(b) The manufacturer bears all cost obligation a dealer incurs as a result of a requirement imposed by paragraph (a) of this section. The transfer of any such cost obligation from a manufacturer to a dealer through franchise or other agreement is prohibited.

(c) Any inspection of an engine for purposes of paragraph (a)(1) of this section, after its sale to the ultimate purchaser, is to be made only if the owner of such vehicle or engine voluntarily permits such inspection to be made, except as may be provided by any state or local inspection program.

[64 FR 15251, Mar. 30, 1999]

Subpart J—Exclusion and Exemption of Nonroad Engines from Regulations

§ 90.901 Applicability.

The requirements of subpart J are applicable to all nonroad engines and vehicles subject to the provisions of subpart A of part 90.

§ 90.902 Definitions.

The definitions in subpart A of this part apply to this subpart. The following definitions also apply to this subpart:

Exemption means exemption from the prohibitions of § 90.1003.

Export exemption means an exemption granted under § 90.1004(b) for the purpose of exporting new nonroad engines.

National security exemption means an exemption granted under § 90.1004(b) for the purpose of national security.

Manufacturer-owned nonroad engine means an uncertified nonroad engine owned and controlled by a nonroad engine manufacturer and used in a manner not involving lease or sale by itself or in a vehicle employed from year to year in the ordinary course of business for product development, production method assessment, and market promotion purposes.

Testing exemption means an exemption granted under § 90.1004(b) for the purpose of research, investigations, studies, demonstrations or training, but not including national security.

§ 90.903 Exclusions, application of section 216 (10) and (11) of the Act.

(a) For the purpose of determining the applicability of section 216(10) of the Act, an internal combustion engine (including the fuel system) that is not used in a motor vehicle is deemed a nonroad engine, if it meets the definition in subpart A of this part. For the purpose of determining the applicability of section 216(11) of the Act, a vehicle powered by a nonroad engine is deemed a nonroad vehicle, if it meets the definition in subpart A of this part.

(b) EPA will maintain a list of models of nonroad engines and models of nonroad vehicles that have been determined to be excluded because they are used solely for competition. This list will be available to the public and may be obtained by writing to the following address: Group Manager, Engine Compliance Programs Group, Engine Programs and Compliance Division (6403J) Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(c) Upon written request with supporting documentation, EPA will make written determinations as to whether certain engines are or are not nonroad engines. Engines that are determined not to be nonroad engines are excluded from regulations under this part.

[61 FR 52102, Oct. 4, 1996]

§ 90.904 Who may request an exemption.

(a) Any person may request a testing exemption under § 90.905.

(b) Any nonroad engine manufacturer may request a national security exemption under § 90.908.

(c) For nonroad engine manufacturers, nonroad engines manufactured for export purposes are exempt without application, subject to the provisions of § 90.909.

(d) For eligible manufacturers, as determined by § 90.906, manufacturer-owned nonroad engines are exempt without application, subject to the provisions of § 90.906.

(e) For any person, display nonroad engines are exempt without application, subject to the provisions of § 90.907.