

## § 85.1501

of the following year. The number of conversions is the sum of the calendar year intermediate age conversions, outside useful life conversions, and the same conversion model year certified clean alternative fuel conversions. The number of conversions will be added to any other vehicle and engine sales accounted for using 40 CFR 86.1838-01 or 40 CFR 86.098-14 as appropriate to determine small volume manufacturer or qualified small volume test group/engine family status.

(g) Conversion manufacturers who market conversion systems for use on vehicles/engines other than the test group/engine families and evaporative/refueling families covered by the compliance demonstration and notification may be liable for a tampering violation for each vehicle/engine to which conversion system is misapplied.

## Subparts G–O [Reserved]

## Subpart P—Importation of Motor Vehicles and Motor Vehicle Engines

AUTHORITY: 42 U.S.C. 7522, 7525, 7541, 7542(a) and 7601(a).

SOURCE: 52 FR 36156, Sept. 25, 1987, unless otherwise noted.

### § 85.1501 Applicability.

(a) Except where otherwise indicated, this subpart is applicable to motor vehicles offered for importation or imported into the United States for which the Administrator has promulgated regulations under 40 CFR part 86, subpart D or S, prescribing emission standards, but which are not covered by certificates of conformity issued under section 206(a) of the Clean Air Act (*i.e.*, which are nonconforming vehicles as defined in § 85.1502), as amended, and part 86 at the time of conditional importation. Compliance with regulations under this subpart shall not relieve any person or entity from compliance with other applicable provisions of the Clean Air Act. This subpart no longer applies for heavy-duty engines certified under 40 CFR part 86, subpart A, or 40 CFR part 1036; references in this subpart to “engines” therefore apply only for replacement

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engines intended for installation in motor vehicles that are subject to this subpart.

(b) Regulations prescribing further procedures for importation of motor vehicles and motor vehicle engines into the Customs territory of the United States, as defined in 19 U.S.C. 1202, are set forth at 19 CFR 12.73.

(c) References in this subpart to engine families and emission control systems shall be deemed to apply to durability groups and test groups as applicable for manufacturers certifying new light-duty vehicles, light-duty trucks, and Otto-cycle complete heavy-duty vehicles under the provisions of 40 CFR part 86, subpart S.

[52 FR 36156, Sept. 25, 1987, as amended at 64 FR 23919, May 4, 1999; 65 FR 59943, Oct. 6, 2000; 86 FR 34363, June 29, 2021; 88 FR 4471, Jan. 24, 2023]

### § 85.1502 Definitions.

(a) As used in this subpart, all terms not defined herein have the meanings given them in 19 CFR 12.73, in the Clean Air Act, as amended, and elsewhere in parts 85 and 86 of this chapter.

(1) *Act*. The Clean Air Act, as amended (42 U.S.C. 7401 *et seq.*).

(2) *Administrator*. The Administrator of the Environmental Protection Agency.

(3) *Certificate of conformity*. The document issued by the Administrator under section 206(a) of the Act.

(4) *Certificate holder*. The entity in whose name the certificate of conformity for a class of motor vehicles or motor vehicle engines has been issued.

(5) *The Federal Compliance Testing sequence (FCT)*. The testing sequence that incorporates all of the testing requirements of part 86 applicable at the time of an emissions test conducted pursuant to this subpart.

(6) *FTP*. The Federal Test Procedure at part 86.

(7) *Independent commercial importer (ICI)*. An importer who is not an original equipment manufacturer (OEM) (see definition below) or does not have a contractual agreement with an OEM to act as its authorized representative for the distribution of motor vehicles or motor vehicle engines in the U.S. market.

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(8) *Model year*. The manufacturer's annual production period (as determined by the Administrator) 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 in which a vehicle is modified. A certificate holder shall be deemed to have produced a vehicle or engine when the certificate holder has modified the nonconforming vehicle or engine.

(9) *Nonconforming vehicle or engine*. A motor vehicle or motor vehicle engine which is not covered by a certificate of conformity prior to final or conditional importation and which has not been finally admitted into the United States under the provisions of § 85.1505, § 85.1509 or the applicable provisions of § 85.1512. Excluded from this definition are vehicles admitted under provisions of § 85.1512 covering EPA approved manufacturer and U.S. Government Agency catalyst and O<sub>2</sub> sensor control programs.

(10) *Original equipment manufacturer (OEM)*. The entity which originally manufactured the motor vehicle or motor vehicle engine prior to conditional importation.

(11) *Original production (OP) year*. The calendar year in which the motor vehicle or motor vehicle engine was originally produced by the OEM.

(12) *Original production (OP) years old*. The age of a vehicle as determined by subtracting the original production year of the vehicle from the calendar year of importation.

(13) *Running changes*. Those changes in vehicle or engine configuration, equipment or calibration which are made by an OEM or ICI in the course of motor vehicle or motor vehicle engine production.

(14) *United States*. United States includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and the U.S. Virgin Islands.

(15) *Useful life*. A period of time/mileage as specified in part 86 for a nonconforming vehicle which begins at the time of resale (for a motor vehicle or motor vehicle engine owned by the ICI at the time of importation) or release to the owner (for a motor vehicle or

motor vehicle engine not owned by the ICI at the time of importation) of the motor vehicle or motor vehicle engine by the ICI after modification and/or test pursuant to § 85.1505 or § 85.1509.

(16) *Working day*. Any day on which Federal government offices are open for normal business. Saturdays, Sundays, and official Federal holidays are not working days.

(b) [Reserved]

[52 FR 36156, Sept. 25, 1987, as amended at 61 FR 5842, Feb. 14, 1996; 70 FR 40430, July 13, 2005]

### § 85.1503 General requirements for importation of nonconforming vehicles and engines.

(a) A nonconforming vehicle or engine offered for importation into the United States must be imported by an ICI who is a current holder of a valid certificate of conformity unless an exemption or exclusion is granted by the Administrator under § 85.1511 of this subpart or the vehicle is eligible for entry under § 85.1512.

(b) Final admission shall not be granted unless:

(1) The vehicle or engine is covered by a certificate of conformity issued in the name of the importer under part 86 and the certificate holder has complied with all requirements of § 85.1505; or

(2) The vehicle or engine is modified and emissions tested in accordance with the provisions of § 85.1509 and the certificate holder has complied with all other requirements of § 85.1509; or

(3) The vehicle or engine is exempted or excluded under § 85.1511; or

(4) The vehicle was covered originally by a certificate of conformity and is otherwise eligible for entry under § 85.1512.

(c) In any one certificate year (e.g., the current model year), an ICI may finally admit no more than the following numbers of nonconforming vehicles or engines into the United States under the provisions of § 85.1505 and § 85.1509, except as allowed by paragraph (e) of this section:

(1) 5 heavy-duty engines.

(2) A total of 50 light-duty vehicles, light-duty trucks, and medium-duty passenger vehicles.

(3) 50 highway motorcycles.