

## Environmental Protection Agency

## § 85.2305

(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

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commerce, or delivered for introduction into commerce prior to the effective date of the certificate of conformity;

(3) The Agency is notified prior to the beginning of production when such production will start, and the Agency is provided full opportunity to inspect and/or test the vehicles during and after their production; for example, the Agency must have the opportunity to conduct selective enforcement auditing production line testing as if the vehicles had been produced after the effective date of the certificate.

(c) New vehicles or engines imported by an original equipment manufacturer after December 31 of the calendar year for which the model year was named are still covered by the certificate of conformity as long as the production of the vehicle or engine was completed before December 31 of that year. This paragraph does not apply to vehicles that may be covered by certificates held by independent commercial importers unless specifically approved by EPA.

(d) Vehicles or engines produced after December 31 of the calendar year for which the model year is named are not covered by the certificate of conformity for that model year. A new certificate of conformity demonstrating compliance with currently applicable standards must be obtained for these vehicles or engines even if they are identical to vehicles or engines built before December 31.

(e) The extended coverage period described here for a certificate of conformity (i.e., up to one year plus 364 days) is primarily intended to allow flexibility in the introduction of new models. Under no circumstances should it be interpreted that existing models may “skip” yearly certification by pulling ahead the production of every other model year.

**Subpart Y—Fees for the Motor Vehicle and Engine Compliance Program**

SOURCE: 69 FR 26248, May 11, 2004, unless otherwise noted.

**§ 85.2401 To whom do these requirements apply?**

(a) This subpart prescribes fees manufacturers must pay for the motor vehicle and engine compliance program (MVECP) activities performed by the EPA. The prescribed fees and the provisions of this subpart apply to manufacturers of:

(1) Light-duty vehicles (cars and trucks) (*See* 40 CFR part 86);

(2) Medium Duty Passenger Vehicles (*See* 40 CFR part 86);

(3) Complete gasoline-fueled highway heavy-duty vehicles (*See* 40 CFR part 86);

(4) Heavy-duty highway diesel and gasoline engines (*See* 40 CFR part 86);

(5) On-highway motorcycles (*See* 40 CFR part 86);

(6) Nonroad compression-ignition engines (*See* 40 CFR parts 89 and 1039);

(7) Locomotives (*See* 40 CFR part 92);

(8) Marine engines, excluding inboard & sterndrive engines (*See* 40 CFR parts 91 and 94, and MARPOL Annex VI, as applicable);

(9) Small nonroad spark-ignition engines (engines  $\leq$  19kW) (*See* 40 CFR part 90);

(10) Recreational vehicles (including, but not limited to, snowmobiles, all-terrain vehicles and off-highway motorcycles) (*See* 40 CFR part 1051);

(11) Heavy-duty highway gasoline vehicles (evaporative emissions certification only) (*See* 40 CFR part 86);

(12) Large nonroad spark-ignition engines (engines  $>$ 19 KW) (*See* 40 CFR part 1048); and

(13) Stationary internal combustion engines (*See* 40 CFR part 60, subpart III).

(b) This subpart applies to manufacturers that submit certification requests received by the agency on or after July 12, 2004.

(c) Certification requests which are complete, contain all required data, and are received prior to July 12, 2004 are subject to the provisions of 40 CFR part 86, subpart J.

(d) Nothing in this subpart will be construed to limit the Administrator’s authority to require manufacturer or confirmatory testing as provided in the Clean Air Act, including authority to require manufacturer in-use testing as