

maintenance), without a driver, pursuant to a contract.

New covered fleet vehicle means a vehicle that has not been previously controlled by the current purchaser, regardless of the model year, except as follows: Vehicles that were manufactured before the start of the fleet program for such vehicle's weight class, vehicles transferred due to the purchase of a company not previously controlled by the purchaser or due to a consolidation of business operations, vehicles transferred as part of an employee transfer, or vehicles transferred for seasonal requirements (i.e., for less than 120 days) are not considered new. States are permitted to discontinue the use of the fourth exception for fleet operators who abuse the discretion afforded them. This definition of new covered fleet vehicle is distinct from the definition of new vehicle as it applies to manufacturer certification, including the certification of vehicles to the clean fuel standards.

Owned or operated, leased or otherwise controlled by such person means either of the following:

- (1) Such person holds the beneficial title to such vehicle; or
- (2) Such person uses the vehicle for transportation purposes pursuant to a contract or similar arrangement, the term of such contract or similar arrangement is for a period of 120 days or more, and such person has control over the vehicle pursuant to the definition of control of this section.

Person includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.

Under normal circumstances garaged at personal residence means a vehicle that, when it is not in use, is normally parked at the personal residence of the individual who usually operates it, rather than at a central refueling, maintenance, and/or business location. Such vehicles are not considered to be capable of being centrally fueled (as defined in this subpart) and are exempt from the program unless they are, in fact, centrally fueled.

Vehicle used for motor vehicle manufacturer product evaluations and tests means a vehicle that is owned and operated by a motor vehicle manufacturer (as defined in section 216(1) of the Act), or motor vehicle component manufacturer, or owned or held by a university research department, independent testing laboratory, or other such evaluation facility, solely for the purpose of evaluating the performance of such vehicle for engineering, research and development, or quality control reasons.

[58 FR 64691, Dec. 9, 1993, as amended at 59 FR 50080, Sept. 30, 1994]

§ 88.303-93 Abbreviations.

The abbreviations in subpart A of this part and in 40 CFR part 86 apply to this subpart. The abbreviations in this section apply to this subpart.

ILEV—Inherently Low-Emission Vehicle.

§ 88.304-94 Clean-fuel Fleet Vehicle Credit Program.

(a) *General.* (1) The SIP revision shall provide for a CFFV credit program to enable covered fleet owners/operators to meet the fleet vehicle purchase requirements of the CAA both by purchasing clean-fuel vehicles (CFVs) directly and by trading and banking CFFV credits for vehicle purchases.

(2) All credit-generating vehicles must meet the applicable emission standards and other requirements contained in 40 CFR part 88, subpart A.

(b) *Program administration.* (1)(i) Each state in which there is all or part of a covered area, as defined in CAA section 246(a)(2), shall promulgate regulations as necessary for implementing this requirement.

(ii) The state shall submit a SIP revision before May 15, 1994 to the Administrator stipulating the specific mechanism by which the CFFV program is to be administered and enforced. The credit program shall commence upon EPA approval of the SIP in accordance with CAA section 246(f)(5).

(2) A fleet owner who purchases/leases a CFFV only to generate CFFV credit shall be subject to the same requirements of the state's CFFV program as a covered fleet owner who purchases/leases a CFFV to demonstrate