

**§ 600.304-77**

**40 CFR Ch. I (7-1-04 Edition)**

**§ 600.304-77 Section numbering, construction.**

The section numbering procedure set forth in § 600.004 applies to this subpart.

**§ 600.305-77 Recordkeeping.**

The recordkeeping requirements set forth in § 600.005 apply to this subpart.

**§ 600.306-86 Labeling requirements.**

(a) Prior to being offered for sale, each manufacturer shall affix or cause to be affixed and each dealer shall maintain or cause to be maintained on each automobile:

(1) A general fuel economy label (initial, or updated as required in § 600.314) as described in § 600.307(c) or:

(2) A specific label, as described in § 600.307(d), for those automobiles manufactured or imported before the date that occurs 15 days after general labels have been determined by the manufacturer.

(i) If the manufacturer elects to use a specific label within a model type (as defined in § 600.002(a)(19)), he shall also affix specific labels on all automobiles within this model type, except on those automobiles manufactured or imported before the date that labels are required to bear range values as required by paragraph (b) of this section, or determined by the Administrator, or as permitted under § 600.310.

(ii) If a manufacturer elects to change from general to specific labels or vice versa within a model type, the manufacturer shall, within five calendar days, initiate or discontinue as applicable, the use of specific labels on all vehicles within a model type at all facilities where labels are affixed.

(3) For any vehicle for which a specific label is requested which has a combined unadjusted fuel economy value at or below the minimum tax-free value, the following statement must appear on the specific label:

[Manufacturer's name] may have to pay IRS a Gas Guzzler Tax on this vehicle because of the low fuel economy.

(4)(i) At the time a general fuel economy value is determined for a model type, a manufacturer shall, except as provided in paragraph (a)(4)(ii) of this section, relabel, or cause to be relabeled, vehicles which:

(A) Have not been delivered to the ultimate purchaser, and

(B) Have a combined model type fuel economy value of 0.1 mpg or more below the lowest fuel economy value at which a Gas Guzzler Tax of \$0 is to be assessed.

(ii) The manufacturer has the option of relabeling vehicles during the first five working days after the general label value is known.

(iii) For those vehicle model types which have been issued a specific label and are subsequently found to have tax liability, the manufacturer is responsible for the tax liability regardless of whether the vehicle has been sold or not or whether the vehicle has been relabeled or not.

(b) The manufacturer shall include the current range of fuel economy of comparable automobiles (as described in §§ 600.311 and 600.314) in the label of each vehicle manufactured or imported more than 15 calendar days after the current range is made available by the Administrator.

(1) Automobiles manufactured before a date 16 or more calendar days after the initial label range is made available under § 600.311(c) may be labeled without a range of fuel economy of comparable automobiles. In place of the range of fuel economy of comparable automobiles, the label must contain a statement indicating that, as of the date of production or importation of this automobile, no range of fuel economy of comparable automobiles was available.

(2) Automobiles manufactured more than 15 calendar days after the initial or updated label range is made available under § 600.311 (c) or (d) will be labeled with the current range of fuel economy of comparable automobiles as approved for that label.

(c) The fuel economy label must be readily visible from the exterior of the automobile and remain affixed until the time the automobile is delivered to the ultimate consumer.

(1) The fuel economy label must be located on a side window. If the window is not large enough to contain both the Automobile Information Disclosure Act label and the fuel economy label, the manufacturer shall have the fuel

economy label affixed on another window and as close as possible to the Automobile Information Disclosure Act label.

(2) The fuel economy label information may be included with the Automobile Information Disclosure Act label if the prominence and legibility of the fuel economy label is maintained. For this purpose, all fuel economy label information must be placed on a separate section in the label and may not be intermixed with the Automobile Information Disclosure Act label information, except for vehicle descriptions as noted in § 600.307-86(c).

(3) The manufacturer shall have the fuel economy label affixed in such a manner that appearance and legibility are maintained until after the vehicle is delivered to the ultimate consumer.

[49 FR 13850, Apr. 6, 1984, as amended at 49 FR 48149, Dec. 10, 1984; 52 FR 47877, Dec. 16, 1987]

**§ 600.307-86 Fuel economy label format requirements.**

(a)(1) Fuel economy labels must be:

(i) Rectangular in shape with a minimum height of 4.5 inches (114 mm) and a minimum length of 7.0 inches (178 mm) as depicted in Appendix VIII.

(ii) Printed in a color which contrasts with the paper color.

(iii) The label shall have a contrasting border at least 0.25 inches (6.4 mm) wide.

(2) The top 50 percent of the total fuel economy label area shall contain only the following information and in the same format depicted in the label format in Appendix VIII:

(i) The titles "CITY MPG" and "HIGHWAY MPG", centered over the applicable fuel economy estimates, in bold caps 10 points in size,

(ii) The city and highway fuel economy estimates calculated in accordance with § 600.209 (a) and (b),

(iii) The fuel pump logo, and

(iv) The phrase "Compare this [vehicle/truck] to others in the FREE GAS MILEAGE GUIDE available at the dealer," shall be "dropped-out" of the top border as depicted in the sample label format in Appendix VIII. The phrase shall be in lower case in a medium condensed type except for the words "FREE GAS MILEAGE GUIDE"

which shall be capitalized in a bold condensed type and no smaller than 12 points in size.

(3) The bottom 50 percent of the label shall contain the following information:

(i) The [vehicle/truck] description, as described in paragraph (c) or (d) of this section, when applicable.

(ii)(A) A statement: "Actual mileage will vary with options, driving conditions, driving habits and [vehicle's/truck's] condition. Results reported to EPA indicate that the majority of [vehicle/truck] with these estimates will achieve between — and — mpg in the city, and between — and — mpg on the highway."

(B) The range values for this statement are to be calculated in accordance with the following:

(1) The lower range values shall be determined by multiplying the city and highway estimates by 0.85, then rounding to the next lower integer value.

(2) The upper range values shall be determined by multiplying the city and highway estimates by 1.15 and rounding to the next higher integer value.

(iii)(A) A statement: "For comparison shopping, all [vehicles/trucks] classified as [insert category as determined in § 600.315] have been issued mileage ratings ranging from — to — mpg city and — to — mpg highway." (The range values are those determined in accordance with § 600.311.) Or, when applicable,

(B) A statement: "A range of fuel economy values for other [vehicles/trucks] classified as [insert category as determined in § 600.315] is not available at this time." or by the statement: "Not available."

(iv)(A) The statement: "Estimated Annual Fuel Cost:" followed by the appropriate value calculated in accordance with paragraph (g) or (h) of this section.

(B) At the manufacturers option, it may include the fuel cost and the annual mileage interval used to determine the annual fuel cost.

(v) For the 1986 model year only, the statement: "Under EPA's previous fuel economy program, used prior to the 1985 model, year this [vehicle/truck] would have received a single estimate