

## § 86.090-27

sold, offered for sale or otherwise introduced into commerce by a motor vehicle manufacturer to a secondary manufacturer if the motor vehicle manufacturer obtains written assurance from the secondary manufacturer that such vehicle will be converted to a nonroad vehicle or to a piece of nonroad equipment, as defined in 40 CFR part 89, before title is transferred to an ultimate purchaser. Failure of the secondary manufacturer to convert such vehicles to nonroad vehicles or equipment prior to transfer to an ultimate purchaser shall be considered a violation of section 203(a) (1) and (3) of the Clean Air Act.

(b)(1) Any system installed on or incorporated in a new motor vehicle (or new motor vehicle engine) to enable such vehicle (or engine) to conform to standards imposed by this subpart.

(i) Shall not in its operation or function cause the emission into the ambient air of any noxious or toxic substance that would not be emitted in the operation of such vehicle (or engine) without such system, except as specifically permitted by regulation; and

(ii) Shall not in its operation, function or malfunction result in any unsafe condition endangering the motor vehicle, its occupants, or persons or property in close proximity to the vehicle.

(2) In establishing the physically adjustable range of each adjustable parameter on a new motor vehicle (or new motor vehicle engine), the manufacturer shall ensure that, taking into consideration the production tolerances, safe vehicle driveability characteristics are available within that range, as required by section 202(a)(4) of the Clean Air Act.

(3) Every manufacturer of new motor vehicles (or new motor vehicle engines) subject to any of the standards imposed by this subpart shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicles (or motor vehicle engines) in accordance with good engineering practice to ascertain that such test vehicles (or test engines) will meet the requirements of

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this section for the useful life of the vehicle (or engine).

[54 FR 14460, Apr. 11, 1989, as amended at 61 FR 58106, Nov. 12, 1996]

### § 86.090-27 Special test procedures.

(a) The Administrator may, on the basis of written application by a manufacturer, prescribe test procedures, other than those set forth in this part, for any light-duty vehicle, light-duty truck, heavy-duty engine, or heavy-duty vehicle which the Administrator determines is not susceptible to satisfactory testing by the procedures set forth in this part.

(b) If the manufacturer does not submit a written application for use of special test procedures but the Administrator determines that a light-duty vehicle, light-duty truck, heavy-duty engine, or heavy-duty vehicle is not susceptible to satisfactory testing by the procedures set forth in this part, the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection in accordance with the provisions of § 86.090-22(c).

[54 FR 14481, Apr. 11, 1989]

### § 86.091-2 Definitions.

The definitions of § 86.090-2 remain effective. The definitions listed in this section apply beginning with the 1991 model year.

*Urban bus* means a heavy heavy-duty diesel-powered passenger-carrying vehicle with a load capacity of fifteen or more passengers and intended primarily for intra-city operation, i.e., within the confines of a city or greater metropolitan area. Urban bus operation is characterized by short rides and frequent stops. To facilitate this type of operation, more than one set of quick-operating entrance and exit doors would normally be installed. Since fares are usually paid in cash or tokens rather than purchased in advance in the form of tickets, urban buses would normally have equipment installed for collection of fares. Urban buses are also typically characterized by the absence of equipment and facilities for long distance travel, e.g., rest rooms, large luggage compartments,

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and facilities for stowing carry-on luggage. The useful life for urban buses is the same as the useful life for other heavy heavy-duty diesel engines.

[55 FR 30619, July 26, 1990]

### **§ 86.091-7 Maintenance of records; submittal of information; right of entry.**

(a) The manufacturer of any new motor vehicle (or new motor vehicle engine) subject to any of the standards or procedures prescribed in this subpart shall establish, maintain and retain the following adequately organized and indexed records.

(1) *General records.* (i) The records required to be maintained by this paragraph shall consist of:

(A) Identification and description of all certification vehicles (or certification engines) for which testing is required under this subpart.

(B) A description of all emission control systems which are installed on or incorporated in each certification vehicle (or certification engine).

(C) A description of all procedures used to test each such certification vehicle (or certification engine).

(ii) A properly filed application for certification, following the format prescribed by the US EPA for the appropriate model year, fulfills each of the requirements of this paragraph (a)(1).

(2) *Individual records.* (i) A brief history of each motor vehicle (or motor vehicle engine) used for certification under this subpart including:

(A) In the case where a current production engine is modified for use in a certification vehicle (or as a certification engine), a description of the process by which the engine was selected and of the modifications made. In the case where the engine for a certification vehicle (or certification engine) is not derived from a current production engine, a general description of the buildup of the engine (e.g., experimental heads were cast and machined according to supplied drawings, etc.). In both cases above, a description of the origin and selection process for carburetor, distributor, fuel system components, fuel injection components, emission control system components, smoke exhaust emission control system components, and exhaust

aftertreatment devices as applicable, shall be included. The required descriptions shall specify the steps taken to assure that the certification vehicle (or certification engine) with respect to its engine, drivetrain, fuel system, emission control system components, exhaust aftertreatment devices, smoke exhaust emission control system components, vehicle weight or any other devices or components, as applicable, that can reasonably be expected to influence exhaust or evaporative emissions, as applicable, will be representative of production vehicles (or engines) and that either all components and/or vehicles (or engine) construction processed, component inspection and selection techniques, and assembly techniques employed in constructing such vehicles (or engines) are reasonably likely to be implemented for production vehicles (or engines) or that they are as closely analogous as practicable to planned construction and assembly processed.

(B) A complete record of all emission tests performed (except tests performed by EPA directly), including test results, the date and purpose of each test, and the number of miles accumulated on the vehicle (or the number of hours accumulated on the engine).

(C) The date of each mileage (or service) accumulation run, listing the mileage (or number of operating hours) accumulated.

(D) [Reserved]

(E) A record and description of all maintenance and other servicing performed, giving the date of the maintenance or service and the reason for it.

(F) A record and description of each test performed to diagnose engine or emission control system performance, giving the date and time of the test and the reason for it.

(G) [Reserved]

(H) A brief description of any significant events affecting the vehicle (or engine) during any time in the period covered by the history not described by an entry under one of the previous headings including such extraordinary events as vehicle accidents (or accidents involving the engine) or dynamometer runaway.

(ii) Each such history shall be started on the date that the first of any of the