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EPA for the Layman

Continued from Nov '05 issue

What is meant by "one exempt kit bike for a lifetime?"

This refers to the wording of the new EPA rule that allows for the construction of your kit bike and it refers to your lifetime. You are allowed one EPA-exempt kit motorcycle that has no restrictions on how and where it may be used under this rule. The exemption is for the motorcycle owner's lifetime. When and if a new rule comes out that addresses engine certification, the lifetime exemption may be rewritten.

Do I have to assemble my EPA exempt kit bike myself?

No, you do not have to assemble your kit bike yourself. You can pay someone else to assemble your kit bike after you purchase the "kit" or components that will be assembled into the final motorcycle.

Can I build EPA-exempt kit bikes and sell them?

Under this rule, building EPA-exempt kit bikes and selling them to other people would not be allowed. The ultimate owner must own

the components before the assembly process begins. You can build as many kit bikes as there are people who are willing to pay you to assemble their components. People or businesses that purchase kit bikes to assemble and then sell them are not covered under this exemption, but may be able to use the "custom motorcycle" exemption explained later in this document.

What happens if my EPA-exempt kit bike is wrecked or stolen?

The way this new EPA rule is written now, you would not be able to replace your stolen or destroyed EPA-exempt motorcycle. You are only allowed one EPA-exempt kit bike in your lifetime under the new EPA rule.

What if a court orders me to sell my EPA-exempt motorcycle?

Under this federal law, you are not allowed to sell your EPA-exempt kit bike for five years after the date of final assembly, even in case of death, bankruptcy, or divorce. After five years, your EPA-exempt motorcycle can be sold. If you do sell your EPA-exempt kit bike, you will not be allowed to own another exempt kit motorcycle.

Will I be able to build my one EPA-exempt motorcycle whenever I choose?

That is going to depend on how the EPA looks at the data California brings to the process in 2006. The California Air Resources Board (CARB) has similar rules that take effect in 2004 and will be up for review in 2006. The EPA is planning to review this data and other exemptions when CARB reviews the effectiveness of their regulations. When that review is completed, the EPA may choose to regulate all motorcycle engine manufacturers at that time so that all engines, including those built by the aftermarket industry, will be required to meet the EPA's emissions standards when they leave the factory. If they decide on that course of action, they feel the exemption for kit bikes will no longer be needed because there will only be EPA-compliant engines available for builders. The California process will not have anything to do with the exemption. When and if the EPA sets standards for engines, the kit exemption would likely go away.

Are there any other exemptions that might affect me?

There is one other type of exemption that will apply to riders, and that is the "custom motorcycle" (CM). This is like the kit bike in that it does not have to meet the EPA emissions standards, but different in several other important ways. A builder may build 24 or fewer per year and sell them commercially by notifying the EPA and including a tag somewhere on the motorcycle stating: THIS MOTORCYCLE IS EXEMPT FROM EPA EMISSIONS REQUIREMENTS. ITS USE ON PUBLIC ROADS IS LIMITED PURSUANT TO 40 CFR 86.407-78(c). The 25th and all subsequent motorcycles built that year by that builder must all comply with the new emissions standards. An individual can own as many of the CM exemption motorcycles as he/she can afford. However, there are severe restrictions on how and where they can be used on the roads. Use on public roads is limited to display purposes, such as traveling to and from motorcycle shows. This could be a show in your hometown or a show on the other side of the country. The distance does not matter, only the reason for the travel.

Do I have to buy the components for my CM before the assembly starts?

No, the builder can buy all the parts and build the motorcycle before he/she even has a customer for it. However, when done in this manner, the travel restrictions will apply to this motorcycle for as long as this rule is in effect. The motorcycle will have to comply with the restrictions on public road use.

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