



Kit Car Policy

July 8, 1994 -

Previous versions are obsolete

The following represents a clarification of EPA's policy concerning the regulation of imported and domestically produced kit cars and kit car packages. Kit vehicles are understood by EPA to typically involve new bodies, used drivetrains and new or used chassis. Used components may or may not be refurbished. This policy applies to kits or assembled kit cars only. This policy does not apply to regular production vehicles offered for importation into or produced in the United States.

1. Fully-assembled kit cars are "motor vehicles" under the Clean Air Act. Complete kit car packages are also "motor vehicles" under the Clean Air Act. These are packages which contain all of the major components needed for assembly (i.e., body, chassis, engine and transmission). As "motor vehicles" they are subject to all applicable emission regulations. If an assembled kit car or complete kit car package is offered for importation and the kit is not covered by an EPA certificate of conformity issued to an original equipment manufacturer, an EPA Form No. 3520-1 must be filed at the port of entry and the vehicle must be imported by an Independent Commercial Importer (ICI) eligible to import such vehicles or kits. The ICI then must ensure that the vehicle or kit complies with all applicable emission requirements.

2. An assembled kit car or complete kit car package which meets the following guidelines will be considered to be a rebuilt vehicle of a previously certified configuration and will be considered to be covered by that configuration's original EPA certificate of conformity.

- The components of the drivetrain (engine, transmission, differential) must be exclusively or substantially used and/or rebuilt. **Regardless of the combination of new and used components, the engine must be used or used and rebuilt.** The engine block and cylinder head(s) must be used, other components of the engine may be new. "Used" means the component has been in a vehicle that has been titled to an ultimate purchaser. A rebuilt component is defined as a used component which has been refurbished with new or other used parts.
- All emission-related components and settings must conform in all material respects to those of one previously certified configuration. Therefore, all part numbers for the emission-related components of a fully assembled kit vehicle or complete kit car package must match or be traceable to the numbers specified in the application for certification of a previously certified configuration.
- Consistent with EPA Advisory Circular (AC) 64, which deals with modifications performed before sale to the ultimate purchaser, the vehicle weight of the kit configuration can be no more than 500 pounds greater than the weight of the originally certified configuration.
- All catalytic converters, oxygen sensors, and charcoal canisters must be new, original equipment parts.
- Kit vehicles must: (1) have the same transmission configuration (i.e., manual, automatic, semi-automatic, number of forward gears, and shift calibration) as the originally certified configuration; and (2) consistent with AC 17F, have an N/V ratio (speed of vehicle in miles per hour/speed of engine in revolutions per minute) which matches the N/V ratio of the originally certified configuration within three (3) percent in every gear.*

*The Agency would consider minor variations to these limitations upon an appropriate demonstration that the altered configuration will meet Federal emission requirements.

- Each vehicle and its accompanying documentation must be clearly labeled as to the make, model year, engine family, subfamily, and tune-up specifications represented by the originally certified vehicle.
 - If the originally certified configuration required unleaded fuel, then the vehicles must have fuel filler neck restrictors and unleaded fuel labels which meet the requirements of 40 CFR 80.24.
3. The production, sale and importation of automotive bodies alone (i.e., no chassis, engine or transmission) are not regulated by EPA since such units are not considered "motor vehicles" under the Clean Air Act. EPA form 3520-1 is not required for imported automotive bodies. A motor vehicle from which the engine has been removed is still a motor vehicle and is not considered a body.
4. The production, sale and importation of vehicle parts (engines, transmissions, chassis, vehicle bodies, etc.) are not regulated by EPA because parts are not considered motor vehicles under the Clean Air Act. However if the parts constitute a disassembled vehicle or an approximate disassembled vehicle, the combination is considered a motor vehicle under the Clean Air Act. Any attempt to use this policy to circumvent the Clean Air Act or the Imports regulations will be considered a violation of the Clean Air Act and will be strictly enforced. An example of such circumvention is:
- A kit car maker who also provides the engine and transmission before or after production/importation of the body/chassis.
5. "Motor vehicles" must comply with the Clean Air Act and may not be disassembled nor purchased in a disassembled form for the purposes of evading the Clean Air Act or the Imports regulations. In these situations the kit car body/chassis combination must be certified by the manufacturer, must be in a configuration which was previously certified by EPA subject to the guidelines discussed at "2" above or, in the case of an importation, an EPA form 3520-1 must be filed at the port of entry and the vehicle imported by an eligible ICI who must ensure that the kit car body/chassis complies with all applicable emission requirements. At the present time, there are no ICIs eligible to import kit cars.

6. Except with regard to kit vehicles meeting the guidelines at "2" above; an individual or firm that assembles kits for hire or resale, that produces assembled kit cars for resale or that produces complete kit car packages for resale will be considered to be a manufacturer of new motor vehicles under the Clean Air Act. Such manufacturers and their vehicles are subject to all applicable regulations under the Act including civil penalties of up to \$25,000 per vehicle for each new motor vehicle distributed in commerce, sold, offered for sale, or introduced, or delivered for introduction, into commerce, unless such vehicle is covered by a certificate of conformity issued by EPA.

KIT CAR POLICY SUPPLEMENT

The supplement contains definitions from the Clean Air Act and justification used to derive the position of the Kit Car Policy.

Section 216 (1) defines a "manufacturer" as "any person engaged in the manufacturing or assembling of new motor vehicles or new motor vehicle engines, or importing such vehicle or engines for resale."

Section 216 (2) defines a "motor vehicle" as "any self-propelled vehicle designed for transporting persons or property on a street or highway."

Section 216 (3) defines a "new motor vehicle" as "a motor vehicle the equitable or legal title to which has never been transferred to the ultimate purchaser."

Section 216 (5) defines a "ultimate purchaser" as "the first person who in good faith purchases such new motor vehicle or new engine for purposes other than resale".

Section 203(a)(1) prohibits "in the case of a manufacturer of new motor vehicles...the sale, or offering for sale, or the introduction, into commerce...any new motor vehicle...unless such vehicle is covered by a certificate of conformity."

Section 205 states "any person who violates Section 203(a)(1)...shall be subject to a civil penalty of not more than \$25,000...Any such violation...shall constitute a separate offense."

Last updated on September 25, 2025