

## Internal Revenue Code Section 4064(b)(1)(B)

### Gas guzzler tax

(b) Definitions. For purposes of this section—

(1) Automobile.

(A) In general. The term 'automobile' means any 4-wheeled vehicle propelled by fuel—

(i) which is manufactured primarily for use on public streets, roads, and highways (except any vehicle operated exclusively on a rail or rails), and

(ii) which is rated at 6,000 pounds unloaded gross vehicle weight or less.



(B) Exception for certain vehicles. The term 'automobile' does not include any vehicle which is treated as a nonpassenger automobile under the rules which were prescribed by the Secretary of Transportation for purposes of section 32901 of title 49, United States Code, and which were in effect on the date of the enactment of this section.

(C) Exception for emergency vehicles. The term 'automobile' does not include any vehicle sold for use and used—

(i) as an ambulance or combination ambulance-hearse,

(ii) by the United States or by a State or local government for police or other law enforcement purposes, or

(iii) for other emergency uses prescribed by the Secretary by regulations.

(2) Fuel economy. The term 'fuel economy' means the average number of miles traveled by an automobile per gallon of gasoline (or equivalent amount of other fuel) consumed, as determined by the EPA Administrator in accordance with procedures established under subsection (c).

(3) Model type. The term 'model type' means a particular class of automobile as determined by regulation by the EPA Administrator.

(4) Model year. The term 'model year', with reference to any specific calendar year, means a manufacturer's annual production period (as determined by the EPA

Administrator) which includes January 1 of such calendar year. If a manufacturer has no annual production period, the term 'model year' means the calendar year.

(5) Manufacturer.

(A) In general. The term 'manufacturer' includes a producer or importer.

(B) Lengthening treated as manufacture. For purposes of this section, subchapter G of this chapter, and section 6416(b)(3), the lengthening of an automobile by any person shall be treated as the manufacture of an automobile by such person.

(6) EPA Administrator. The term 'EPA Administrator' means the Administrator of the Environmental Protection Agency.

(7) Fuel. The term 'fuel' means gasoline and diesel fuel. The Secretary (after consultation with the Secretary of Transportation) may, by regulation, include any product of petroleum or natural gas within the meaning of such term if he determines that such inclusion is consistent with the need of the Nation to conserve energy.