

## Environmental Protection Agency

## § 86.410-90

(5) This exemption may not be used to circumvent the requirements of paragraph (a) of this section or the requirements of the Clean Air Act.

[69 FR 2435, Jan. 15, 2004]

### § 86.408-78 General standards; increase in emissions; unsafe conditions.

(a) Any system installed on or incorporated in a new motorcycle to enable such vehicle to conform to standards imposed by this subpart:

(1) 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 without such system, except as specifically permitted by regulation; and

(2) Shall not in its operation, function, or malfunction result in any unsafe condition endangering the motorcycle, its rider(s), or persons or property in close proximity to the vehicle.

(b) Every manufacturer of new motorcycles 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 motorcycles in accordance with good engineering practice to ascertain that such test vehicles will meet the requirements of this section for the useful life of the vehicle.

### § 86.409-78 Defeat devices, prohibition.

(a) No motorcycle shall be equipped with a defeat device.

(b) Defeat device means any element of design which:

(1) Senses temperature, vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purpose of activating, modulating, delaying or deactivating the operation of any part of the emission control system and

(2) Reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal urban vehicle operation and use, unless

(i) Such conditions are substantially included in the Federal emission test procedure, or

(ii) The need for the device is justified in terms of protecting the vehicle against damage or accident, or

(iii) The device does not go beyond the requirements of engine starting or warm-up.

### § 86.410-80 Emission standards for 1980 and later model year motorcycles.

(a)(1) Exhaust emissions from 1980 and later model year motorcycles shall not exceed:

(i) *Hydrocarbons*. 5.0 grams per vehicle kilometre.

(ii) *Carbon monoxide*. 12 grams per vehicle kilometre.

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over driving schedules as set forth in subpart F and measured and calculated in accordance with those procedures.

(b) No crankcase emissions shall be discharged into the ambient atmosphere from any new motorcycle subject to this subpart.

[42 FR 1126, Jan. 5, 1977, as amended at 49 FR 48138, Dec. 10, 1984]

### § 86.410-90 Emission standards for 1990 and later model year motorcycles.

(a)(1) Exhaust emissions from 1990 and later model year gasoline-fueled, natural gas-fueled and liquefied petroleum gas-fueled motorcycles shall not exceed (compliance with these standards is optional prior to the 1997 model year for natural gas-fueled and liquefied petroleum gas-fueled motorcycles):

(i) *Hydrocarbons*. 5.0 grams per vehicle kilometer.

(ii) *Carbon monoxide*. 12 grams per vehicle kilometer.

(2) Exhaust emissions from 1990 and later model year methanol-fueled motorcycles shall not exceed:

(i) *Total hydrocarbon equivalent*. 5.0 grams per vehicle kilometer.

(ii) *Carbon monoxide*. 12 grams per vehicle kilometer.

(3) The standards set forth in paragraphs (a) (1) and (2) of this section refer to the exhaust emitted over driving schedule as set forth in subpart F and measured and calculated in accordance with those procedures.