

(5) The term “ultimate purchaser” means, with respect to any new motor vehicle or new motor vehicle engine, the first person who in good faith purchases such new motor vehicle or new engine for purposes other than resale.

(6) The term “commerce” means (A) commerce between any place in any State and any place outside thereof; and (B) commerce wholly within the District of Columbia.

(7) VEHICLE CURB WEIGHT, GROSS VEHICLE WEIGHT RATING, LIGHT-DUTY TRUCK, LIGHT-DUTY VEHICLE, AND LOADED VEHICLE WEIGHT.—The terms “vehicle curb weight”, “gross vehicle weight rating” (GVWR), “light-duty truck” (LDT), light-duty vehicle,<sup>1</sup> and “loaded vehicle weight” (LVW) have the meaning provided in regulations promulgated by the Administrator and in effect as of November 15, 1990. The abbreviations in parentheses corresponding to any term referred to in this paragraph shall have the same meaning as the corresponding term.

(8) TEST WEIGHT.—The term “test weight” and the abbreviation “tw” mean the vehicle curb weight added to the gross vehicle weight rating (gvwr) and divided by 2.

(9) MOTOR VEHICLE OR ENGINE PART MANUFACTURER.—The term “motor vehicle or engine part manufacturer” as used in sections 7541 and 7542 of this title means any person engaged in the manufacturing, assembling or rebuilding of any device, system, part, component or element of design which is installed in or on motor vehicles or motor vehicle engines.

(10) NONROAD ENGINE.—The term “nonroad engine” means an internal combustion engine (including the fuel system) that is not used in a motor vehicle or a vehicle used solely for competition, or that is not subject to standards promulgated under section 7411 of this title or section 7521 of this title.

(11) NONROAD VEHICLE.—The term “nonroad vehicle” means a vehicle that is powered by a nonroad engine and that is not a motor vehicle or a vehicle used solely for competition.

(July 14, 1955, ch. 360, title II, §216, formerly §208, as added Pub. L. 89-272, title I, §101(8), Oct. 20, 1965, 79 Stat. 994; renumbered §212, and amended Pub. L. 90-148, §2, Nov. 21, 1967, 81 Stat. 503; renumbered §213, and amended Pub. L. 91-604, §§8(a), 10(d), 11(a)(2)(A), Dec. 31, 1970, 84 Stat. 1694, 1703, 1705; renumbered §214, Pub. L. 93-319, §10, June 22, 1974, 88 Stat. 261; renumbered §216, Pub. L. 95-95, title II, §224(d), Aug. 7, 1977, 91 Stat. 767; Pub. L. 101-549, title II, §223, Nov. 15, 1990, 104 Stat. 2503.)

#### CODIFICATION

Section was formerly classified to section 1857f-7 of this title.

#### AMENDMENTS

1990—Par. (1). Pub. L. 101-549, §223(b), inserted references to new nonroad vehicles or new nonroad engines.

Pars. (7) to (11). Pub. L. 101-549, §223(a), added pars. (7) to (11).

1970—Pub. L. 91-604, §11(a)(2)(A), substituted “part” for “subchapter”.

Par. (1). Pub. L. 91-604, §10(d)(1), inserted reference to section 7521 of this title.

Par. (3). Pub. L. 91-604, §10(d)(2), inserted provisions which defined such terms with respect to imported vehicles or engines.

1967—Pub. L. 90-148 inserted “as used in sections 7522, 7525, 7541, and 7542 of this title” after “manufacturer” in par. (1).

#### § 7551. Omitted

Section, Pub. L. 95-95, title II, §203, Aug. 7, 1977, 91 Stat. 754; Pub. L. 97-375, title I, §106(a), Dec. 21, 1982, 96 Stat. 1820, which required the Administrator of the Environmental Protection Agency to report to Congress respecting the motor vehicle fuel consumption associated with the standards applicable for the immediately preceding model year, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, the 5th item on page 165 of House Document No. 103-7. Section was enacted as part of the Clean Air Act Amendments of 1977, and not as part of the Clean Air Act which comprises this chapter.

#### § 7552. Motor vehicle compliance program fees

##### (a) Fee collection

Consistent with section 9701 of title 31, the Administrator may promulgate (and from time to time revise) regulations establishing fees to recover all reasonable costs to the Administrator associated with—

(1) new vehicle or engine certification under section 7525(a) of this title or part C,

(2) new vehicle or engine compliance monitoring and testing under section 7525(b) of this title or part C, and

(3) in-use vehicle or engine compliance monitoring and testing under section 7541(c) of this title or part C.

The Administrator may establish for all foreign and domestic manufacturers a fee schedule based on such factors as the Administrator finds appropriate and equitable and nondiscriminatory, including the number of vehicles or engines produced under a certificate of conformity. In the case of heavy-duty engine and vehicle manufacturers, such fees shall not exceed a reasonable amount to recover an appropriate portion of such reasonable costs.

##### (b) Special Treasury fund

Any fees collected under this section shall be deposited in a special fund in the United States Treasury for licensing and other services which thereafter shall be available for appropriation, to remain available until expended, to carry out the Agency’s activities for which the fees were collected.

##### (c) Limitation on fund use

Moneys in the special fund referred to in subsection (b) shall not be used until after the first fiscal year commencing after the first July 1 when fees are paid into the fund.

##### (d) Administrator’s testing authority

Nothing in this subsection shall be construed to limit the Administrator’s authority to require manufacturer or confirmatory testing as provided in this part.

(July 14, 1955, ch. 360, title II, §217, as added Pub. L. 101-549, title II, §225, Nov. 15, 1990, 104 Stat. 2504.)

<sup>1</sup> So in original. Probably should be set off by quotation marks.