, examination and licensing of persons, equipment,
 21 apparatus or methods in accordance with ORS 468A.380 and within the following limits:

22 (A) The fee for licensing shall not exceed \$5.

23 (B) The fee for renewal of licenses shall not exceed \$1.

24 (b) Establish fees for the issuance of certificates of compliance. The department may classify
 25 motor vehicles and establish a different fee for each such class. The fee for the issuance of certif-
 26 icates shall be established by the Environmental Quality Commission in an amount based upon the
 27 costs of administering this program. *[Before establishing the fees, the commission shall determine the*
 28 *most cost effective program consistent with Clean Air Act requirements for each area of the state pur-*
 29 *suant to ORS 468A.370.]*

30 (2) The department shall collect the fees established pursuant to subsection (1)(b) of this section
 31 at the time of the issuance of certificates of compliance as required by ORS 468A.380 (2)(c).

32 (3) On or before the 15th day of each month, the commission shall pay into the State Treasury
 33 all moneys received as fees pursuant to subsections (1) and (2) of this section during the preceding
 34 calendar month. The State Treasurer shall credit such money to the Department of Environmental
 35 Quality Motor Vehicle Pollution Account, which is hereby created. The moneys in the Department
 36 of Environmental Quality Motor Vehicle Pollution Account are continuously appropriated to the
 37 department to be used by the department solely or in conjunction with other state agencies and lo-
 38 cal units of government for:

39 (a) Any expenses incurred by the department and, if approved by the Governor, any expenses
 40 incurred by the Department of Transportation in the certification, examination, inspection or li-
 41 censing of persons, equipment, apparatus or methods in accordance with the provisions of ORS
 42 468A.380 and 815.310.

43 (b) Such other expenses as are necessary to study traffic patterns and to inspect, regulate and
 44 control the emission of pollutants from motor vehicles in this state.

45 (4) The Department of Environmental Quality may enter into an agreement with the Department

1 of Transportation to collect the licensing and renewal fees described in subsection (1)(a) of this
2 section subject to the fees being paid and credited as provided in subsection (3) of this section.

3 **SECTION 8.** ORS 805.120 is amended to read:

4 805.120. (1) The owner of a fleet of vehicles may register the vehicles under this section as a
5 fleet in lieu of registering the vehicles individually.

6 (2) Except as otherwise provided under this section, vehicles registered in a fleet under this
7 section are subject to the same taxes, fees, qualifications, provisions, conditions, prohibitions and
8 penalties applicable to similar vehicles otherwise registered under the vehicle code.

9 (3) The following apply to fleets registered under this section:

10 (a) The registered owner of the fleet must maintain the number of vehicles registered in the fleet
11 that the Department of Transportation determines by rule to be required for participation in the
12 fleet registration program.

13 (b) Fleet registration or renewal of fleet registration under this section may be annual or
14 biennial registration as determined by the department by rule.

15 (c) The registration of individual vehicles in a fleet registered under this section does not expire
16 as long as the fleet registration is valid.

17 (d) The department shall assign identification to the fleet and, upon payment of appropriate fees,
18 shall issue to the registered owner of the fleet permanent fleet tags, stickers, plates or other iden-
19 tification the department determines appropriate for the vehicles that the owner and the department
20 have agreed to place in the fleet. The department may establish the use of any appropriate form of
21 identification under this paragraph as the department determines convenient for its own operation.

22 (e) The tags, stickers, plates or other appropriate identification issued under this section shall
23 be displayed on any vehicle to which it has been assigned by the department.

24 (f) Registration cards issued by the department for vehicles registered under this section are
25 only required to individually describe the vehicles in the fleet to the extent the department deter-
26 mines necessary and to identify the fleet in which the vehicles are registered.

27 (g) Application for registration under this section shall be in the manner determined by the de-
28 partment by rule.

29 (h) The fleet owner shall maintain records and provide information to the department as re-
30 quired by the department by rule and shall allow the department to audit the records of the owner
31 and conduct inspections at any reasonable time to determine compliance with requirements for fleet
32 registration.

33 (i) Vehicles shall be added to the fleet and transferred from the fleet according to procedures
34 established by the department by rule.

35 (j) The vehicles in the fleet shall be marked in compliance with any requirement for vehicle
36 markings the department determines necessary for identification of fleet vehicles.

37 (k) The department may adjust fee payments and registration periods for individual vehicles
38 added to a fleet registered under this section as the department determines necessary for adminis-
39 tration of the fleet registration.

40 (L) The fees for a fleet registered under this section are the same as the fees required if the
41 vehicles in the fleet are individually registered under the vehicle code.

42 (m) The department may charge a service charge for each vehicle entered into a fleet and a fleet
43 vehicle renewal charge for each vehicle in the fleet at the time of renewal. Fees described in this
44 paragraph are established under ORS 803.420.

45 (n) The department may schedule the time for payment of fleet registration fees in any manner

1 convenient to the department or the fleet owner.

2 (o) The fleet owner shall comply with any rules the department establishes for the registration
3 of vehicles in fleets under this section.

4 (p) The department shall cancel any registration under this section if the department determines
5 that the owner of the vehicles registered is not complying with any requirements for fleet registra-
6 tion established under this section or by the department.

7 *[(q) A fleet owner may certify compliance with pollution control requirements under ORS 815.310
8 in the manner provided under ORS 815.310 for vehicles registered under this section.]*

9 (r) **(q)** The department shall establish procedures for the reporting of odometer disclosures for
10 the vehicles in the fleet on a regular basis and for vehicles that are withdrawn from the fleet, if
11 odometer disclosures are otherwise required. The reports shall provide any information the depart-
12 ment determines by rule to be necessary. The department may establish any reporting time the de-
13 partment considers convenient, but shall attempt to establish periods with a frequency roughly
14 equivalent to those for renewal of vehicle registration. The department shall retain the odometer
15 information submitted under this section but need not print it on certificates of title or registration
16 cards.

17 (4) A fleet owner may request that the registration of all vehicles in the fleet expire in the same
18 month. Notwithstanding ORS 803.405 or any other provision of this section, if such a request is made
19 the department shall:

20 (a) Adjust the registration expiration date of all vehicles in the fleet.

21 (b) When a vehicle that is already registered in this state is added to the fleet, adjust the reg-
22 istration expiration date of the vehicle to correspond to that of other vehicles in the fleet.

23 (c) When a vehicle that has never before been registered in this state is added to the fleet, as-
24 sign a registration expiration date to the vehicle that corresponds to that of other vehicles in the
25 fleet.

26 (5) When the department adjusts or assigns registration expiration dates in accordance with
27 subsection (4) of this section, the department shall prorate all registration fees to reflect the ad-
28 justment or assignment.

29 (6) The department shall adopt rules necessary for the administration of this section. The rules
30 may include any rules that increase the convenience of administration or the convenience of the
31 registration process under this section.

32 **SECTION 9. (1) Section 2 of this 2025 Act, the amendments to ORS 468A.365, 468A.380,
33 468A.400, 805.120 and 815.310 and the repeal of ORS 468A.370 and 468A.387 become operative
34 on January 1, 2027.**

35 **(2) The Department of Environmental Quality and the Environmental Quality Commis-
36 sion may take any action before the operative date specified in subsection (1) of this section
37 that is necessary to enable the department and the commission to exercise, on and after the
38 operative date specified in subsection (1) of this section, all of the duties, functions and
39 powers conferred on the department and the commission by section 2 of this 2025 Act, the
40 amendments to ORS 468A.365, 468A.380, 468A.400, 805.120 and 815.310 and the repeal of ORS
41 468A.370 and 468A.387.**