

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 September 1, 2006.

Methodology

These criteria will be applied to each line initially introduced into commerce on or after September 1, 2006. The likely theft rate for such lines will be determined in relation to the national median theft rate for 1990 and 1991. 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.

[50 FR 43190, Oct. 24, 1985, as amended at 69 FR 17967, Apr. 6, 2004; 69 FR 34613, June 22, 2004]

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

Sec.

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

542.2 Procedures for selecting low theft light duty truck lines with a majority of major parts interchangeable with those of a passenger motor vehicle line.

AUTHORITY: 49 U.S.C. 322, 33101, 33102, 33103, 33104, 33105; delegation of authority at 49 CFR 1.50.

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

§ 542.1 Procedures for selecting new light duty truck 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 light duty truck line is likely to have a theft rate above or below the 1990/91 median theft rate.

(b) Application. These procedures apply to each manufacturer that plans to introduce a new light duty truck line into commerce in the United States on or after September 1, 2006, and to each of those new lines.

(c) Procedures. (1) Each manufacturer shall use the criteria in appendix C of part 541 of this chapter to evaluate each new light duty truck line and to conclude whether the new line is likely to have a theft rate above or below the 1990/91 median theft rate.

(2) For each new light duty truck line, the manufacturer shall submit its evaluations and conclusions made under paragraph (c) 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 light duty truck 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

§ 542.2

49 CFR Ch. V (10-1-24 Edition)

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 and its response to the request for reconsideration.

[69 FR 17967, Apr. 6, 2004; 69 FR 34613, June 22, 2004]

§ 542.2 Procedures for selecting low theft light duty truck lines with a majority of major parts interchangeable with those of a passenger motor vehicle line.

(a) Scope. This section sets forth the procedures for motor vehicle manufacturers and NHTSA to follow in the determination of whether any light duty truck lines that have or are likely to have a low theft rate have major parts interchangeable with a majority of the covered major parts of a passenger motor vehicle line.

(b) Application. These procedures apply to:

(1) Each manufacturer that produces—

(i) At least one passenger motor vehicle line identified in 49 CFR 541.3(a)(1) and (2) that has been or will be introduced into commerce in the United States, and

(ii) At least one light duty truck line that has been or will be introduced into commerce in the United States and that the manufacturer identifies as likely to have a theft rate below the median theft rate; and

(2) Each of those likely sub-median theft rate light duty truck lines.

(c) Procedures. (1) For each light duty truck line that a manufacturer identifies under appendix C of part 541 of this chapter as having or likely to have a theft rate below the median

rate, the manufacturer identifies how many and which of the major parts of that line will be interchangeable with the covered major parts of any of its passenger motor vehicle lines.

(2) If the manufacturer concludes that a light duty truck line that has or is likely to have a theft rate below the median theft rate has major parts that are interchangeable with a majority of the covered major parts of a passenger motor vehicle line, the manufacturer determines whether all the vehicles of those lines with sub-median or likely sub-median theft rates will account for more than 90 percent of the total annual production of all of the manufacturer's lines with those interchangeable parts.

(3) The manufacturer submits its evaluations and conclusions made under paragraphs (c)(1) and (2) of this section, together with the underlying factual information, to NHTSA not less than 15 months before the date of introduction. During this period, the manufacturer may request a meeting with the agency to further explain the bases for its evaluations and conclusions.

(4) Within 90 days after its receipt of the manufacturer's submission under paragraph (c)(3) of this section, NHTSA considers that submission, if any, and independently makes, on a preliminary basis, the determinations of those light duty truck lines with sub-median or likely sub-median theft rates which should or should not be subject to § 541.5 of this chapter. NHTSA informs the manufacturer by letter of the agency's preliminary determinations, together with the factual information considered by the agency in making them.

(5) The manufacturer may request the agency to reconsider any of its preliminary determinations made under paragraph (c)(4) of this section. The manufacturer must submit its request to the agency within 30 days of its receipt of the letter under paragraph (c)(4) of this section informing it of the agency's evaluations and preliminary determinations. The request must 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.

(6) Each of the agency's preliminary determinations made under paragraph (c)(4) of this section becomes final 45 days after the agency sends the letter specified in that paragraph unless a request for reconsideration has been received in accordance with paragraph (c)(5) 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 and its response to the request for reconsideration.

[69 FR 17968, Apr. 6, 2004]

PART 543—EXEMPTION FROM VEHICLE THEFT PREVENTION STANDARD

Sec.

- 543.1 Scope.
- 543.2 Purpose.
- 543.3 Application.
- 543.4 Definitions.
- 543.5 Petition: General requirements.
- 543.6 Petition: Specific content requirements.
- 543.7 Petitions based on performance criteria.
- 543.8 Processing an exemption petition.
- 543.9 Duration of exemption.
- 543.10 Terminating or modifying an exemption.

APPENDIX A TO PART 543—PERFORMANCE CRITERIA (SUBSECTIONS 8 THROUGH 21) OF C.R.C, C. 1038.114 (IN EFFECT MARCH 30, 2011)

AUTHORITY: 49 U.S.C. 322, 33101, 33102, 33103, 33104 and 33105; delegation of authority at 49 CFR 1.95.

SOURCE: 52 FR 33829, Sept. 8, 1987, unless otherwise noted.

§ 543.1 Scope.

This part establishes procedures under section 605 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2025) for filing and processing petitions to exempt lines of passenger motor vehicles from part 541 of this chapter, and procedures for terminating or modifying an exemption.

§ 543.2 Purpose.

The purpose of this part is to specify the content and format of petitions

which may be filed by manufacturers of passenger motor vehicles to obtain an exemption from the parts-marking requirements of the vehicle theft prevention standard for passenger motor vehicle lines which include, as standard equipment, an antitheft device if the agency concludes that the device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements. This part also provides the procedures that the agency will follow in processing those petitions and in terminating or modifying exemptions.

§ 543.3 Application.

This part applies to manufacturers of vehicles subject to the requirements of part 541 of this chapter, and to any interested person who seeks to have NHTSA terminate an exemption.

[70 FR 28851, May 19, 2005]

§ 543.4 Definitions.

(a) *Statutory terms.* All terms defined in sections 2, 601, and 605 of the Motor Vehicle Information and Cost Savings Act are used in accordance with their statutory meanings unless otherwise defined in paragraph (b) of this section.

(b) *Other definitions.*

Accessory mode means the ignition switch setting in which certain electrical systems (such as the radio and power windows) can be operated without the operation of the vehicle's propulsion engine.

Immobilizer means a device that, when activated, is intended to prevent a motor vehicle from being powered by its own propulsion system.

Line or *car 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.

NHTSA means the National Highway Traffic Safety Administration.

[52 FR 33829, Sept. 8, 1987, as amended at 81 FR 66841, Sept. 29, 2016]