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Authority: 42 U.S.C. 7191, 13235, 13251,

13257, 13258, 13260–3.

## Subpart A—General Provisions

## §490.1 Purpose and Scope.

(a) The provisions of this part implement the alternative fuel transportation program under titles III, IV, V, and VI of the Energy Policy Act of 1992. (Pub. L. 102–486)

(b) The provisions of this subpart cover the definitions applicable throughout this part and procedures to obtain an interpretive ruling and to petition for a generally applicable rule to amend this part.

## §490.2 Definitions.

The following definitions apply to this part—

Act means the Energy Policy Act of 1992 (Pub. L. 102–486) and any amendments thereof.

After-Market Converted Vehicle means an Original Equipment Manufacturer vehicle that is reconfigured by a conversion company, which is not under contract to the Original Equipment Manufacturer, to operate on an alternative fuel and whose conversion kit components are under warranty of the conversion company.

Alternative Fuel means methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coalderived liquid fuels; fuels (other than alcohol) derived from biological materials; and electricity (including electricity from solar energy).

Alternative Fueled Vehicle means a dedicated vehicle or a dual fueled vehicle.

Assistant Secretary means the Assistant Secretary for Energy Efficiency and Renewable Energy or any other DOE official to whom the Assistant Secretary's duties under this part may be redelegated by the Secretary.

Capable of Being Centrally Fueled means a vehicle can be refueled at least 75 percent of its time at a location, that is owned, operated, or controlled by the fleet or covered person, or is under contract with the fleet or covered person for refueling purposes, including commercial fleet credit card agreements.

*Centrally Fueled* means that the vehicle is fueled at least 75 percent of the time at a location that is owned, operated, or controlled by the fleet or covered person, or is under contract with the fleet or covered person for refueling purposes, including commercial fleet credit card agreements.

*Control* means—

(1) When it is used in the context determining whether one person controls another or whether two persons are under common control, means any one or a combination of the following:

(i) A third person or firm has equity ownership of 51 percent or more in each of two firms; or

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

(iii) 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.

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

(3) When it 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 the workplace.

*Covered Person* means a person that owns, operates, leases, or otherwise controls—

(1) A fleet, as defined by this section, that contains at least 20 light duty motor vehicles that are centrally fueled or capable of being centrally fueled, and are used primarily within a metropolitan statistical area or a consolidated metropolitan statistical area, as established by the Bureau of the Census, with a 1980 population of 250,000 or more as set forth in Appendix A to this subpart or in a **Federal Register** notice; and

(2) at least 50 light duty motor vehicles within the United States, as defined by this section.

Dealer Demonstration Vehicle means any vehicle that is operated by a motor vehicle 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 vehicle for pre-purchase or pre-lease evaluation. Dedicated Vehicle means—

(1) A dedicated automobile as defined in section 513(h)(1)(C) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2013(h)(1)(C)); or

(2) A motor vehicle, other than an automobile, that operates solely on alternative fuel.

*DOE* means the Department of Energy. *Dual Fueled Vehicle* means—

(1) A dual fueled automobile which is capable of operating on alternative fuel and on gasoline or diesel fuel and as defined in section 513(h)(1)(D) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. § 2013(h)(1)(D)); or

(2) A motor vehicle, other than an automobile, that is capable of operating on alternative fuel and on gasoline or diesel fuel including flexible-fuel vehicles that operate on a mixture of an alternative fuel and a petroleum-based fuel or bi-fuel vehicles that can be switched to operate on either an alternative fuel or a petroleum-based fuel.

*Electric-hybrid Vehicle* means a vehicle primarily powered by an electric motor that draws current from rechargeable storage batteries, fuel cells or other sources of electric current and also relies on a non-electric source of power.

*Electric Motor Vehicle* means a motor vehicle primarily powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, photovoltaic arrays, or other sources of electric current and may include an electric-hybrid vehicle.

*Emergency motor vehicle* means any vehicle that is legally authorized by a