

The change between the display settings must be done intentionally and cannot be accomplished inadvertently.

2. In the affected 2017–2019 MY Audi A3 vehicles, the two speedometer scales are noticeably different. Were the previous driver to have changed the display, a subsequent driver would be able to tell at a glance that the scale is not in mph.

3. The indicated vehicle speed in km/h is 1.6 times greater than the speed in mph [in terms of numeric value displayed by the speedometer—1km/h is approximately 0.62 MPH]. Audi purports that if the vehicle operator changes the display to indicate km/h and later has not changed the display back to mph, the vehicle operator will clearly recognize that the vehicle is moving at a lower speed than intended and adjust their vehicle speed to match road and traffic conditions. Notice of the speed differential advises the vehicle operator to perform the necessary steps to adjust the speedometer back to mph (at the next appropriate opportunity).

4. The 2017–2019 MY Audi A3 Owner Manual contains information and instructions for changing the units displayed, via the Infotainment system, using the MMI Settings menu. Therefore, if a vehicle operator needs to change the display to indicate mph, instructions are available.

5. As of January 08, 2019, production has been corrected, vehicles withheld at the factory have been corrected and unsold units will be corrected prior to sale. The correction for these vehicles is a software fix that permits display of the speed in mph or in both mph and km/h simultaneously.

6. Additionally, Volkswagen is not aware of any field or customer complaints related to this condition, nor has it been made aware of any accidents or injuries that have occurred as a result of this issue.

Volkswagen concluded that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

*VI. NHTSA's Analysis:* NHTSA has reviewed Volkswagen's petition that the subject noncompliance is inconsequential to motor vehicle safety. Volkswagen explains the Audi A3/RS3 vehicles are initially delivered for first-sale in the U.S. market compliant with FMVSS No. 101 with the speedometer display factory-set to mph. The subject vehicles are noncompliant because the driver can select an alternative

speedometer display in the menu setting of the “virtual cockpit.”

Specifically, in Audi A3/RS3 vehicles equipped with a “virtual cockpit,” if the driver selects the alternative speedometer display in the settings menu, the speedometer displays only km/h without simultaneously indicating mph, as required by FMVSS No. 101. The purpose of FMVSS No. 101 is to reduce safety hazards caused by the diversion of the driver's attention from the driving task when using controls, telltales, and indicators.

Volkswagen further explains that all vehicles display mph from factory settings and cannot be changed inadvertently. Additionally, when displaying km/h, the scale of the speedometer is different so it would be visibly apparent to the driver that the units of measure are different. NHTSA agrees with Volkswagen that it is unlikely that the switch from mph to km/h could be done inadvertently because specific interactions with the menu-driven vehicle settings are required by the operator to make the change. We believe that if an operator were to make this change it would be done intentionally and with some understanding of the implications and would not cause any impact to vehicle safety. Also, if an operator were unaware that a speedometer had been changed to display speed in km/h, they would be likely to travel at a slower speed rather than faster speed that might impact safety because the indicated numeric value of the speed in km/h would be 1.6 times greater than the numeric value of the speed in mph. For example, a driver attempting to match a speed limit of 40mph using a speedometer reading “40” in km/h would be traveling approximately 25mph and have an opportunity to safely detect the difference between their speedometer reading and the speed of nearby traffic. Furthermore, we believe that the majority of the owners of these vehicles will continue to operate them using the factory-set display (with the speed identified in mph) and never attempt to change to the metric units.

*VII. NHTSA's Decision:* In consideration of the foregoing, NHTSA finds that Volkswagen has met its burden of persuasion that the subject FMVSS No. 101 noncompliance is inconsequential to motor vehicle safety. Accordingly, Volkswagen's petition is hereby granted and Volkswagen is exempted from the obligation to provide notification of and free remedy for, the subject noncompliance in the affected vehicles under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject vehicles that Volkswagen no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Volkswagen notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8)

**Otto G. Matheke III,**

*Director, Office of Vehicle Safety Compliance.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA–2019–0040; Notice 2]

#### Kia Motors America, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Grant of petition.

**SUMMARY:** Kia Motors America, Inc., and Kia Motors Corporation (collectively “Kia”), has determined that certain model year (MY) 2020 Kia Telluride motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or less*. Kia filed a noncompliance report dated April 12, 2019, and subsequently petitioned NHTSA on April 18, 2019, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This notice announces the grant of Kia's petition.

**FOR FURTHER INFORMATION CONTACT:** Kerrin Bressant, Office of Vehicle Safety

Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-1110, facsimile (202) 366-5930.

#### SUPPLEMENTARY INFORMATION:

##### I. Overview

Kia has determined that certain MY 2020 Kia Telluride motor vehicles do not fully comply with paragraphs S4.3.3 of FMVSS No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or less* (49 CFR 571.110). Kia filed a noncompliance report dated April 12, 2019, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*, and subsequently petitioned NHTSA on

April 18, 2019, for an exemption from the notification and remedy requirement of 49 U.S.C Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance*.

Notice of receipt of Kia's petition was published with a 30-day public comment period, on August 21, 2019, in the **Federal Register** (84 FR 43661). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) website at <https://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2019-0040."

##### II. Vehicles Involved

Approximately 8,773 MY 2020 Kia Telluride motor vehicles manufactured between January 10, 2019, and March 27, 2019, are potentially involved.

##### III. Noncompliance:

Kia explains that the noncompliance is that the subject vehicles are equipped with Part 567 certification labels that are missing the value for the rim size as required by paragraph S4.3.3 of FMVSS No. 110. Specifically, the subject vehicles are equipped with 7.5Jx20 or 7.5Jx18 rims, however, the Part 567 certification labels are missing the "20" or "18" after the "7.5Jx." The certification labels also contain a typo. The "i" in "psi" is missing in the section of the label, which identifies the corresponding tire inflation pressure.

##### IV. Rule Requirements

Paragraphs S4.3.3 of FMVSS No. 110 provide the requirements relevant to this petition. Each vehicle must show

the size designation and, if applicable, the type designation of rims (not necessarily those on the vehicle) appropriate for the tire and appropriate for use on that vehicle, including the tire installed as original equipment on the vehicle by the vehicle manufacturer, after each GAWR listed on the certification label required by § 567.4 or § 567.5 of this chapter. This information should be in English, letters block capitals and numerals not less than 2.4 millimeters high and in the following format (*Truck Example- Suitable Tire-Rim Choice*):

GVWR: 2,441 kilograms (5381 pounds).

GAWR: Front-1,299 kilograms (2,864 pounds) with P265/70R16 tires, 16x8.0 rims at 248 kPa (36 psi) cold single.

GAWR: Rear-1,299 kilograms (2,864 pounds) with P265/70R16 tires, 16x8.0 rims at 248 kPa (36 psi) cold single.

##### V. Summary of Petition

Kia described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, Kia contends that the information missing from the label is a minor omission without any adverse safety implications because the information is readily available from other sources.

1. Kia states, FMVSS No. 110 paragraph S4.3(d), requires that the tire and loading information placard state the tire size designation for the tires installed on the vehicle at the time of first purchase. On the affected vehicles, the FMVSS No. 110 tire and loading label (which is located directly adjacent to the certification label on the "B" pillar), contains the correct tire size dimensions, recommended cold tire inflation pressure, and vehicle capacity weight.

2. FMVSS No. 110, paragraph S4.3(f), also requires the tire and loading placard to state "See Owner's Manual for Additional Information." The Owner's Manual for the 2020 Telluride provides the wheel rim and tire information, which the owner can easily refer to to confirm the correct tire pressure.

3. The consumer can also check the tire rims installed on the vehicle to determine the correct wheel rim size needed. Kia noted that FMVSS No. 110, paragraph S.4.4.2(b), requires each rim to identify, the rim size designation. The affected vehicles meet the requirements of this section.

4. Kia is not aware of any accidents or injuries related to the omitted tire rim size information or any typos regarding "psi" on the certification label, nor has

it received contact from vehicle owners regarding this issue.

5. NHTSA has previously granted similar petitions for inconsequential noncompliance with FMVSS No. 110, paragraph S4.3.3, with respect to missing or incorrect information on the certification label. *See e.g., Hyundai-Kia America Technical Center, Inc., Grant of Petition for Decision of Inconsequential Noncompliance*, 78 FR 38445 (June 26, 2013) [granting petition where certification labels on certain MY 2012 Hyundai Veracruz vehicles were missing tire size designation information entirely]; *Chrysler Group, LLC, Grant of Petition for Decision of Inconsequential Noncompliance*, 78 FR 38443 (June 26, 2013) [granting petition where certification labels in certain MY 2011 Chrysler Town and Country and Dodge Grand Caravan vehicles incorrectly identified tire size]; and *BMW of North America, LLC., Grant of Petition for Decision of Inconsequential Noncompliance*, 78 FR 76408 (December 17, 2013) [granting petition where certification lab is in certain MY 2012 X3 SAV vehicles contained incorrect tire and rim information for the tires and rims installed as original equipment].

Kia concludes that the subject noncompliance is inconsequential as it relates to motor vehicle safety and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

##### VI. NHTSA's Analysis

The intent of FMVSS No. 110 is to specify requirements for tire selection to prevent tire overloading. In addition, for vehicles other than passenger cars, each vehicle shall show the size designation and, if applicable, the type designation of rims (not necessarily those on the vehicle) appropriate for the tire appropriate for use on that vehicle, including the tire installed as original equipment on the vehicle by the vehicle manufacturer after each GAWR listed on the certification label required by 567.4 or 567.5 of this chapter.

The missing rim size information (specifically the "rim diameter") may readily be obtained from several additional sources typically found on and required to be furnished with the vehicle. The rim size is marked on the rims either impressed or embossed. The rim dimensions may also be found in the owners' manual which is referenced as an information source by the tire and loading information placard which is positioned adjacent to the certification

label and is yet another source for tire and rim dimension information.

FMVSS 110 S4.4.2(b) requires that each rim be marked with the rim size designation. By way of pictures taken of tire rims of affected vehicles, Kia shows that the affected vehicles are equipped with rims that are marked with the rim size and meet the requirements of this section.

The tire placard required by FMVSS 110 S4.3(d) requires that the tire size designation be provided for the tires installed at the time of the first purchase and FMVSS 110 S4.3(f) requires that the placard state "See Owner's Manual for Additional Information." Based on supplied exemplar pictures submitted by Kia, the affected vehicles meet the requirements of FMVSS 110 S4.3

NHTSA has historically granted petitions for inconsequentiality for inaccurate tire placards where the grantee has supplied sufficient reasoning to support such a conclusion. In addition, Kia has informed NHTSA that it has corrected future production and that those vehicles will comply with FMVSS 110 S4.3.3.

#### VII. NHTSA's Decision

In consideration of the foregoing, NHTSA has decided that Kia has met its burden of persuasion that the failure to provide the wheel size information and the "i" in psi, as required by paragraph S4.3 of FMVSS No. 110, is inconsequential to motor vehicle safety. Accordingly, Kia's petition is granted, and it is exempted from the obligation of providing the notification of, and a free remedy for, the noncompliance under 49 U.S.C. 30118, and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject vehicles that Kia no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles/wheels under their control after Kia notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120; Delegations of authority at 49 CFR 1.95 and 501.8)

**Otto G. Matheke III,**

*Director, Office of Vehicle Safety Compliance.*

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#### DEPARTMENT OF TRANSPORTATION

##### National Highway Traffic Safety Administration

[Docket No. NHTSA-2019-0079; Notice 2]

##### Nissan North America, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Grant of petition.

**SUMMARY:** Nissan North America, Inc., (Nissan) has determined that certain model year (MY) 2019 Nissan Armada motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment*. Nissan filed a noncompliance report dated July 1, 2019. Nissan also petitioned NHTSA on July 24, 2019, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces the grant of Nissan's petition.

**FOR FURTHER INFORMATION CONTACT:** Leroy Angeles, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-5304, facsimile (202) 366-3081.

##### **SUPPLEMENTARY INFORMATION: I.**

*Overview:* Nissan has determined that certain MY 2019 Nissan Armada motor vehicles do not fully comply with S7.4.13.1 of FMVSS No. 108, *Lamps, Reflective Devices, and Associated Equipment* (49 CFR 571.108). Nissan filed a noncompliance report dated July 1, 2019, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. Nissan also petitioned NHTSA on July 24, 2019, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance*.

Notice of receipt of Nissan's petition was published with a 30-day public

comment period, on October 15, 2019, in the **Federal Register** (84 FR 55220). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) website at <https://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2019-0079."

*II. Vehicles Involved:* Approximately 3,009 MY 2019 Nissan Armada motor vehicles, manufactured between September 13, 2018, and October 23, 2018, are potentially involved.

*III. Noncompliance:* Nissan explains that the noncompliance is that the subject vehicles are equipped with front combination lighting assemblies that do not meet the photometric intensity requirements as required by paragraph S7.4.13.1 of FMVSS No. 108.

Specifically, the inner lens of the side marker lamp is not seated properly in the headlamp assembly, thus, creating a gap between the forward edge of the reflector and the extension portion of the headlamp assembly. When tested, the photometric intensity of the side marker lamp fell below the minimum photometric intensity required on one of the 20 headlamp assemblies tested.

*IV. Rule Requirements:* Paragraph S7.4.13.1 of FMVSS No. 108 includes the requirements relevant to this petition. Each side marker lamp must be designed to conform to the photometry requirements of Table X, when tested according to the procedure of S14.2.1, for the lamp color as specified by FMVSS No. 108.

*V. Summary of Nissan's Petition:* The following views and arguments presented in this section, V. Summary of Nissan's petition, are the views and arguments provided by Nissan.

Nissan described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety. Nissan submitted the following views and arguments in support of the petition:

1. Due to a manufacturing issue affecting only the driver's side marker lamp, the reflex reflector (which also serves as the inner lens for the side marker) may not be seated properly in the headlamp assembly, creating a gap between the forward edge of the reflector and the extension portion of the headlamp assembly. The reflector is restrained from further movement by the outer lens of the headlamp. The manufacturing issue has been corrected.

2. Even in the worst-case displaced position, the side marker lamp is only minimally below photometric intensity requirement at one test point. Nissan