

Act on Regulation, Etc. of Emissions From Non-road Special Motor Vehicles

(Act No. 51 of May 25, 2005)

Chapter 1 General Provisions

(Purpose)

Article 1 The purpose of this Act is to reduce emissions from non-road special motor vehicles and thereby protect the health of the people from air pollution and preserve their living environment, through setting technical standards for specified engines as well as non-road special motor vehicles and imposing necessary regulations on the use of non-road special motor vehicles, among other measures.

(Definition)

Article 2 (1) In this Act, "non-road special motor vehicles" shall mean motor vehicles provided for in Paragraph 2 of Article 2 of Road Vehicles Act (Act No. 185 of 1951) (except those used for operation as provided for in Paragraph 5 of the same Article) that are enumerated in the following (except equipment manufactured for the purpose of being moved on land by being drawn therewith and those specified by Cabinet Order).

- (i) Large-sized special motor vehicles and small-sized special motor vehicles provided for in Article 3 of Road Vehicles Act;
 - (ii) Motor vehicles that fall under the category of construction machinery provided for in Article 2 of the Construction Machinery Hypothecation Act (Act No. 97 of 1954) (except those enumerated in the preceding Item) and other motor vehicles which have special structures and which shall be specified by the Cabinet Order.
- (2) In this Act, a "specified engine" shall mean an engine which is installed in a non-road special motor vehicle and a device which is installed in one united body therewith and which is specified in the Ordinance of the competent ministry.
- (3) In this Act, "emissions from non-road special motor vehicles" shall mean substances such as carbon monoxide, hydrocarbon and lead generated by use of non-road special motor vehicles which may possibly cause damage to the human health or living environments of persons and which shall be specified by Cabinet Order.

(Responsibility of the State)

Article 3 The State shall endeavor to promote measures for prevention of air pollution caused by emissions from non-road special motor vehicles and will include ensuring international cooperation in relation to reduction in emissions from non-road special motor vehicles, raising public awareness and diffusing knowledge concerning restraints on emissions from non-road special motor vehicles.

(Responsibility of Business Operators and Users)

Article 4 (1) A business operator that engages in the manufacture etc. of non-road special motor vehicles (referring to a person who conducts the manufacture or import (hereinafter referred to as the "manufacture etc.") of non-road special motor vehicles (referring to a person who manufactures or imports non-road special motor vehicles as his/her business: the same shall apply hereinafter) shall, when conducting the manufacture etc. of non-road special motor vehicles that are discharged when the non-road special motor vehicles of which he/she conducted the manufacture etc. are used.

(2) A person who uses a non-road special motor vehicle shall endeavor to take appropriate measures to reduce emissions from a non-road special motor vehicle and shall cooperate with the measures implemented by the State to prevent air pollution caused by emissions from non-road special motor vehicles.

Chapter 2 Specified Engines and Non-road Special Motor Vehicles

Section I Designation of Type of Specified Engines, Etc.

(Technical Standards for Specified Engines)

Article 5 The competent minister shall set necessary technical standards for specified engines designed to prevent air pollution caused by emissions from non-road special motor vehicles (hereinafter to be referred to as "technical standards for specified engines") by the Ordinance of the competent ministry.

(Designation of Type of Specified Engines)

Article 6 (1) The competent minister shall designate the type of specified engines upon receipt of application from the person who engages in the manufacture etc. of specified engine as his/her business (hereinafter referred to as a "business operator that engages in the manufacture etc. of specified engines").

(2) The application for the designation provided for in the preceding Paragraph may

be submitted with regard to specified engines to be exported to Japan by a person who manufactures as his/her business the specified engines concerned in a foreign state or a person who has a contract with the above-mentioned person for the purchase of the specified engines concerned and who exports as his/her business the specified engines concerned to Japan.

- (3) The designation provided for in Paragraph 1 shall be made by determining whether the specified engines concerned conform to the technical standards for specified engines and whether they have uniform performance characteristics and functions.
- (4) The designation provided for in Paragraph 1 may be made by limiting the range of non-road special motor vehicles into which the specified engines concerned may be installed.
- (5) The competent minister may, when the specified engines whose type has been designated in accordance with the provision of Paragraph 1 (hereinafter referred to as the "approved specified engines") no longer conform to the technical standards for the specified engines or no longer demonstrate uniformity, cancel the approval thereof. In this case, the competent minister may limit the effective range of the cancellation only to those specified engines which have been manufactured by the day of the cancellation.
- (6) In addition to the provision of the preceding Paragraph, the competent minister may in the cases where the designated foreign manufacturer, etc. of the specified engines (referring to a person provided for in Paragraph 2 and the type of specified engines that are manufactured or exported by him/her for which designation has been obtained under the provision of Paragraph 1: hereinafter the same in this Paragraph) falls under any of the following Items, cancel the designation granted to the designated foreign manufacturer, etc. of the specified engines concerned under the provision of Paragraph 1.
 - (i) Where the designated foreign manufacturer, etc. of the specified engines violates the provision of the Ordinance of the competent ministry based on the provision of Article 8 (only limited to the portions concerned with the designation under the provision of Paragraph 1);
 - (ii) Where the competent minister, in so far as it is necessary for the enforcement of this Act, has demanded that the designated foreign manufacturer, etc. of the specified engines submit a report on his/her business affairs and thereupon the engine manufacturer, etc. concerned fails to submit a report or submits a false report;
 - (iii) Where the competent minister, in so far as it is necessary for the enforcement of this Act, has ordered his/her officials to conduct an on-site inspection of the specified engines concerned, books, documents or other objects at the plants or workplaces of the designated foreign manufacturer, etc. of the specified engines

or at places where designated specified engines are believed to be stored or interrogate the relevant persons on the spot, and the inspections are refused, obstructed or evaded and no statement is made in reply to any questions or a false statement is made thereof.

(7) Those specific devices provided for in Paragraph 1 of Article 75-2 of the Road Vehicle Act that are specified by the Ordinance of the competent ministry, shall be regarded as designated specified engines as far as the application of the provisions of Paragraph 1 of Article 10 is concerned, in cases where their types are designated in accordance with the provision of Paragraph 1 of Article 75-2 of the Road Vehicle Act.

(Indication of Specified Engines)

Article 7 (1) Those who have submitted an application as described in Paragraph 1 of the preceding Article may affix an indication as specified by the Ordinance of the competent ministry on the designated specified engine he has applied for.

(2) No one shall affix an indication as described in the preceding Paragraph or any confusing indication on the specified engines except for the cases as prescribed in the preceding Paragraph.

(Delegation to the Ordinance of the Competent Ministry)

Article 8 Except as provided for in this Section, the procedures to be taken for the designation of the type of specified engines and other matters necessary for enforcement of the provisions of this Section shall be prescribed in the Ordinance of the competent ministry.

Section II Type Notification of Non-road Special Motor Vehicles,

Etc.

(Technical Standards for Non-road Special Motor Vehicles)

Article 9 The competent minister shall set the technical standards necessary for prevention of air pollution caused by emissions from non-road special motor vehicles for parts of non-road special motor vehicles other than the specified engines (hereinafter to be referred to as "technical standards for non-road special motor vehicles") by Ordinance of the competent ministry.

(Notification of the Type of Non-road Special Motor Vehicles)

Article 10 (1) A business operator that engages in the manufacture etc. of non-road special motor vehicles may, when he/she installs the designated specified engines

in non-road special motor vehicles of which he/she has conducted the manufacture etc. and when he/she finds that he/she can ensure that any of non-road special motor vehicles that belong to the same type as the non-road special motor vehicles concerned conform to technical standards for non-road special motor vehicles, notify the matters enumerated in the following to the competent minister in accordance with the provision of the Ordinance of the competent ministry.

- (i) Name or an appellation and address, and the name of the representative in case of a juridical person;
 - (ii) Name and type of the non-road special motor vehicles concerned;
 - (iii) Type of the designated specified engine installed in the non-road special motor vehicles
 - (iv) The way to confirm that any of non-road special motor vehicles that belong to the type concerned conform to technical standards for non-road special motor vehicles (hereinafter to be referred to as "the way to confirm").
- (2) Notification in the preceding Paragraph may be performed with regard to non-road special motor vehicles to be exported to Japan by a person who manufactures as his/her business the non-road special motor vehicles concerned in a foreign state or a person who has a contract with the above-mentioned person for the purchase of the non-road special motor vehicles concerned and who exports as his/her business the non-road special motor vehicles concerned to Japan.
- (3) When there is a change in the matters enumerated in Item 1 or 4 of Paragraph 1, a person who has filed notification in accordance with the provision of Paragraph 1 (hereinafter to be referred to as "notified business operators") shall notify any change to the competent minister without delay in accordance with the provision of the Ordinance of the competent ministry.
- (4) When the competent minister has received notification filed pursuant to the provision of Paragraph 1, he/she shall notify it publicly. This applies also when notification has been filed in accordance with the provision of the preceding Paragraph and when there has been a change in the matter that he/she had previously notified publicly.

(Duty to Conform to Technical Standards)

Article 11 (1) When the notified business operator conducts the manufacture etc. of non-road special motor vehicles for which he/she files a notification in accordance with the provision of Paragraph 1 of the preceding Article (hereinafter to be referred to as "type of notified non-road special motor vehicle"), he/she shall conform to technical standards for non-road special motor vehicles in respect to the type of notified non-road special motor vehicle concerned.

- (2) The notified business operator shall conduct an inspection of the type of notified non-road special motor vehicles of which he/she has conducted the manufacture etc. to confirm conformity with the relevant standards in relation to the notification as prescribed in Paragraph 1 of the preceding Article, and he/she shall compile an inspection record and preserve it pursuant to the provision of the Ordinance of the competent ministry.

(Indication of Non-road Special Motor Vehicles)

Article 12 (1) When the notified business operator has complied with his duty as prescribed in Paragraph 2 of the preceding Article in respect to the type of notified non-road special motor vehicle, he/she may affix an indication as specified in the Ordinance of the competent ministry (hereinafter to be referred to as "indication showing compliance with standards") on the type of notified non-road special motor vehicle concerned.

- (2) When a business operator that engages in the manufacture etc. of non-road special motor vehicles has complied with his/her duty prescribed by the Ordinance, which duty was required under the Road Vehicles Act pursuant to the Ordinance of the competent ministry and deemed as equivalent to the duty prescribed in Paragraph 2 of the preceding Article, he/she may affix an indication showing compliance with standards on the non-road special motor vehicles of which he/she has conducted the manufacture etc.

- (3) When a business operator that engages in the manufacture etc. of non-road special motor vehicles has conducted the manufacture etc. of non-road special motor vehicles that belong to the same type in the number that is specified by Cabinet Order or less, taking into account the state of emissions of exhaust from non-road special motor vehicles and other circumstances (hereinafter to be referred to "motor vehicles manufactured in smaller numbers") and when it has been received approval from the competent minister in accordance with the Ordinance of the competent ministry as complying with the standards set by the Ordinance of the competent ministry, he/she may affix on such motor vehicles manufactured in smaller numbers an indication as specified in the Ordinance of the competent ministry (hereinafter to be referred to "exceptional case indication of smaller number").

- (4) Except in the case where an indication may be affixed pursuant to the provision of the preceding 3 Paragraphs, no one shall affix an indication showing compliance with standards or an exceptional case indication of smaller number or any other confusing indications.

(Order to Improve Business Issued to the Notified Business Operator)

Article 13 When the competent minister finds it necessary to ensure that the type of

notified non-road special motor vehicles conforms to technical standards for non-road special motor vehicles such when as the notified business operator has violated the provision of Paragraph 1 of Article 11, he/she may issue an order to the notified manufacturers, etc. concerned ordering him/her to take necessary measures to improve the way his/her business is conducted such as the way to confirm conformity with the relevant standards in relation to the notification as provided for in Paragraph 1 of Article 10.

(Prohibition of Indication)

Article 14 (1) In the cases enumerated in each of the following Items, the competent minister may prohibit the notified business operator from affixing an indication showing compliance with standards on non-road special motor vehicles that belong to the type specified in the each Item concerned.

- (i) Where the competent minister finds that all or most of the type of notified non-road special motor vehicles that belong to the same type do not conform to technical standards for non-road special motor vehicles: type of the notified non-road special motor vehicles concerned;
 - (ii) Where the notified business operator has failed to obey the order issued in accordance with the provision of the preceding Article: type of the notified non-road special motor vehicle in connection with which the notified business operator has failed to obey the order;
- (2) When the competent minister prohibits an indication showing compliance with standards from being affixed pursuant to the provision of the 2 preceding Paragraphs, he shall notify it publicly.

(Invalidation of Indication Showing Compliance with Standards)

Article 15 When the competent minister finds that all or most of the type of notified non-road special motor vehicles that belong to the same type do not conform to technical standards for non-road special motor vehicles and notifies it publicly, the indications showing compliance with standards in connection with non-road special motor vehicles that belong to the same type of notified non-road special motor vehicles concerned shall lose their effect.

(Delegation to the Ordinance of the Competent Ministry)

Article 16 Except as provided for in this Section, procedures to be taken for notification of the type of non-road special motor vehicles and other matters necessary for enforcement of the provisions of this Section shall be stipulated in the Ordinance of the competent ministry.

Chapter 3 Regulation Etc. on the Use of Non-road Special Motor

Vehicles

(Regulation on the Use)

Article 17 (1) Non-road special motor vehicles may not be used unless they have an indication showing compliance with standards or an exceptional case indication of smaller number affixed to them, however, this does not apply when they are inspected before the beginning of use by the competent minister pursuant to the provision of the Ordinances of the competent ministry and such non-road special motor vehicles are found to be in conformity with the technical standards for specified engines and technical standards for non-road special motor vehicles.

(2) The provision of the main clause in the preceding Paragraph does not apply when they are used for tests or research, or when an indication showing compliance with standards loses its effect after the beginning of use pursuant to the provision of the Article 15, or when the Ordinance of the competent ministry provides otherwise.

(Order to Conform to Technical Standards)

Article 18 When the competent minister finds that non-road special motor vehicles no longer conform to technical standards (meaning technical standards for specified engines and technical standards for non-road special motor vehicles) (for motor vehicles manufactured in smaller numbers that have received approval in accordance with the provision of Paragraph 3 of Article 12, the standards specified in the same Paragraph: the same shall apply hereinafter), he may order a user of the non-road special motor vehicles concerned to perform necessary maintenance on them during a period fixed by the minister so as to make them conform to the technical standards.

Chapter 4 Registered Inspection Body for Specified Engines and

Registered Inspection Body for Non-road Special Motor Vehicles

Section I Registered Inspection Body for Specified Engines

(Registered Inspection Body for Specified Engines)

Article 19 (1) If, for inspection business conducted to ascertain whether specified engines conform to the technical standards for specified engines (hereinafter to be

referred to as "inspection business of specified engines"), conducted as a part of the duties of the competent minister in relation to the designation of the type of specified engines prescribed in Paragraph 1 of Article 6, there is a person registered pursuant to the Ordinance of the competent ministry (hereinafter to be referred to "registered inspection body for specified engines"), the competent minister shall consign such inspection business of specified engines to the registered inspection body for specified engines.

- (2) Registration in the preceding Paragraph (to be referred to as "registration" hereinafter in this Section) will be effected upon application by those who will conduct inspection business of specified engines.
- (3) A person who falls under any of the following Items may not register as a registered inspection body for specified engines.
 - (i) Any person who has violated the provision of this Act or any order issued based on this Act, and who has received a sentence of a fine or severer punishment and where two years have not elapsed counting from the day such sentence was passed or the day such sentence was completed;
 - (ii) Any person whose registration was canceled pursuant to the provision of Paragraph 4 or Paragraph 5 of Article 23 and where two years have not yet elapsed since the day of its cancellation;
 - (iii) A juridical person any of whose officers conducting its business falls under any of the preceding 2 Items.
- (4) The competent minister shall register a person who has applied for registration (hereinafter to be referred to as "applicant for registration"), if such a person satisfies all of the following Items. Necessary procedures for registration will be prescribed by the Ordinance of the competent ministry.
 - (i) Inspection business of specified engines is conducted by two or more of those who satisfy the following conditions: Graduated from a university or a national college of technology under the School Education Act (Act No. 26 of 1947) completing the requirements for a diploma of engineering or engines or who have scholastic ability equivalent or superior to such diplomas and who have, in addition, experience of 3 years or more in total in the engine business;
 - (ii) Applicant for registration does not fall into any of the following and is therefore not controlled by any business operator that engages in the manufacture etc. of specified engines.
 - (a) If an applicant for registration is a business corporation, a business operator that engages in the manufacture etc. of the specified engines or is its parent corporation (referring to a parent corporation of Paragraph 1 of Article 879 of the Companies Act (Act No.86 of 2005): the same shall apply hereinafter).
 - (b) Officers or employees of a business operator that engages in the manufacture etc. of specified engines (including those who were officers or

employees of a business operator that engaged in the manufacture etc. of specified engines during the past two years) account for more than half of the officers of an applicant for registration (partners who have the authority to administer corporate affairs in the case of a membership company (the type of a corporation as defined in Paragraph 1 of Article 575 of the Companies Act; the same shall apply hereinafter)).

(c) An applicant for registration (in the case of a juridical person, an officer who has the representation power) is an officer or an employee of a business operator that engages in the manufacture etc. of specified engines (including one who was an officer or an employee of the business operation that engages in the manufacture etc. of specified engines).

(5) Registration shall be effected by entering the matters enumerated in the following in the register of registered inspection body for specified engines.

(i) Date and number of registration;

(ii) Name or appellation of a person who is registered, with his address and in case of a juridical person, the name of its representative;

(iii) Name and location of the workplace where the person or the juridical person registered conducts the inspection business of specified engines;

(iv) In addition to those enumerated in the preceding 3 Items, matters prescribed in the Ordinance of the competent ministry.

(6) When the competent minister has effected registration of inspection bodies for specified engines, he/she shall not conduct the registered inspection business of specified engines.

(Renewal of Registration)

Article 20 (1) If registration is not renewed for each period (no less than 3 years) as specified by a Cabinet Order, registration shall cease to be valid upon expiry of such period.

(2) The provision of Paragraphs 2 to 5 of the preceding Article shall apply mutatis mutandis to renewal of registration in the preceding Paragraph.

(Matters to be Observed, Etc.)

Article 21 (1) When registered inspection bodies for specified engines are requested to conduct inspection business of specified engines, they shall, except when there is a proper reason for not doing so, conduct inspection business of specified engines without delay.

(2) Registered inspection bodies for specified engines shall conduct inspection business of specified engines fairly using the method prescribed by the Ordinance of the competent ministry.

(3) When registered inspection bodies for specified engines intend to change the

- location of the workplace where they conduct the inspection business of specified engines, they shall notify such change to the competent minister not later than 2 weeks prior to the day when the change in location will occur.
- (4) Registered inspection bodies for specified engines shall formulate regulations for execution of the inspection business of specified engines and get authorization from the competent minister, pursuant to the provision of the Ordinance of the competent ministry, before the beginning of the inspection business of specified engines. The same shall apply to the change made to such regulations.
- (5) Within 3 months after the termination of each business year, registered inspection bodies for specified engines shall prepare an inventory of property, balance sheet and profit and loss statement or statement of receipts and disbursement, and business report for the business year (including, electromagnetic records (meaning records that are prepared by an electronic method, by a magnetic method or by other methods not directly perceivable by human beings and that are used for data processing by an electronic computer; the same shall apply hereinafter), if, such electromagnetic records are prepared instead of those documents; hereinafter to be referred to as "financial statements, etc.") and such inspection bodies shall keep them in their workplace for 5 years.
- (6) A business operator that engages in the manufacture etc of specified engines and the interested persons may make the following request at any time during the business hours of registered inspection bodies for specified engines, provided, however, that they must pay the expenses fixed by registered inspection bodies for specified engines when making a request as mentioned in Item 2 or Item 4.
- (i) Request for inspection or a copy of financial statements, etc., when they are prepared in writing;
 - (ii) Request for a transcript or an extract of the documents specified in the preceding item;
 - (iii) If financial statements, etc. are prepared as electromagnetic records, request for inspection or a copy of the representation made by the means prescribed by the Ordinance of the competent ministry of what is recorded in such electromagnetic records;
 - (iv) Request for provision of what is recorded in electromagnetic records of the preceding Item by an electromagnetic method as prescribed by the Ordinance of the competent ministry or request for delivery of document containing the matters concerned.
- (7) Pursuant to the provision of the Ordinance of the competent ministry, registered inspection bodies for specified engines shall keep books where they shall enter such matters as prescribed by the Ordinance of the competent ministry concerning the inspection business of specified engines and shall preserve it.
- (8) Registered inspection bodies for specified engines may not, without permission

of the competent ministry, suspend or abolish the whole or a part of their inspection business of specified engines.

- (9) When registered inspection bodies for specified engines have suspended the whole or a part of their inspection business of specified engines, with the permission of the competent minister as prescribed in the preceding Paragraph, or when the competent minister has ordered registered organizations for inspection of specified engines to suspend the whole or a part of their inspection business of specified engines pursuant to the provision of Paragraph 5 of Article 23, or when the competent minister has found it necessary to do so in the event it has become difficult for registered inspection bodies for specified engines to execute the whole or a part of their inspection business of specified engines due to a natural calamity or other reasons, the competent minister shall execute himself/herself the whole or a part of the inspection business of specified engines.
- (10) When the competent minister executes himself/herself the whole or a part of inspection business of specified engines pursuant to the provision of the preceding Paragraph, or when registered inspection bodies for specified engines abolish the whole or a part of their inspection business of specified engines with permission of the competent minister mentioned in Paragraph 8 or when the competent minister has canceled their registration pursuant to Paragraph 4 or 5 of Article 23, necessary matters concerning transfer of business, etc. will be prescribed by the Ordinance of the competent ministry.

(Duty to Keep Confidential, Etc.)

Article 22 (1) Officers or staff members of registered inspection bodies for specified engines or those who were in these positions may not divulge any secret they have come to know in the course of performing their inspection business of specified engines.

- (2) Officers or staff members of registered inspection bodies for specified engines who engage in inspection business of specified engines shall be regarded as a staff member who engages in public service in accordance with laws and regulations as far as application of the Criminal Act (Act No. 45 of 1907) or other penal provisions is concerned.

(Order Issued to Registered Inspection Bodies for Specified Engines to Conform to the Provisions)

Article 23 (1) When the competent minister finds that registered inspection bodies for specified engines no longer conform to any Item of Paragraph 4 of Article 19, it may order such registered inspection bodies for specified engines to take necessary measures to conform to these provisions.

- (2) When the competent minister finds that registered inspection bodies for

specified engines have violated the provision of Paragraph 1 or 2 of Article 21, it may order such registered inspection bodies for specified engines to execute inspection business of specified engines or take necessary measures to improve the method of conducting inspection business of specified engines.

- (3) The competent minister may, when he/she finds that the regulations prescribed in Paragraph 4 of Article 21 have become inappropriate for fair execution of the inspection business of specified engines, order that the regulations be changed.
- (4) The competent minister shall cancel registration of a registered inspection body for specified engines if it fallen under Item 1 or 3 of Paragraph 3 of Article 19.
- (5) When a registered inspection body for specified engines falls under any of the following Items, the competent minister may cancel its registration or order suspension of the whole or a part of the inspection business of specified engines for such period as he/she deems appropriate.
 - (i) Where it has violated the provisions of any of Paragraphs 3 to 5 or Paragraph 7 or 8 of Article 21;
 - (ii) Where it has executed inspection business of specified engines without abiding by the regulations mentioned in Paragraph 4 of Article 21;
 - (iii) Where it has refused requests as prescribed in any Item of Paragraph 6 of Article 21 without justifiable reason;
 - (iv) Where it has violated an order provided for in Paragraph 1 to 3;
 - (v) Where it has obtained registration by illegal means.

(Collection of Report and On-Site Inspection)

- Article 24 (1) The competent minister may, in so far it is necessary for the enforcement of the provision of this Section, request a registered inspection body for specified engines to make a report concerning its inspection business of specified engines or order his/her officials to enter the office or other workplaces of the registered inspection body for specified engines and conduct an on-site inspection of books, documents or other relevant items of the registered inspection body for specified engines or interrogate relevant persons on the spot.
- (2) An official that makes an on-site inspection under the provision of the preceding Paragraph must carry with him/her an identification card and show it to the persons concerned.
 - (3) Authority under the provisions of Paragraph 1 may not be interpreted as being granted for a criminal investigation.

(Public Notice)

- Article 25 (1) The competent minister shall post a public notice in an official gazette in the following cases:
- (i) Where registration has been granted;

- (ii) Where a notification has been made in accordance with the provision of Paragraph 3 of Article 21;
- (iii) Where permission has been granted in accordance with the provision of Paragraph 8 of Article 21;
- (iv) Where the competent minister executes the whole or a part of inspection business of specified engines himself/herself or he/she determines not to execute the whole or a part of his inspection business of specified engines that he/she has been executing in accordance with the provision of Paragraph 9 of Article 21;
- (v) Where the competent minister canceled registration pursuant to Paragraph 4 or 5 of Article 23 or ordered suspension of the whole or a part of inspection business of specified engines pursuant to the provision of the same Paragraph.

Section II Registered Inspection Body for Non-road Special

Motor Vehicles

(Registered Inspection Body for Non-road Special Motor Vehicles)

Article 26 (1) If, for inspection business conducted to ascertain whether non-road special motor vehicles conform to the technical standards (hereinafter to be referred to as "inspection business of non-road special motor vehicles"), conducted as a part of duties of the competent minister provided for in the proviso of Paragraph 1 of Article 17, there is a person registered, pursuant to the Ordinance of the competent ministry (hereinafter to be referred to "registered inspection body for non-road special motor vehicles"), the competent minister shall consign such inspection business to the registered inspection body for non-road special motor vehicles.

(2) The competent minister shall register a person who has applied for registration provided for in the preceding Paragraph (hereinafter to be referred to as "applicant for registration"), if such person satisfies all of the following Items. Necessary procedures for registration will be prescribed by the Ordinance of the competent ministry.

- (i) Applicant for registration conducts inspection business of non-road special motor vehicles using a densitometer to measure emissions from non-road special motor vehicles or other instruments.
- (ii) Inspection business of non-road special motor vehicles is conducted by two or more of those who satisfy two or more of the following conditions: Graduated from a university or a national college of technology under the School Education Act after completing the requirements for a diploma of engineering

or engines or who have scholastic ability equivalent or superior to these diplomas and who have, in addition, experience of 3 years or more in total in the engine business;

(iii) Applicant for registration does not fall into any of the following cases, and is therefore not controlled by any business operator that engages in the manufacture etc. of non-road special motor vehicles.

(a) If an applicant for registration is a business corporation, a business operator that engages in the manufacture etc. of non-road special motor vehicles or is its parent corporation.

(b) Officers or employees of a business operator that engages in the manufacture etc. of non-road special motor vehicles (including those who were officers or employees of a business operator that engages in the manufacture etc. of non-road special motor vehicles during the past two years) account for more than a half of officers of an applicant for registration (a partner who has the authority to administer corporate affairs in the case of a membership company).

(c) An applicant for registration (in the case of a juridical person, an officer who has the representation power) is an officer or an employee of a business operator that engages in the manufacture etc. of non-road special motor vehicles (including one who was an officer or an employee of the business operator that engages in the manufacture etc. of non-road special motor vehicles during the past two years).

(Application, Mutatis Mutandis)

Article 27 The provisions of Paragraphs 2, 3, 5 and 6 of Article 19 and Article 20 shall apply mutatis mutandis to registration prescribed in Paragraph 1 of the preceding Article and the provisions of Articles 21 to 25 shall apply mutatis mutandis to a registered inspection body for non-road special motor vehicles. In this case, the term "inspection business of specified engines" in these provisions shall be deemed to be replaced with "inspection business of non-road special motor vehicles," the term "Register of registered inspection bodies for specified engines" in Paragraph 5 of Article 19 shall be deemed to be replaced with "Register of registered inspection bodies for non-road special motor vehicles," and the term "business operators that engage in the manufacture etc. of specified engines" in Paragraph 6 of Article 21 shall be deemed to be replaced with "business operators that engage in the manufacture etc. of non-road special motor vehicles" and the necessary replacement technical terms are prescribed by Cabinet Order.

Chapter 5 Miscellaneous Provisions

(Guideline)

Article 28 (1) The competent minister shall, if he/she finds it necessary to do so to reduce emissions from non-road special motor vehicles, formulate an appropriate guideline for the kinds of fuel to be used in non-road special motor vehicles that persons use for business purposes and for other matters and shall make this information public.

(2) The competent minister may provide guidance and advice on reduction of emissions from non-road special motor vehicles to persons who use non-road special motor vehicles for business purposes in accordance with the guideline mentioned in the preceding Paragraph.

(Collection of Report and On-Site Inspection)

Article 29 (1) The competent minister may, in so far it is necessary for the enforcement of this Act, require persons who have had a type of specified engine designated in accordance with the provision of Paragraph 1 of Article 6 (to be referred to as "designated business operators" in the following Paragraph), notified business operators, persons who have been granted approval for motor vehicles manufactured in smaller numbers in accordance with Paragraph 3 of Article 12 (to be referred to as "approved business operators" in the following paragraph) or users of non-road special motor vehicles to make a report concerning necessary matters including how their business is conducted and how non-road special motor vehicles are used.

(2) The competent minister may, in so far it is necessary for the enforcement of this Act, order his/her officials to enter plants, workplaces, or places where non-road special motor vehicles are believed to be stored by designated business operators, notified business operators, approved business operators or users of non-road special motor vehicles, and conduct an on-site inspection of non-road special motor vehicles, books, documents or other relevant items or interrogate relevant persons on the spot.

(3) An official that makes an on-site inspection under the provision of the preceding Paragraph must carry with him/her an identification card and show it to the persons concerned.

(4) Authority under the provision of Paragraph 2 may not be interpreted as being granted for a criminal investigation.

(Fees)

Article 30 (1) Persons falling under the following shall pay to the State (or a

registered inspection body for specified engines when it conducts inspection business of specified engines or a registered inspection body for non-road special motor vehicles when it conducts inspection business of non-road special motor vehicles) fees that are prescribed by Cabinet Order, taking into account the actual cost.

- (i) A person who applies for approval as prescribed in Paragraph 1 of Article 6;
- (ii) A person who applies for approval as prescribed in Paragraph 3 of Article 12;
- (iii) A person who applies for inspection as prescribed in the proviso of Paragraph 1 of Article 17.

(2) The fees that are paid to a registered inspection body for specified engines or to a registered inspection body for non-road special motor vehicles under the provision of the preceding Paragraph shall be earned by the registered inspection body for specified engines or by the registered inspection body for non-road special motor vehicles, respectively.

(Introduction of a Transitional Measure When an Order is Changed)

Article 31 In establishing or revising or abolishing an order in accordance with this Act, a necessary transitional measure (including a transitional measure for penal provisions) may be established under the order in so far it is judged to be reasonably necessary, consequent to establishing or revising or abolishing it.

(Competent Minister, Etc.)

Article 32 (1) The Competent Ministers in this Act shall be the Minister of the Environment, the Minister of Economy, Trade and Industry, and the Minister of Land, Infrastructure, Transport and Tourism. However, for the matters listed in each of the following Items, the competent Minister shall be the minister specified for each Item concerned.

- (i) Matters concerning an order as provided for in Article 18, collection of report as provided for in Paragraph 1 of Article 29 and an on-site inspection as provided for in Paragraph 2 of the same Article (limited to one pertaining to users of non-road special motor vehicles): the Minister of the Environment and the minister having jurisdiction over the business that uses non-road special motor vehicles;
 - (ii) Matters concerning formulation and publication of a guideline pursuant to the provisions of Paragraph 1 of Article 28 and matters concerning guidance and advice pursuant to Paragraph 2 of the same Article: The minister having jurisdiction over the business that uses non-road special motor vehicles.
- (2) The Ordinance of the competent ministry in this Act shall be an order issued by the competent minister.
- (3) The competent minister shall consult with the Minister of the Environment in

advance in setting down the guideline referred to in Paragraph 1 of Article 28. This will also apply when he/she changes it.

(Entrustment of Authority)

Article 33 The matter that pertains to the authority of the competent minister in accordance with the provision of this Act may be entrusted to the heads of Local Branch Bureaus, pursuant to the Ordinance of the competent ministry.

Chapter 6 Penal Provisions

Article 34 Any person who has violated a prohibition pursuant to the provision of Paragraph 1 of Article 14 shall be liable to a sentence of either imprisonment with work for one year or less or a fine of 1,000,000 yen or less.

Article 35 Any person who has violated the provision of Paragraph 1 of Article 22 (including the case where it is applied mutatis mutandis pursuant to Article 27) shall be liable to a sentence of either imprisonment with work for 6 months or less or a fine of 500,000 yen or less.

Article 36 When an individual has violated an order for suspension of inspection business of specified engines or inspection business of non-road special motor vehicles pursuant to the provision of Paragraph 5 of Article 23 (including the case where it is applied mutatis mutandis pursuant to Article 27), the officer or the staff member of the registered inspection body for specified engines or of the registered inspection body for non-road special motor vehicles who has committed such offenses shall be liable to a sentence of either imprisonment with work for 6 months or less or a fine of 500,000 yen or less.

Article 37 Any person who has affixed an indication in violation of the provision of Paragraph 4 of Article 12 shall be liable to a fine of 500,000 yen or less.

Article 38 (1) Any person who falls under any of the following Items shall be liable to a fine of 300,000 yen or less.

- (i) Any person who has affixed an indication in violation of the provision of Paragraph 2 of Article 7;
- (ii) Any person who has filed a false notification when submitting a notification pursuant to the provision of Paragraph 1 of Article 10;
- (iii) Any person who has failed to compile a record or who has compiled a false record or who has failed to preserve the record in violation of the provision of

Paragraph 2 of Article 11;

- (iv) Any person who has used a non-road special motor vehicle in violation of the provision of Paragraph 1 of Article 17;
- (v) Any person who has violated an order under the provision of Article 18;
- (vi) Any person who has failed to make a report or who has made a false report pursuant to the provision of Paragraph 1 of Article 29;
- (vii) Any person who has rejected, obstructed or evaded inspection or has failed to make a statement in reply to a question or has made a false statement under the provision of Paragraph 2 of Article 29.

Article 39 When an individual falls under any of the following Items, an officer or a staff member of a registered inspection body for specified engines or a registered inspection body for non-road special motor vehicles who has committed such an offense shall be liable to a fine of 300,000 yen or less.

- (i) Cases where a person, in violation of the provision of Paragraph 7 of Article 21 (including the case where it is applied *mutatis mutandis* pursuant to Article 27), has failed to enter the matters prescribed in the same Paragraph, or has made a false entry or has failed to preserve a book;
- (ii) Cases where a person has abolished the whole of the inspection business of specified engines or inspection business of non-road special motor vehicles without permission as prescribed in Paragraph 8 of Article 21 (including the case where it is applied *mutatis mutandis* pursuant to Article 27);
- (iii) Cases where a person has failed to make a report pursuant to the provision of Paragraph 1 of Article 24 (including the case where it is applied *mutatis mutandis* pursuant to Article 27) or has made a false report or rejected, obstructed or evaded inspection as prescribed in the same Paragraph or has failed to make a statement in reply to a question as prescribed in the same Paragraph or has made a false statement.

Article 40 When a representative of a juridical person or an agent, an employee or other workers of a juridical person or an individual has committed an offense as prescribed in Article 34, Article 37 or Article 38 with regard to the business of said juridical person or individual or a non-road special motor vehicle owned or used by said juridical person or individual, not only shall the offender be liable to a penalty but also said juridical person or individual shall be liable to a fine as prescribed in the respective Articles.

Article 41 A person who, in violation of the provision of Paragraph 3 of Article 10, has failed to file a notification or has filed a false notification shall be liable to a civil fine of 200,000 yen or less.

Article 42 When an individual falls under any of the following Items, an officer or a staff member of a registered inspection body for specified engines or a registered inspection body for non-road special motor vehicles who has committed such an offense shall be liable to a civil fine of 200,000 yen or less.

- (i) Cases where, in violation of the provision of Paragraph 5 of Article 21 (including the case where it is applied *mutatis mutandis* pursuant to Article 27), a person has failed to keep financial statements, etc. or enter matters required for entry in financial statements, etc. or has made a false entry therein;
- (ii) Cases where without justifiable reason a person has refused a request as prescribed in any of the Items of Paragraph 6 of Article 21 (including the case it is applied *mutatis mutandis* pursuant to Article 27).

Supplementary Provisions (Extract)

(Effective Date)

Article 1 This Act comes into force as from the date fixed by Cabinet Order within a period not exceeding 1 year from the date of promulgation, provided, however that the provisions of Section 3, Paragraph 2 of Article 28, Article 29 (limited to those provisions related to a user of a non-road special motor vehicle), Items 4 and 5 of Article 38 shall come into force on the date fixed by Cabinet Order within a period not exceeding 1 year and 6 months from the date of promulgation.

(Transitional Measure)

Article 2 The provisions of Chapter 3 (including penal provisions pertaining to these provisions) shall not apply to the non-road special motor vehicles that have been manufactured prior to the date as prescribed in the proviso of the preceding Article and that are furnished, as provided for in the Ordinance of the competent ministry, with the document and/or other objects, that certifies/certify that they have been manufactured prior to that date.

(Consideration)

Article 3 When 5 years have elapsed from the date this Act comes into force, the government shall, if it deems necessary and taking into account how this Act is enforced, give consideration to the provisions of this Act and take necessary measures based upon the results of such consideration.