



Mercedes-Benz

service information

TO: OUR MERCEDES-BENZ PASSENGER CAR DEALERS

DATE: February 1993

REF. NO. MBNA 00/50

SUBJECT: VEHICLE EMISSION CONTROL SYSTEM TAMPERING

New provisions prohibiting tampering with vehicle emission control systems or devices in the Clean Air Act Amendments have caused the Environmental Protection Agency (EPA) to modify its tampering guidelines.

The Clean Air Act makes it unlawful "for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this subchapter prior to its sale and delivery to the ultimate purchaser, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser...". Therefore, a dealer may not, under any circumstances, remove or render inoperative any emission control device or design.

Dealers also have certain responsibilities in circumstances in which a customer requests vehicle repairs for a vehicle that previously has been subjected to tampering. The new EPA policy does not permit a dealership, or any other person, to make repairs to an area of a vehicle that has been subjected to tampering without remedying the tampering. If a customer presents a vehicle to a dealer that has been tampered with and requests a repair in the area of the vehicle in which the tampering has occurred or involving the tampered-with part, **the dealer must either refuse to make the repairs or correct the emission control device or system that has been tampered with in addition to completing the requested repair.**

EPA policy **does not**, however, require a dealer to correct an emission control device or system that has been tampered with if the requested repair is to an area of the vehicle that has not been subjected to the tampering. For example, a dealer is not required to correct tampering with an emission control device or system if the customer has requested an oil change, tune-up where the tampered-with part is not part of the repair, or a wheel alignment.

Dealers should contact their Regional Office if they have any questions regarding the implementation of this policy. Dealers are strongly urged to contact their attorneys if they have any questions about the applicable law and EPA policy.

In view of the EPA's policy, if dealers find that emission control equipment has been tampered with, the dealer should:

- Notify the customer of this fact;
- Not perform requested repairs if they involve the tampered-with part until the customer has been advised of the need to repair, the cost of repair and the repair to the tampered-with part has been performed; or
- Perform requested repairs if they do not involve the tampered-with part.

If a dealer cannot convince a customer to repair a tampered-with part, it is **strongly** recommended to clearly indicate this fact on the repair invoice, and to note that any work performed did not involve the tampered-with part.

If a dealer does correct an emission control system or device that has been tampered with, the customer should be billed for the repair. **The repair is not subject to reimbursement under the Emission Control Warranty.**

If the customer claims that the tampering was performed by another authorized Mercedes-Benz dealer, the dealer should contact their Regional Office for instructions on how to proceed.