

111TH CONGRESS
1ST SESSION

S. 1809

To amend the Clean Air Act to promote the certification of aftermarket conversion systems and thereby encourage the increased use of alternative fueled vehicles.

IN THE SENATE OF THE UNITED STATES

OCTOBER 20, 2009

Mr. WICKER (for himself and Mr. INHOFE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Clean Air Act to promote the certification of aftermarket conversion systems and thereby encourage the increased use of alternative fueled vehicles.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Streamline Vehicle
5 Conversions Act”.

1 **SEC. 2. EMISSION CERTIFICATION REQUIREMENTS FOR**
 2 **AFTERMARKET CONVERSION SYSTEMS.**

3 Part A of title II of the Clean Air Act (42 U.S.C.
 4 7521 et seq.) is amended by adding at the end the fol-
 5 lowing:

6 **“SEC. 220. EMISSION CERTIFICATION REQUIREMENTS FOR**
 7 **AFTERMARKET CONVERSION SYSTEMS.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) AFTERMARKET CONVERSION SYSTEM.—

10 The term ‘aftermarket conversion system’ has the
 11 meaning given the term in section 85.502 of title 40,
 12 Code of Federal Regulations (as in effect on the
 13 date of enactment of this section).

14 “(2) AFTERMARKET CONVERSION TEST
 15 GROUP.—The term ‘aftermarket conversion test
 16 group’ means a group of vehicles or engines identi-
 17 fied pursuant to subsection (b)(4) for the purpose of
 18 testing aftermarket conversion systems.

19 “(b) CERTIFICATES OF CONFORMITY.—

20 “(1) IN GENERAL.—In the case of an
 21 aftermarket conversion system, the certificate of
 22 conformity issued by the Administrator for 1 or
 23 more aftermarket conversion test groups—

24 “(A) shall not expire; and

25 “(B) shall continue to apply in subsequent
 26 calendar years.

1 “(2) SUBSEQUENT RECERTIFICATION.—No re-
2 certification of an aftermarket conversion system
3 shall be required with respect to the aftermarket
4 conversion test group covered by the certificate.

5 “(3) NAME CHANGES.—The names of test
6 groups covered by a certificate of conformity de-
7 scribed in paragraph (1) shall not change from year
8 to year.

9 “(4) IDENTIFICATION OF MULTIPLE VEHICLE
10 MAKES, MODELS, MANUFACTURERS, AND STAND-
11 ARDS.—For purposes of aftermarket conversion, the
12 Administrator shall—

13 “(A) establish criteria for use in identi-
14 fying similar vehicle makes, models, original
15 equipment manufacturers, emission standards,
16 and different model years that may be used
17 under a single aftermarket conversion test
18 group; and

19 “(B) accept the aftermarket conversion
20 test group established under subparagraph (A)
21 on an aftermarket conversion system manufac-
22 turer application for a certificate of conformity.

23 “(c) CARRYOVER CERTIFICATION FOR ADDITIONAL
24 MODEL YEARS.—At the request of an aftermarket conver-
25 sion system manufacturer, the Administrator shall allow

1 the submission of previous vehicle emission test data and
2 on-board diagnostic II system test data for the certifi-
3 cation of additional model year vehicles if the aftermarket
4 conversion system manufacturer is able to demonstrate
5 that neither the aftermarket conversion system nor the de-
6 sign and specifications of the applicable vehicle model are
7 substantially different, from those identified in the origi-
8 nal certificate of conformity, in a way that could affect
9 the compliance of the aftermarket conversion system.

10 “(d) CARRY-ACROSS CERTIFICATION.—The Adminis-
11 trator shall promulgate regulations to allow an
12 aftermarket conversion system manufacturer to use emis-
13 sion test data and on-board diagnostic II system test data
14 generated for a single certified test group to serve as the
15 basis for certifying additional test groups upon a showing
16 that the additional test groups are sufficiently similar,
17 even if produced by different original equipment manufac-
18 turers.

19 “(e) USE OF ASSIGNED DETERIORATION FAC-
20 TORS.—A manufacturer of aftermarket conversion sys-
21 tems may use deterioration factors assigned by the Envi-
22 ronmental Protection Agency without regard to any sales
23 limits imposed on small-volume manufacturers.

24 “(f) WAIVER OF CERTAIN TESTING REQUIRE-
25 MENTS.—In certifying an aftermarket conversion system,

1 the Administrator shall waive any emission testing and
2 nonexhaust emission testing requirements pertaining to
3 the fuel on which the vehicle or engine was originally cer-
4 tified to run, if the aftermarket conversion system manu-
5 facturer is able to demonstrate that waiving the testing
6 requirements is appropriate.

7 “(g) ON-BOARD DIAGNOSTIC REQUIREMENTS.—The
8 Administrator shall promulgate regulations applicable to
9 on-board diagnostic systems for aftermarket conversion
10 systems that—

11 “(1) ensure that aftermarket conversion sys-
12 tems which are equipped with on-board diagnostic
13 systems are effective at monitoring critical emission
14 components;

15 “(2) take into account the inability of an
16 aftermarket conversion system manufacturer to ac-
17 cess proprietary on-board diagnostic technology of
18 an original equipment manufacturer; and

19 “(3) are sufficiently flexible to encourage the
20 increased use of alternative fueled vehicles.

21 “(h) OLDER VEHICLES.—

22 “(1) IN GENERAL.—Conversion of a vehicle out-
23 side of the useful life of the vehicle, as specified on
24 the certificate of conformity of the original equip-

1 ment manufacturer, to alternative fuel operation
2 shall not—

3 “(A) be considered to be tampering under
4 section 203, if the aftermarket conversion sys-
5 tem manufacturer or the person performing the
6 conversion is able to demonstrate that the de-
7 velopment and engineering sophistication of the
8 conversion technology is—

9 “(i) matched to an appropriate vehicle
10 or group of vehicles; and

11 “(ii) well-designed and installed in ac-
12 cordance with good engineering judgment
13 so that the installation of the aftermarket
14 conversion system does not degrade emis-
15 sion performance, as compared to the per-
16 formance of the vehicle or vehicles before
17 the conversion; or

18 “(B) require the issuance by the Adminis-
19 trator of any certificate of conformity.

20 “(2) LABEL.—Upon conversion of a vehicle de-
21 scribed in paragraph (1), the person performing the
22 conversion shall affix to the motor vehicle a label
23 that includes a statement that—

24 “(A) the vehicle has been equipped with an
25 aftermarket conversion system; and

1 “(B) the installation of that system oc-
2 curred outside of the useful life of the vehicle.

3 “(3) NO PRECLUSION OF ORDERS.—Nothing in
4 this section precludes the Administrator from
5 issuing an order to prohibit the manufacture, sale,
6 distribution, or installation of an aftermarket con-
7 version system if the Administrator has evidence
8 that the installation of the aftermarket conversion
9 system on a vehicle outside of the useful life of the
10 vehicle degrades emission performance.”.

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