**Section 241.102 Definitions**

"Adjusted loaded vehicle weight (ALVW)" means the numerical average of the vehicle curb weight and the GVWR, as designated by the manufacturer.

"Capable of being centrally fueled" means a motor vehicle that could be refueled 100 percent of the time at a location that is owned, operated, or controlled by the covered fleet owner or operator, or is under contract with the covered fleet owner or operator. Motor vehicles that are under normal conditions garaged at a personal residence are not considered to be capable of being centrally fueled and are exempt from the program unless they are, in fact, centrally fueled. The fact that one or more motor vehicles in a fleet are not capable of being centrally fueled does not exempt an entire fleet from the program. To determine whether a motor vehicle is capable of being centrally fueled 100 percent of the time, the owner or operator shall perform the following calculation for each motor vehicle in the fleet for which an exemption under Section 241.111(a)(10) is being claimed, and, annually thereafter, if additional new covered fleet vehicles are acquired and an exemption is claimed under Section 241.111(a)(10):

For each motor vehicle, sum the miles it is driven for a three month period beginning May 1, or the first day of the first full month in which the fleet may be covered.

Divide total miles for the given time period for each motor vehicle by its number of round trips. A round trip occurs each time a motor vehicle leaves its location or a contracted refueling station and returns to its location or a contracted refueling station.

If the average number of miles per round trip for the motor vehicle is less than 300 miles, then the motor vehicle is capable of being centrally fueled.

"Centrally fueled" means a motor vehicle that is fueled 100 percent of the time at a location that is owned, operated, or controlled by the covered fleet owner or operator, or is under contract with the covered fleet owner or operator. Any motor vehicle that is under normal operations garaged at a personal residence at night but that is, in fact, centrally fueled 100 percent of the time shall be considered to be centrally fueled for the purpose of this definition. The fact that one or more motor vehicles in a fleet are not centrally fueled does not exempt an entire fleet from the program.

"Clean alternative fuel" means any fuel (including methanol; ethanol; or other alcohols containing 85 percent or more by volume of such alcohol with gasoline or other fuels; reformulated gasoline; diesel; natural gas; liquefied petroleum gas; and hydrogen) or power source (including electricity) used in a clean fuel vehicle that complies with the standards and requirements applicable to such motor vehicle under this Part when using such fuel or power source. In the case of any flexible fueled vehicle or dual fueled vehicle, the term "clean alternative fuel" means only a fuel with respect to which such motor vehicle was certified as a clean fuel vehicle meeting the emission standards applicable to such motor vehicle weight class as set forth in Appendix A and in 40 CFR Part 88, Subpart A, incorporated by reference at Section 241.104 of this Subpart, when operating on clean alternative fuel.

"Clean fuel vehicle" means a motor vehicle in a class or category of motor vehicles (e.g., LDVs, LDTs, or HDVs) which have been certified by USEPA to meet the clean fuel vehicle standards applicable under Subpart B of this Part.

"Control" shall have the following meanings:

When it is used to join all entities under common management, means any one or a combination of the following:

Any person that has equity ownership of 51 percent or more in each of two or more firms;

Two or more firms have common officers, in whole or in substantial part, who are responsible for the day-to-day operation of the companies; or

One firm leases, operates, supervises or in 51 percent or greater part owns equipment and/or facilities used by another person or firm, or has equity ownership of 51 percent or more of another firm.

When it is used to refer to the management of motor vehicles, means a person has the authority to decide who can operate a particular motor vehicle, and the purposes for which the motor vehicle can be operated.

When it is used to refer to the management of people, means a person has the authority to direct the activities of another person or employee in a precise situation, such as at the workplace.

"Covered area" means the Chicago area counties of Cook, DuPage, Kane, Lake, McHenry and Will and the Townships of Aux Sable and Goose Lake in Grundy County and the Township of Oswego in Kendall County.

"Covered fleet" means ten or more covered fleet vehicles which are owned or operated by a person. In determining the number of covered fleet vehicles owned or operated by a person for purposes of this Part, all motor vehicles owned or operated, leased or otherwise controlled by such person, and by any person who controls such person, and by any person under common control with such person, shall be treated as owned by such person. Covered fleets include distributed and partially covered fleets.

"Covered fleet owner or operator" means a person who operates, owns, or controls a fleet of at least ten covered fleet vehicles that are located or primarily operated in the covered area (even if the covered fleet vehicles are garaged outside of the covered area).

"Covered fleet vehicle" means a motor vehicle which is:

In a vehicle class for which standards are applicable under this Part; and

In a covered fleet which is centrally fueled or capable of being centrally fueled. Covered fleet vehicle shall not include motor vehicles exempt under Section 241.111 of this Part.

"Curb weight" means the empty weight of the motor vehicle, without load or passengers, as designated by the manufacturer.

"Date of vehicle acquisition" means the date on which legal or equitable title was transferred to the current owner or operator of the motor vehicle.

"Dealer" means any person whose primary business is in the sale or the distribution of motor vehicles to a purchaser or an ultimate purchaser.

"Dealer demonstration vehicle" means any motor vehicle that is operated by a dealer solely for the purpose of promoting motor vehicle sales, either on the sales lot or through other marketing or sales promotions, or for permitting potential purchasers to drive the motor vehicle for pre-purchase or pre-lease evaluation.

"Distributed fleet" means a fleet which is owned by a person or covered fleet owner or operator, but whose motor vehicles are operated in the covered area from different locations. A distributed fleet is considered to be a covered fleet if it consists of ten or more covered fleet vehicles which are located in or primarily operated in the covered area.

"Dual fueled vehicle" means any motor vehicle engineered and designed, or converted in accordance with Sections 241.113(e) and 241.114 of this Part, such that it may be operated on two different fuels, but not on a mixture of the fuels.

"Emergency vehicle" means any motor vehicle that is legally authorized by a governmental authority to exceed the speed limit to transport people and equipment to and from situations in which speed is required to save lives or property, such as a rescue vehicle, fire truck, or ambulance.

"Fleet" means 10 or more motor vehicles that are under the control of a person.

"Flexible fueled vehicle" means any motor vehicle engineered and designed, or converted in accordance with Sections 241.113(e) and 241.114 of this Part, such that it may be operated on any mixture of two or more different fuels.

"Gross Vehicle Weight Rating (GVWR)" means the total vehicle weight, including the maximum load, as designated by the original equipment manufacturer.

"Heavy-duty vehicle (HDV)" means a motor vehicle whose GVWR is more than 8,500 lbs but less than or equal to 26,000 lbs. Emission standards and credit values for HDVs are set forth in the tables found in Appendices A and B, respectively, of this Part.

"Inherently Low Emission Vehicle (ILEV)" means any LDV or LDT certified to the applicable ILEV evaporative emission standard found in 40 CFR Part 88, incorporated by reference at Section 241.104 of this Subpart, or any HDV with an engine certified to the applicable ILEV standard. No dual fueled or flexible fueled vehicle shall be considered an ILEV unless it is certified to the applicable standard(s) (i.e., LEV, ULEV or ZEV) for such weight class on all fuel types for which it is designed to operate.

"Law enforcement vehicle" means any motor vehicle which is primarily operated by a civilian or military police officer or sheriff, or by personnel of the Federal Bureau of Investigation, the Drug Enforcement Administration, or other agencies of the federal government, or by state highway patrols, municipal law enforcement agencies, or other similar law enforcement agencies, and which is used for the purpose of law enforcement activities including, but not limited to, chase, apprehension, surveillance, or patrol of people engaged in or potentially engaged in unlawful activities.

"Light-duty truck (LDT)" means a motor vehicle whose GVWR is no more than 8,500 lbs. Emission standards and credit values for LDTs are set forth in the tables found in Appendices A and B, respectively, of this Part.

"Light-duty vehicle (LDV)" means a motor vehicle whose GVWR is no more than 6,000 lbs. Emission standards and credit values are set forth in the tables found in Appendices A and B, respectively, of this Part.

"Loaded vehicle weight (LVW)" means the curb weight of the vehicle, as specified by the manufacturer, plus 300 lbs.

"Location" means any building, structure, facility, or installation which is owned or operated by a person, or is under the control of a person, or is located on one or more contiguous properties and contains or could contain a fueling pump(s) or system for the use of the vehicles owned or controlled by that person.

"Low Emission Vehicle (LEV)" means any LDV or LDT, or any HDV with an engine certified to the applicable federal low emission vehicle standard, as set forth in Appendix A of this Part and in 40 CFR Part 88, incorporated by reference in Section 241.104 of this Subpart.

"Manufacturer" means any person engaged in the manufacturing or assembling of new motor vehicles, new motor vehicle engines, new nonroad vehicles or new nonroad engines; or importing such vehicles or engines for resale; or who acts for and is under the control of any such person in connection with the distribution of new motor vehicles, new motor vehicle engines, new nonroad vehicles or new nonroad engines, but shall not include any dealer with respect to new motor vehicles, new motor vehicle engines, new nonroad vehicles, or new nonroad engines received by such dealer in commerce.

"Model year (MY)" means September 1 of any year through August 31 of the following year (e.g., September 1, 1997 through August 31, 1998 is MY 1998).

"Motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway.

"Motor vehicle held for lease or rental to the general public" means a motor vehicle that is owned or controlled primarily for the purpose of short-term rental or extended-term leasing (with or without maintenance), without a driver, pursuant to a contract.

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

"New motor vehicle" means a motor vehicle the equitable or legal title to which has never been transferred to an ultimate purchaser.

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

Such person holds the beneficial title to such motor vehicle; or

Such person uses the motor vehicle for transportation purposes pursuant to a contract or similar arrangement, and the term of such contract or similar arrangement is for a period of 120 days or more, and such person has control over the motor vehicle.

"Partially-covered fleet" means a fleet of 10 or more motor vehicles that is located or primarily operated in the covered area and which contains both covered fleet vehicles and exempted fleet vehicles.

"Person" means 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.

"Primarily operated in the covered area" means at least 75 percent of the miles driven annually by a nonexempt motor vehicle are in the covered area. To determine whether a motor vehicle is primarily operated in the covered area, the owner or operator of a covered fleet shall, for each motor vehicle that it is claiming is not primarily operated in the covered area, perform the following calculation:

Sum the number of miles the motor vehicle is driven annually in the covered area;

Sum the number of miles the motor vehicle is driven annually outside of the covered area; and

If the annual number of miles driven in the covered area is at least 75% of all miles driven annually by the motor vehicle, then the motor vehicle is considered to be primarily operated in the covered area.

"Ultimate purchaser" means with respect to a new motor vehicle, the first person who in good faith purchases such new motor vehicle or new engine for purposes other than resale.

"Ultra Low Emission Vehicle (ULEV)" means any LDV or LDT, or any HDV with an engine certified to the applicable federal ultra low emission vehicle standard, as set forth in Appendix A of this Part and in 40 CFR Part 88, Subpart A, incorporated by reference in Section 241.104 of this Subpart.

"Under normal conditions garaged at a personal residence" means a motor 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.

"Vehicle used for motor vehicle manufacturer product evaluations and tests" means a motor vehicle that is owned and operated by a motor vehicle manufacturer 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 motor vehicle for engineering, research and development, or quality control reasons.

"Zero Emission Vehicle (ZEV)" means any LDV or LDT, or any HDV certified to the applicable federal zero emission vehicle standard, as set forth in Appendix A of this Part and in 40 CFR Part 88, Subpart A, incorporated by reference in Section 241.104 of this Subpart.