

§ 85.2238

40 CFR Ch. I (7-1-07 Edition)

§ 85.2238 are solely in effect. The following exceptions apply: In a state where the Administrator has approved a SIP revision providing for implementation of a basic centralized program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the requirements of this section are concurrently in effect until June 30, 1994, for 1995 and earlier model year vehicles or engines; in a state where the Administrator has approved a SIP revision providing for implementation of an enhanced program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the requirements of this section are concurrently in effect until December 31, 1995, for 1995 and earlier model year vehicles or engines.

(b) Upon failure of a short test, the vehicle's operator or owner shall be furnished with a test report containing:

(1) Vehicle description, including either license plate or manufacturer identification number, and odometer readings.

(2) Date of test.

(3) Name of individual or organization performing the test and location thereof.

(4) Type of short test performed.

(5) Test results, exhaust concentrations for each mode measured.

(c) The test report shall certify that the short test was performed in accordance with these regulations and it shall be signed by an individual who either performed the test or has actual knowledge of the performance of the test.

(d) For purposes of this section, "failure of a short test" means that the vehicle exceeded the standards in this subpart or the Inspection/Maintenance standards of the jurisdiction, whichever is less stringent.

[49 FR 24323, June 12, 1984. Redesignated and amended at 58 FR 58403, 58416, Nov. 1, 1993]

§ 85.2238 Test report—EPA 91.

(a) *Special calendar and model year applicability.* The requirements of § 85.2237 apply concurrently for tests conducted under Emission Performance Warranty on 1995 and earlier model year vehicles

or engines until December 31, 1993, after which the requirements of this section are solely in effect. The following exceptions apply: In a state where the Administrator has approved a SIP revision providing for implementation of a basic centralized program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the requirements of § 85.2237 are concurrently in effect until June 30, 1994 for 1995 and earlier model year vehicles or engines; in a state where the Administrator has approved a SIP revision providing for implementation of an enhanced program meeting the requirements of part 51, subpart S of this chapter, according to the schedule specified in § 51.373 of this chapter, the requirements of § 85.2237 are concurrently in effect until December 31, 1995 for 1995 and earlier model year vehicles or engines.

(b) Upon failure of a short test, the vehicle's owner or operator must be furnished with a test report containing the information listed in paragraphs (b)(1) through (7) of this section.

(1) Vehicle description, including license plate number, vehicle identification number, weight class, and odometer reading.

(2) Date and time of test.

(3) Name or identification number of the individual performing the test and the location of the test station and lane.

(4) Type of emission test performed.

(5) Applicable emission test standards.

(6) Test results, including exhaust concentrations for each mode measured.

(i) The reported exhaust concentrations are that pair of passing exhaust concentrations or, if none are obtained, that pair of failing exhaust concentrations, for which the product of HC+(151*CO) is a minimum.

(ii) If a second-chance test is conducted the reported exhaust concentrations are those obtained from the second-chance test.

(7) A statement indicating the availability of warranty coverage as provided in section 207 of the Clean Air Act (42 U.S.C. 7541).

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(c) The test report must certify that the short test was performed in accordance with these regulations and, in the case of service station based programs, it must be signed by the individual who performed the test.

[58 FR 58416, Nov. 1, 1993]

Subpart X—Determination of Model Year for Motor Vehicles and Engines Used in Motor Vehicles Under Section 177 and Part A of Title II of the Clean Air Act

SOURCE: 60 FR 4738, Jan. 24, 1995, unless otherwise noted.

§ 85.2301 Applicability.

The definitions provided by this subpart are effective February 23, 1995 and apply to all light-duty motor vehicles and trucks, heavy-duty motor vehicles and heavy-duty engines used in motor vehicles, and on-highway motorcycles as such vehicles and engines are regulated under section 177 and Title II part A of the Clean Air Act.

§ 85.2302 Definition of model year.

Model year means the manufacturer's annual production period (as determined under § 85.2304) which includes January 1 of such calendar year, provided, that if the manufacturer has no annual production period, the term "model year" shall mean the calendar year.

§ 85.2303 Duration of model year.

A specific model year must always include January 1 of the calendar year for which it is designated and may not include a January 1 of any other calendar year. Thus, the maximum duration of a model year is one calendar year plus 364 days.

§ 85.2304 Definition of production period.

(a) The "annual production period" for all models within an engine family of light-duty motor vehicles, heavy-duty motor vehicles and engines, and on-highway motorcycles begins either: when any vehicle or engine within the engine family is first produced; or on January 2 of the calendar year pre-

ceding the year for which the model year is designated, whichever date is later. The annual production period ends either: When the last such vehicle or engine is produced; or on December 31 of the calendar year for which the model year is named, whichever date is sooner.

(b) The date when a vehicle or engine is first produced is the "Job 1 date," which is defined as that calendar date on which a manufacturer completes all manufacturing and assembling processes necessary to produce the first saleable unit of the designated model which is in all material respects the same as the vehicle or engine described in the manufacturer's application for certification. The "Job 1 date" may be a date earlier in time than the date on which the certificate of conformity is issued.

§ 85.2305 Duration and applicability of certificates of conformity.

(a) Except as provided in paragraph (b) of this section, a certificate of conformity is deemed to be effective and cover the vehicles or engines named in such certificate and produced during the annual production period, as defined in § 85.2304.

(b) Section 203 of the Clean Air Act prohibits the sale, offering for sale, delivery for introduction into commerce, and introduction into commerce, of any new vehicle or engine not covered by a certificate of conformity unless it is an imported vehicle exempted by the Administrator or otherwise authorized jointly by EPA and U.S. Customs Service regulations. However, the Act does not prohibit the production of vehicles or engines without a certificate of conformity. Vehicles or engines produced prior to the effective date of a certificate of conformity, as defined in paragraph (a) of this section, may also be covered by the certificate if the following conditions are met:

(1) The vehicles or engines conform in all material respects to the vehicles or engines described in the application for the certificate of conformity:

(2) The vehicles or engines are not sold, offered for sale, introduced into