

capacity, transmission type, and average fuel economy when operating on:

- (A) Electricity; and
- (B) Gasoline or diesel fuel.

(iv) An explanation of why the petitioner cannot modify the model type so as to meet the generally applicable minimum range, including the steps taken by the petitioner to improve the minimum range of the vehicle, as well as additional steps that are technologically feasible, but have not been taken. The costs to the petitioner of taking these additional steps shall be included.

(3) A discussion of why granting the petition would be consistent with the following factors:

- (i) The purposes of 49 U.S.C. chapter 329, including encouraging the development and widespread use of electricity as a transportation fuel by consumers, and the production of passenger automobiles capable of being operated on both electricity and gasoline/diesel fuel;
- (ii) Consumer acceptability;
- (iii) Economic practicability;
- (iv) Technology;
- (v) Environmental impact;
- (vi) Safety;
- (vii) Driveability; and
- (viii) Performance.

(d) If a petition is found not to contain the information required by this section, the petitioner is informed about the areas of insufficiency and advised that the petition will not receive further consideration until the required information is received.

(e) The Administrator may request the petitioner to provide information in addition to that required by this section.

(f) The Administrator publishes in the FEDERAL REGISTER a notice of receipt for each petition containing the information required by this section. Any interested person may submit written comments regarding the petition.

(g) In reaching a determination on a petition submitted under this section, the Administrator takes into account:

(1) The purposes of 49 U.S.C. chapter 329, including encouraging the development and widespread use of alternative fuels as transportation fuels by con-

sumers, and the production of alternative fuel powered motor vehicles;

- (2) Consumer acceptability;
- (3) Economic practicability;
- (4) Technology;
- (5) Environmental impact;
- (6) Safety;
- (7) Driveability; and
- (8) Performance.

(h) If the Administrator grants the petition, the petitioner is notified in writing, specifying the reduced minimum driving range, and specifying the model years for which the reduced driving range applies. The Administrator also publishes a notice of the grant of the petition in the FEDERAL REGISTER and the reasons for the grant.

(i) If the Administrator denies the petition, the petitioner is notified in writing. The Administrator also publishes a notice of the denial of the petition in the FEDERAL REGISTER and the reasons for the denial.

[63 FR 66069, Dec. 1, 1998]

§ 538.8 Gallon Equivalents for Gaseous Fuels.

The gallon equivalent of gaseous fuels, for purposes of calculations made under 49 U.S.C. 32905, are listed in Table I:

TABLE I—GALLON EQUIVALENT MEASUREMENTS FOR GASEOUS FUELS PER 100 STANDARD CUBIC FEET

| Fuel | Gallon equivalent measurement |
|---------------------------------------|-------------------------------|
| Compressed Natural Gas | 0.823 |
| Liquefied Natural Gas | 0.823 |
| Liquefied Petroleum Gas (Grade HD-5)* | 0.726 |
| Hydrogen | 0.259 |
| Hythane (Hy5) | 0.741 |

* Per gallon unit of measure.

PART 541—FEDERAL MOTOR VEHICLE THEFT PREVENTION STANDARD

- Sec.
- 541.1 Scope.
- 541.2 Purpose.
- 541.3 Application.
- 541.4 Definitions.
- 541.5 Requirements for passenger motor vehicles.
- 541.6 Requirements for replacement parts.

APPENDIX A TO PART 541—LINES SUBJECT TO THE REQUIREMENTS OF THIS STANDARD

APPENDIX A-I TO PART 541—HIGH-THEFT LINES WITH ANTITHEFT DEVICES WHICH ARE EXEMPTED FROM THE PARTS-MARKING REQUIREMENTS OF THIS STANDARD PURSUANT TO 49 CFR PART 543

APPENDIX A-II TO PART 541—HIGH-THEFT LINES WITH ANTITHEFT DEVICES WHICH ARE EXEMPTED IN PART FROM THE PARTS-MARKING REQUIREMENTS OF THIS STANDARD PURSUANT TO 49 CFR PART 543

APPENDIX B TO PART 541—PASSENGER MOTOR VEHICLE LINES (EXCEPT LIGHT-DUTY TRUCKS) WITH THEFT RATES BELOW THE 1990/91 MEDIAN THEFT RATE, SUBJECT TO THE REQUIREMENTS OF THIS STANDARD

APPENDIX C TO PART 541—CRITERIA FOR SELECTING LINES LIKELY TO HAVE HIGH THEFT RATES

AUTHORITY: 49 U.S.C. 33101, 33102, 33103, 33105; delegation of authority at 49 CFR 1.50.

SOURCE: 50 FR 43190, Oct. 24, 1985, unless otherwise noted.

EDITORIAL NOTE: The information collection requirements contained in this part 541 will be submitted to the Office of Management and Budget for its approval. A notice will be published in the FEDERAL REGISTER when OMB approval has been obtained.

§ 541.1 Scope.

This standard specifies performance requirements for identifying numbers or symbols to be placed on major parts of certain passenger motor vehicles.

§ 541.2 Purpose.

The purpose of this standard is to reduce the incidence of motor vehicle thefts by facilitating the tracing and recovery of parts from stolen vehicles.

§ 541.3. Application.

This standard applies to the following:

- (a) Passenger motor vehicle parts identified in § 541.5(a) that are present:
 - (1) In the passenger motor vehicle lines listed in appendix A of this part;
 - (2) Beginning with model year 1997, in passenger motor vehicle lines which NHTSA has finally determined, pursuant to 49 CFR part 542, to be high theft based on the 1990/91 median theft rate; and
 - (3) Beginning with model year 1997, in passenger motor vehicle lines listed in appendix B of this part.
- (b) Replacement parts for passenger motor vehicle lines described in

§ 541.3(a) (1) and (2), if the part is identified in § 541.5(a).

[59 FR 64168, Dec. 13, 1994]

§ 541.4 Definitions.

(a) *Statutory terms.* All terms defined in 49 U.S.C. chapter 331 are used in accordance with their statutory meanings unless otherwise defined in paragraph (b) of this section.

(b) *Other definitions.* (1) *Interior surface* means, with respect to a vehicle part, a surface that is not directly exposed to sun and precipitation.

(2) *Light-duty truck (LDT)* means a motor vehicle, with motive power, except a trailer, designed primarily for the transportation of property or special purpose equipment, that is rated at 6,000 pounds gross vehicle weight or less.

(3) *Line* means a name which a manufacturer applies to a group of motor vehicles of the same make which have the same body or chassis, or otherwise are similar in construction or design. A "line" may, for example, include 2-door, 4-door, station wagon, and hatchback vehicles of the same make.

(4) *1990/91 median theft rate* means 3.5826 thefts per thousand vehicles produced.

(5) *Multipurpose passenger vehicle (MPV)* means a passenger motor vehicle which is constructed either on a truck chassis or with special features for occasional off-road operation and which is rated at 6,000 pounds gross vehicle weight or less.

(6) *Passenger car* is used as defined in § 571.3 of this chapter.

(7) *VIN* means the vehicle identification number required by part 565 of this chapter.

[59 FR 64168, Dec. 13, 1994, as amended at 61 FR 29033, June 7, 1996]

§ 541.5 Requirements for passenger motor vehicles.

(a) Each passenger motor vehicle subject to this standard must have an identifying number affixed or inscribed on each of the parts specified in paragraphs (a)(1) through (a)(18) inclusive, if the part is present on the passenger motor vehicle. In the case of passenger motor vehicles not originally manufactured to comply with applicable U.S.

vehicle safety and bumper standards, each such motor vehicle subject to this standard must have an identifying number inscribed in a manner which conforms to paragraph (d)(2) of this section, on each of the parts specified in paragraphs (a)(1) through (a)(18), inclusive, if the part is present on the motor vehicle.

- (1) Engine.
- (2) Transmission.
- (3) Right front fender.
- (4) Left front fender.
- (5) Hood.
- (6) Right front door.
- (7) Left front door.
- (8) Right rear door.
- (9) Left rear door.
- (10) Sliding or cargo door(s).
- (11) Front bumper.
- (12) Rear bumper.
- (13) Right rear quarter panel (passenger cars).
- (14) Left rear quarter panel (passenger cars).
- (15) Right-side assembly (MPVs).
- (16) Left-side assembly (MPVs).
- (17) Pickup box, and/or cargo box (LDTs).
- (18) Rear door(s) (both doors in case of double doors), decklid, tailgate, or hatchback (whichever is present).

(b)(1) Except as provided in paragraphs (b)(2) and (b)(3) of this section, the number required to be inscribed or affixed by paragraph (a) shall be the VIN of the passenger motor vehicle.

(2) In place of the VIN, manufacturers who were marking engines and/or transmissions with a VIN derivative consisting of at least the last eight characters of the VIN on October 24, 1984, may continue to mark engines and/or transmissions with such VIN derivative.

(3) In the case of passenger motor vehicles not originally manufactured to comply with U.S. vehicle safety and bumper standards, the number required to be inscribed by paragraph (a) of this section shall be the original vehicle identification number assigned to the motor vehicle by its original manufacturer in the country where the motor vehicle was originally produced or assembled.

(c) The characteristics of the number required to be affixed or inscribed by paragraph (a) of this section shall sat-

isfy the size and style requirements set forth for vehicle certification labels in § 567.4(g) of this chapter.

(d) The number required by paragraph (a) of this section must be affixed by means that comply with paragraph (d)(1) of this section or inscribed by means that comply with paragraph (d)(2) of this section.

(1) *Labels.* (i) The number must be printed indelibly on a label, and the label must be permanently affixed to the passenger motor vehicle's part.

(ii) The number must be placed on each part specified in paragraph (a) of this section in a location such that the number is, if practicable, on an interior surface of the part as installed on the vehicle and in a location where it:

(A) Will not be damaged by the use of any tools necessary to install, adjust, or remove the part and any adjoining parts, or any portions thereof;

(B) Is on a portion of the part not likely to be damaged in a collision; and

(C) Will not be damaged or obscured during normal dealer preparation operations (including rustproofing and undercoating).

(iii) The number must be placed on each part specified in paragraph (a) of this section in a location that is visible without further disassembly once the part has been removed from the vehicle.

(iv) The number must be placed entirely within the target area specified by the original manufacturer for that part, pursuant to paragraph (e) of this section, on each part specified in paragraph (a) of this section.

(v) Removal of the label must—

(A) Cause the label to self-destruct by tearing or rendering the number on the label illegible, and

(B) Discernibly alter the appearance of that area of the part where the label was affixed by leaving residual parts of the label or adhesive in that area, so that investigators will have evidence that a label was originally present.

(vi) Alteration of the number on the label must leave traces of the original number or otherwise visibly alter the appearance of the label material.

(vii) The label and the number shall be resistant to counterfeiting.

(viii) The logo or some other unique identifier of the vehicle manufacturer

must be placed in the material of the label in a manner such that alteration or removal of the logo visibly alters the appearance of the label.

(2) *Other means of identification.* (i) Removal or alteration of any portion of the number must visibly alter the appearance of the section of the vehicle part on which the identification is marked.

(ii) The number must be placed on each part specified in paragraph (a) of this section in a location that is visible without further disassembly once the part has been removed from the vehicle.

(iii) The number must be placed entirely within the target area specified by the original manufacturer for that part, pursuant to paragraph (e) of this section, on each part specified in paragraph (a) of this section.

(e) *Target areas.* (1) Each manufacturer that is the original producer who installs or assembles the covered major parts on a line shall designate a target area for the identifying numbers to be marked on each part specified in paragraph (a) of this section for each of its lines subject to this standard. The target area shall not exceed 50 percent of the surface area on the surface of the part on which the target area is located.

(2) Each manufacturer subject to paragraph (e)(1) of this section shall, not later than 30 days before the line is introduced into commerce, inform NHTSA in writing of the target areas designated for each line listed in appendix A. The information should be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590.

(3) The target areas designated by the original vehicle manufacturer for a part on a line shall be maintained for the duration of the production of such line, unless a restyling of the part makes it no longer practicable to mark the part within the original target area. If there is such a restyling, the original vehicle manufacturer shall inform NHTSA of that fact and the new target area, in accordance with the requirements of paragraph (e)(2) of this section.

[59 FR 64168, Dec. 13, 1994]

§ 541.6 Requirements for replacement parts.

(a) Each replacement part for a part specified in § 541.5(a) must have the registered trademark of the manufacturer of the replacement part, or some other unique identifier if the manufacturer does not have a registered trademark, and the letter "R" affixed or inscribed on such replacement part by means that comply with § 541.5(d), except as provided in paragraph (d) of this section. In the case of replacement parts subject to the marking requirements of this section, which were not originally manufactured for sale in the United States, the importer of the part shall inscribe its registered trademark, or some other unique identifier if the importer does not have a registered trademark, and the letter "R" on the part by means that comply with § 541.5(d)(2), except as provided in paragraph (d) of this section.

(b) A replacement part subject to paragraph (a) of this section shall not be marked pursuant to § 541.5.

(c) The trademark and the letter "R" required by paragraph (a) of this section must be at least one centimeter high.

(d) The trademark and the letter "R" required by paragraph (a) of this section must be placed entirely within the target area specified by the vehicle manufacturer, pursuant to paragraph (e) of this section.

(e) *Target areas.* (1) Each manufacturer that is the original producer or assembler of the vehicle for which the replacement part is designed shall designate a target area for the identifying symbols to be marked on each replacement part subject to the requirements of paragraph (a) of this section. Such target areas shall not exceed 25 percent of the surface area of the surface on which the replacement part marking will appear.

(2) The boundaries of the target area designated under paragraph (e)(1) of this section shall be at least 10 centimeters at all points from the nearest boundaries of the target area designated for that part under § 541.5(e) of this part.

(3) Each manufacturer subject to paragraph (e)(1) of this section shall inform NHTSA in writing of the target

areas designated for each replacement part subject to paragraph (a) of this section, at the same time as it informs the agency of the target area designated for the original equipment parts of the line, pursuant to §541.5(e)(2) of this part. The information should be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

(4) The target area designated by the original vehicle manufacturer for the parts subject to the requirements of paragraph (a) of this section shall be maintained for the duration of the production of such replacement part, unless a restyling of the part makes it no longer practicable to mark the part within the original target area. If there is such a restyling, the original vehicle manufacturer shall inform NHTSA of that fact and the new target area, in accordance with the requirements of paragraph (e)(3) of this section.

(f) Each replacement part must bear the symbol “DOT” in letters at least one centimeter high within 5 centimeters of the trademark and of the letter “R”, and entirely within the target area specified under paragraph (d) of this section. The symbol “DOT” constitutes the manufacturer’s certification that the replacement part conforms to the applicable theft prevention standard, and shall be inscribed or affixed by means that comply with paragraph (a) of this section. In the case of replacement parts subject to the requirements of paragraph (a) of this section, which were not originally manufactured for sale in the United States, the importer shall inscribe the “DOT” symbol before the part is imported into the United States.

APPENDIX A TO PART 541—LINES SUBJECT TO THE REQUIREMENTS OF THIS STANDARD

| Manufacturer | Subject lines |
|------------------|-------------------|
| ALFA ROMEO | Milano 161 164 |
| BMW | Z3 6 Car Line |

| Manufacturer | Subject lines |
|-----------------|---|
| CHRYSLER | Chrysler Cirrus Chrysler Fifth Avenue/Newport Chrysler Laser Chrysler LeBaron/Town & Country Chrysler LeBaron GTS Chrysler’s TC Chrysler New Yorker Fifth Avenue Chrysler Sebring Chrysler Town & Country Dodge 600 Dodge Aries Dodge Avenger Dodge Colt Dodge Daytona Dodge Diplomat Dodge Lancer Dodge Neon Dodge Shadow Dodge Stratus Dodge Stealth Eagle Summit Eagle Talon Jeep Cherokee (MPV) Jeep Grand Cherokee (MPV) Jeep Wrangler (MPV) Plymouth Caravelle Plymouth Colt Plymouth Laser Plymouth Gran Fury Plymouth Neon Plymouth Reliant Plymouth Sundance Plymouth Breeze |
| CONSULIER | Consulier GTP |
| DAEWOO | Korando (MPV) ¹ Nubira ¹ |
| FERRARI | Mondial 8 328 |
| FORD | Ford Aspire Ford Escort Ford Probe Ford Thunderbird Lincoln Continental Lincoln Mark Lincoln Town Car Mercury Capri Mercury Cougar Merkur Scorpio Merkur XR4Ti |
| GENERAL MOTORS. | Buick Electra Buick Reatta Buick Skylark Chevrolet Malibu Chevrolet Nova Chevrolet Blazer (MPV) Chevrolet Prizm Chevrolet Venture (MPV) ² Chevrolet S–10 Pickup Geo Storm Chevrolet Tracker (MPV) GMC Jimmy (MPV) GMC Safari (MPV) GMC Sonoma Pickup Oldsmobile Achieva (MYs 1997–1998) ³ Oldsmobile Bravada Oldsmobile Cutlass Oldsmobile Cutlass Supreme (MYs 1988–1997) ⁴ Oldsmobile Intrigue Pontiac Fiero Pontiac Grand Prix Saturn Sports Coupe |

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| Manufacturer | Subject lines |
|------------------|---|
| HONDA | Accord CRV (MPV) Odyssey (MPV) Passport Prelude S2000 ¹ Acura Integra |
| HYUNDAI | Accent Sonata Tiburon |
| ISUZU | Amigo Impulse Rodeo Stylus Trooper/Trooper II VehiCross (MPV) ⁵ |
| JAGUAR | XJ |
| KIA MOTORS | S-II |
| LOTUS | Elan |
| MASERATI | Biturbo Quattroporte 228 |
| MAZDA | 626 MX-3 MX-5 Miata MX-6 190 D 190 E |
| MERCEDES-BENZ | 260E (1987-1989) 300 SE (1988-1990) 300 TD (1987) 300 SDL (1987) 300 SEL 420 SEL (1987-1990) 560 SEL (1987-1990) 560 SEC (1987-1990) 560 SL |
| MITSUBISHI | Cordia Eclipse Mirage Montero (MPV) Montero Sport (MPV) Tredia |
| NISSAN | 3000GT 240SX Pathfinder Sentra/200SX Xterra ¹ |
| PEUGEOT | 405 |
| PORSCHE | 924S |
| SUBARU | XT SVX Forester Legacy X90 |
| SUZUKI | Sidekick (MYs 1997-1998) ⁶ Vitara (MPV) |
| TOYOTA | Toyota 4-Runner (MPV) Toyota Avalon Toyota Camry Toyota Celica Toyota Corolla/Corolla Sport Toyota Echo ¹ Toyota MR2 Toyota RAV4 (MPV) Toyota Sienna (MPV) Toyota Tercel Lexus RX300 (MPV) |
| VOLKSWAGEN | Audi Quattro Volkswagen Scirocco |

⁵Line added for MY 1999

⁶Renamed the Suzuki Vitara beginning with MY 1999 (includes Vitara and Grand Vitara models).

[64 FR 28112, May 25, 1999]

APPENDIX A-I—HIGH-THEFT LINES WITH ANTITHEFT DEVICES WHICH ARE EXEMPTED FROM THE PARTS-MARKING REQUIREMENTS OF THIS STANDARD PURSUANT TO 49 CFR PART 543

| Manufacturer | Subject lines |
|--------------------|---|
| AUSTIN ROVER | Sterling |
| BMW | 3 Car Line 5 Car Line 7 Car Line 8 Car Line |
| CHRYSLER | Chrysler Conquest Chrysler Imperial |
| FORD | Mustang ¹ Taurus ² |
| GENERAL MOTORS. | Buick LeSabre Buick Park Avenue Buick Regal/Century Buick Riviera Cadillac Allante Cadillac Deville Cadillac Seville Chevrolet Cavalier Chevrolet Corvette Chevrolet Lumina/Monte Carlo (MYs 1996-1999) ³ Oldsmobile Alero Oldsmobile Aurora Oldsmobile Toronado Pontiac Bonneville Pontiac Grand Am ² Pontiac Sunfire |
| HONDA | Acura CL Acura Legend (MYs 1991-1996) ⁴ Acura NSX Acura RL Acura SLX Acura TL Acura Vigor (MYs 1992-1995) Impulse (MYs 1987-1991) |
| ISUZU | XK8 |
| JAGUAR | 929 |
| MAZDA | RX-7 Millenia |
| MERCEDES-BENZ | 124 Car Line (the models within this line are): 260E 300D 300E 300CE 300TE 300TE 400E 500E 129 Car Line (the models within this line are): 300SL 500SL ⁵ 600SL ⁶ SL320 SL500 SL600 |

¹ Lines added for MY 2000

² Replaced the Chevrolet Lumina Minivan nameplate beginning with MY 1997

³ Renamed the Oldsmobile Alero beginning with MY 1999

⁴ Renamed the Oldsmobile Intrigue beginning with MY 1998

| Manufacturer | Subject lines |
|------------------|--|
| | 202 Car Line (the models within this line are): C220 C230 C280 C36 C43 |
| MITSUBISHI | Galant Starion |
| NISSAN | Diamante Nissan Altima ² Nissan Maxima Nissan 300ZX Infiniti I30 Infiniti J30 Infiniti M30 Infiniti QX4 Infiniti Q45 |
| PORSCHE | 911 928 968 Boxster |
| SAAB | 900 9000 |
| TOYOTA | Toyota Supra Toyota Cressida Lexus ES Lexus GS Lexus LS Lexus SC |
| VOLKSWAGEN | Audi 5000S Audi 100/A6 Audi 200/S4/S6 Audi Cabriolet Volkswagen Cabrio Volkswagen Corrado Volkswagen Golf/GTI Volkswagen Jetta/Jetta III Volkswagen Passat |

¹ Exempted in full beginning with MY 1999
² Exempted in full beginning with MY 2000
³ Renamed Chevrolet Impala/Monte Carlo beginning with MY 2000
⁴ Renamed the Acura RL beginning with MY 1997
⁵ Renamed the SL500 beginning with MY 1994
⁶ Renamed the SL600 beginning with MY 1994.

[64 FR 28113, May 25, 1999]

APPENDIX A-II TO PART 541—HIGH-THEFT LINES WITH ANTITHEFT DEVICES WHICH ARE EXEMPTED IN PART FROM THE PARTS-MARKING REQUIREMENTS OF THIS STANDARD PURSUANT TO 49 CFR PART 543

| Manufacturers | Subject lines | Parts to be marked |
|-----------------|--|--|
| GENERAL MOTORS. | Cadillac Eldorado Cadillac Sixty Special ¹ . Oldsmobile Ninety-Eight. Pontiac Firebird Chevrolet Camaro Oldsmobile Eighty-Eight. | Engine, Transmission Engine, Transmission Engine, Transmission Engine, Transmission Engine, Transmission |

¹ Renamed the Cadillac Concours beginning with MY 1994.

[64 FR 28114, May 25, 1999]

APPENDIX B—PASSENGER MOTOR VEHICLE LINES (EXCEPT LIGHT-DUTY TRUCKS) WITH THEFT RATES BELOW THE 1990/91 MEDIAN THEFT RATE, SUBJECT TO THE REQUIREMENTS OF THIS STANDARD

| Manufacturer | Subject lines |
|----------------------|--|
| Ford | Crown Victoria Mercury Grand Marquis Mercury Sable |
| General Motors | Chevrolet Astro (MPV) GMC Safari (MPV) |
| Honda | Civic. |

[64 FR 28114, May 25, 1999]

APPENDIX C TO PART 541—CRITERIA FOR SELECTING LINES LIKELY TO HAVE HIGH THEFT RATES

Scope

These criteria specify the factors the Administrator will take into account in determining whether a new line is likely to have a high theft rate, and, therefore, whether such line will be subject to the requirements of this theft prevention standard.

Purpose

The purpose of these criteria is to enable the Administrator to select, by agreement with the manufacturer, if possible, those new lines which are likely to have high theft rates.

Application

These criteria apply to lines of passenger motor vehicles initially introduced into commerce on or after January 1, 1983.

Methodology

These criteria will be applied to each line initially introduced into commerce on or after January 1, 1983. The likely theft rate for such lines will be determined in relation to the national median theft rate for 1983 and 1984. If the line is determined to be likely to have a theft rate above the national median, the Administrator will select such line for coverage under this theft prevention standard.

Criteria

1. Retail price of the vehicle line.
2. Vehicle image or marketing strategy.
3. Vehicle lines with which the new line is intended to compete, and the theft rates of such lines.
4. Vehicle line(s), if any, which the new line is intended to replace, and the theft rate(s) of such line(s).
5. Presence or absence of any new theft prevention devices or systems.

6. Preliminary theft rate for the line, if it can be determined on the basis of currently available data.

PART 542—PROCEDURES FOR SELECTING LINES TO BE COVERED BY THE THEFT PREVENTION STANDARD

Sec.

542.1 Procedures for selecting new lines that are likely to have high or low theft rates.

542.2 Procedures for selecting low theft new lines with a majority of major parts interchangeable with those of a high theft line.

AUTHORITY: 15 U.S.C. 2021, 2022, and 2023; delegation of authority at 49 CFR 1.50.

SOURCE: 59 FR 21672, Apr. 26, 1994, unless otherwise noted.

§ 542.1 Procedures for selecting new lines that are likely to have high or low theft rates.

(a) *Scope.* This section sets forth the procedures for motor vehicle manufacturers and NHTSA to follow in the determination of whether any new vehicle line is likely to have a theft rate above or below the median theft rate.

(b) *Application.* These procedures apply to each manufacturer that plans to introduce a new line into commerce in the United States on or after April 24, 1986, and to each of those new lines.

(c) *Procedures.* (1)(i) For each new line introduced before the 1997 model year, each manufacturer uses the criteria in appendix C of part 541 of this chapter to evaluate each new line and to conclude whether the new line is likely to have a theft rate above or below the median theft rate established for calendar years 1990 and 1991.

(ii) For each new line to be introduced for the 1997 or subsequent model years, each manufacturer shall use the criteria in appendix C of part 541 of this chapter to evaluate each new line and to conclude whether the new line is likely to have a theft rate above or below the median theft rate.

(2)(i) For each new line to be introduced before the 1997 model year, the manufacturer submits its evaluations and conclusions made under paragraph (c)(1)(i) of this section, together with the underlying factual information, to NHTSA not less than 18 months before

the date of introduction. The manufacturer may request a meeting with the agency to further explain the bases for its evaluations and conclusions.

(ii) For each new line to be introduced for the 1997 or subsequent model years, the manufacturer shall submit its evaluations and conclusions made under paragraph (c)(1)(ii) of this section, together with the underlying factual information, to NHTSA not less than 15 months before the date of introduction. The manufacturer may request a meeting with the agency during this period to further explain the bases for its evaluations and conclusions.

(3) Within 90 days after its receipt of the manufacturer's submission under paragraph (c)(2) of this section, the agency independently evaluates the new line using the criteria in appendix C of part 541 of this chapter and, on a preliminary basis, determines whether the new line should or should not be subject to § 541.2 of this chapter. NHTSA informs the manufacturer by letter of the agency's evaluations and determinations, together with the factual information considered by the agency in making them.

(4) The manufacturer may request the agency to reconsider any of its preliminary determinations made under paragraph (c)(3) of this section. The manufacturer shall submit its request to the agency within 30 days of its receipt of the letter under paragraph (c)(3) of this section. The request shall include the facts and arguments underlying the manufacturer's objections to the agency's preliminary determinations. During this 30-day period, the manufacturer may also request a meeting with the agency to discuss those objections.

(5) Each of the agency's preliminary determinations under paragraph (c)(3) of this section shall become final 45 days after the agency sends the letter specified in paragraph (c)(3) of this section unless a request for reconsideration has been received in accordance with paragraph (c)(4) of this section. If such a request has been received, the agency makes its final determinations within 60 days of its receipt of the request. NHTSA informs the manufacturer by letter of those determinations