

§ 205.59

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use and repair of the vehicle in order to provide reasonable assurance of the elimination or minimization of noise emission degradation throughout the life of the vehicle.

(2) The purpose of the instructions is to inform purchasers and mechanics of those acts necessary to reasonably assure that degradation of noise emission level is eliminated or minimized during the life of the vehicle. Manufacturers should prepare the instructions with this purpose in mind. The instructions should be clear and, to the extent practicable, written in nontechnical language.

(3) The instructions must not be used to secure an unfair competitive advantage. They should not restrict replacement equipment to original equipment or service to dealer service. Manufacturers who so restrict replacement equipment should be prepared to make public any performance specifications on such equipment.

(b) For the purpose of encouraging proper maintenance, the manufacturer shall provide a record or log book which shall contain a schedule for the performance of all required noise emission control maintenance. Space shall be provided in this record book so that the purchaser can note what maintenance was done, by whom, where and when.

[41 FR 15544, Apr. 13, 1976, as amended at 47 FR 57716, Dec. 28, 1982]

§ 205.59 Recall of noncomplying vehicles.

(a) Pursuant to section 11(d)(1) of the Act, the Administrator may issue an order to the manufacturer to recall and repair or modify any vehicle distrib-

uted in commerce not in compliance with this subpart.

(b) A recall order issued pursuant to this section shall be based upon a determination by the Administrator that vehicles of a specified category or configuration have been distributed in commerce which do not conform to the regulations. Such determination may be based on:

(1) A technical analysis of the noise emission characteristics of the category or configuration in question; or

(2) Any other relevant information, including test data.

(c) For the purposes of this section, noise emissions may be measured by any test prescribed in §205.54 for testing prior to sale or any other test which has been demonstrated to correlate with the prescribed test procedure.

(d) Any such order shall be issued only after notice and an opportunity for a hearing.

(e) All costs, including labor and parts, associated with the recall and repair or modification of non-complying vehicles under this section shall be borne by the manufacturer.

(f) This section shall not limit the discretion of the Administrator to take any other actions which are authorized by the Act.

APPENDIX I TO SUBPART B OF PART 205

TABLE I—SAMPLE SIZE CODE LETTERS

Batch size	Code letter
4 to 8	A.
9 to 15	B.
16 to 25	C.
26 and larger	D.

TABLE II—SAMPLING PLANS FOR INSPECTING BATCHES

Sample size code letter	Test sample	Test sample size	Cumulative test sample size	Batch inspection criteria	
				Acceptance No.	Rejection No.
A	1st	4	4	0	1
B	1st	3	3	0	1
C	1st	3	3	0	2
	2d	3	6	1	2
D	1st	2	2	(¹)	2
	2d	2	4	(¹)	2
	3d	2	6	0	2
	4th	2	8	0	3
	5th	2	10	1	3
	6th	2	12	1	3

TABLE II—SAMPLING PLANS FOR INSPECTING BATCHES—Continued

Sample size code letter	Test sample	Test sample size	Cumulative test sample size	Batch inspection criteria	
				Acceptance No.	Rejection No.
	7th	2	14	2	3

¹ Batch acceptance not permitted at this sample size.

TABLE III—BATCH SEQUENCE PLANS

Sample size code letter	Number of batches	Cumulative number of batches	Sequence inspection criteria	
			Acceptance No.	Rejection No.
A	2	2	1	(²)
	2	4	2	4
	2	6	3	5
	2	8	4	5
B	2	2	0	(²)
	2	4	1	4
	2	6	2	5
	2	8	3	5
	2	10	4	6
	2	12	5	6
C	2	2	(¹)	2
	2	4	0	2
	2	6	0	3
	2	8	1	3
	2	10	2	4
	2	12	3	4
D	2	2	0	2
	2	4	1	3
	2	6	2	4
	2	8	3	4
	2	10	4	4
	2	12	5	4

¹ Batch sequence acceptance not permitted for this number of batches.
² Batch sequence rejection not permitted for this number of batches.

TABLE IV—RECOMMENDED FORMAT FOR VEHICLE NOISE DATA SHEET

Test Report Number: Manufacturer:

VEHICLE:

Trade Name: VIN:

Model Year: Other Reference No:

Configuration Identification: Category Identification:

Test Site Identification and Location:

INSTRUMENTATION:

Microphone Manufacturer: Model No: Serial No:

Sound Level Manufacturer: Model No: Serial No:

Calibrator Manufacturer: Model No: Serial No:

Other and Manufacturer: Model No: Serial No:

TEST DATA:

Approach Gear: Date of Test:

Approach RPM: Temp: Wind:

Acceleration Test:

Deceleration Test:

Acceleration Test

		Run No.				
		1	2	3	4	5
dBA	Left					
	Right					

Highest RPM attained in End Zone

Calculated Sound Pressure dBA

Deceleration Test with Exhaust Brake Applied

dBA Left

Acceleration Test

	Run No.				
	1	2	3	4	5
Right					
Calculated Sound Pressure	dBA				
TEST Personnel:					
(Name)					
Recorded By:					Date:.....
(Signature)					
Supervisor:					Title:.....
(Signature)					

[41 FR 15544, Apr. 13, 1976, as amended at 42 FR 61460, Dec. 5, 1977]

Subpart C [Reserved]

Subpart D—Motorcycles

SOURCE: 45 FR 86708, Dec. 31, 1980, unless otherwise noted.

§ 205.150 Applicability.

(a) Except as otherwise provided in these regulations, the provisions of this subpart apply to 1983 and subsequent model year motorcycles manufactured after December 31, 1982, which meet the definition of “new product” in the Act.

(b) The provisions of this subpart do not apply to electric or battery-powered motorcycles.

(c) Except as provided in § 205.158, the provisions of this subpart do not apply to competition motorcycles as defined in § 205.151(a)(3).

§ 205.151 Definitions.

(a) As used in this subpart and in Subpart E, all terms not defined herein shall have the meaning given them in the Act or in Subpart A of this part.

(1) *Motorcycle* means any motor vehicle, other than a tractor, that:

- (i) Has two or three wheels;
- (ii) Has a curb mass less than or equal to 680 kg (1499 lb); and
- (iii) Is capable, with an 80 kg (176 lb) driver, of achieving a maximum speed of at least 24 km/h (15 mph) over a level paved surface.

(2) *Street motorcycle* means:

- (i) Any motorcycle that:
- (A) With an 80 kg (176 lb) driver, is capable of achieving a maximum speed

of at least 40 km/h (25 mph) over a level paved surface; and

(B) Is equipped with features customarily associated with practical street or highway use, such features including but not limited to any of the following: stoplight, horn, rear view mirror, turn signals; or

(ii) Any motorcycle that:

- (A) Has an engine displacement less than 50 cubic centimeters;
- (B) Produces no more than two brake horse power;
- (C) With a 80 kg (176 lb) driver, cannot exceed 48 km/h (30 mph) over a level paved surface.

(3) *Competition motorcycle* means any motorcycle designed and marketed solely for use in closed course competition events.

(4) *Off-road motorcycle* means any motorcycle that is not a street motorcycle or competition motorcycle.

(5) *Acceleration test procedure* means the measurement methodologies specified in Appendix I.

(6) *Acceptable quality level (AQL)* means the maximum allowable average percentage of vehicles or exhaust systems that can fail sampling inspection under a Selective Enforcement Audit.

(7) *Acoustical Assurance Period (AAP)* means a specified period of time or miles driven after sale to the ultimate purchaser during which a newly manufactured vehicle or exhaust system, properly used and maintained, must continue in compliance with the Federal standard.

(8) *Advertised Engine Displacement* means the rounded off volumetric engine capacity used for marketing purposes by the motorcycle manufacturer.

(9) *Category* means a group of vehicle configurations which are identical in