

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

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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]

§ 543.5

§ 543.5 Petition: General requirements.

(a) For each model year, a manufacturer may petition NHTSA for an exemption of one car line from the requirements of part 541 of this chapter. However, for car lines not subject to the requirements of part 541 of this chapter until September 1, 2006, a manufacturer may not petition NHTSA for an exemption for model years before model year 2006.

(b) Each petition filed under this part for an exemption must—

(1) Be written in the English language;

(2) Be submitted in three copies to: Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590.

(3) State the full name and address of the petitioner, the nature of its organization (individual, partnership, corporation, etc.), and the name of the State or country under the laws of which it is organized;

(4) Be submitted at least 8 months before the commencement of production of the lines specified under paragraph (5) of § 543.5(b) for the first model year in which the petitioner wishes those lines to be exempted, and identify that model year;

(5) Identify the passenger motor vehicle line or lines for which exemption is sought;

(6) Identify whether the exemption is sought under § 543.6 or § 543.7.

(7) If the exemption is sought under § 543.6, set forth in full the data, views, and arguments of the petitioner supporting the exemption, including the information specified in that section.

(8) If the exemption is sought under § 543.7, submission of the information required in that section.

(9) Specify and segregate any part of the information or data submitted that the petitioner requests be withheld from public disclosure in accordance with part 512, *Confidential Business Information*, of this chapter.

[52 FR 33829, Sept. 8, 1987, as amended at 59 FR 10758, Mar. 8, 1994; 70 FR 28851, May 19, 2005; 81 FR 66841, Sept. 29, 2016]

49 CFR Ch. V (10–1–24 Edition)

§ 543.6 Petition: Specific content requirements.

(a) Each petition for exemption filed under this part must include:

(1) A statement that an antitheft device will be installed as standard equipment on all vehicles in the line for which an exemption is sought;

(2) A list naming each component in the antitheft system, and a diagram showing the location of each of those components within the vehicle;

(3) A discussion that explains the means and process by which the device is activated and functions, including any aspect of the device designed to—

(i) Facilitate or encourage its activation by motorists,

(ii) Attract attention to the efforts of an unauthorized person to enter or move a vehicle by means other than a key,

(iii) Prevent defeating or circumventing the device by an unauthorized person attempting to enter a vehicle by means other than a key,

(iv) Prevent the operation of a vehicle which an unauthorized person has entered using means other than a key, and

(v) Ensure the reliability and durability of the device;

(4) The reasons for the petitioner's belief that the antitheft device will be effective in reducing and deterring motor vehicle theft, including any theft data and other data that are available to the petitioner and form a basis for that belief;

(5) The reasons for the petitioner's belief that the agency should determine that the antitheft device is likely to be as effective as compliance with the parts-marking requirements of part 541 in reducing and deterring motor vehicle theft, including any statistical data that are available to the petitioner and form a basis for petitioner's belief that a line of passenger motor vehicles equipped with the antitheft device is likely to have a theft rate equal to or less than that of passenger motor vehicles of the same, or a similar, line which have parts marked in compliance with part 541.

(b) Any petitioner submitting data under paragraph (a) (4) or (5) of this section shall submit an explanation of its belief that the data are sufficiently

representative and reliable to warrant NHTSA's reliance upon them.

[52 FR 33829, Sept. 8, 1987, as amended at 59 FR 10758, Mar. 8, 1994]

§ 543.7 Petitions based on performance criteria.

A petition submitted under this section must include:

(a) A statement that the entire line of vehicles is equipped with an immobilizer, as standard equipment, that meets one of the following:

(1) The performance criteria (subsections 8 through 21) of C.R.C, c. 1038.114, *Theft Protection and Rollaway Prevention (in effect March 30, 2011)*, as excerpted in appendix A of this part;

(2) National Standard of Canada CAN/ULC-S338-98, *Automobile Theft Deterrent Equipment and Systems: Electronic Immobilization* (May 1998);

(3) United Nations Economic Commission for Europe (UNECE) Regulation No. 97 (ECE R97), *Uniform Provisions Concerning Approval of Vehicle Alarm System (VAS) and Motor Vehicles with Regard to Their Alarm System (AS)* in effect August 8, 2007; or

(4) UN/ECE Regulation No. 116 (ECE R116), *Uniform Technical Prescriptions Concerning the Protection of Motor Vehicles Against Unauthorized Use* in effect on February 10, 2009.

(b) Compliance documentation kept to demonstrate the basis for certification with the performance criteria specified in paragraph (a) of this section.

(c) A statement that the immobilizer device is durable and reliable.

[81 FR 66841, Sept. 29, 2016]

§ 543.8 Processing an exemption petition.

(a) NHTSA processes any complete petition. If a manufacturer submits a petition that does not contain all the information required by this part, NHTSA informs the manufacturer of the areas of insufficiency and advises the manufacturer that the agency does not process the petition until it receives the required information.

(b) The agency grants a petition for an exemption from the parts-marking requirements of part 541 either in whole or in part, if it determines that, based upon substantial evidence, the

standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of part 541.

(c) The agency issues its decision either to grant or deny an exemption petition not later than 120 days after the date on which a complete petition is filed.

(d) Any exemption granted under this part applies only to the vehicle line or lines that are the subject of the grant, and are equipped with the antitheft device on which the line's exemption was based.

(e) An exemption granted under this part is effective for the model year beginning after the model year in which NHTSA issue the notice of exemption, unless the notice of exemption specifies a later model year.

(f) If the petition is sought under § 543.6, NHTSA publishes a notice of its decision to grant or deny an exemption petition in the FEDERAL REGISTER and notifies the petitioner in writing of the agency's decision.

(g) If the petition is sought under § 543.7, NHTSA notifies the petitioner in writing of the agency's decision to grant or deny an exemption petition.

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

§ 543.9 Duration of exemption.

Each exemption under this part continues in effect unless it is modified or terminated under § 543.10, or the manufacturer ceases production of the exempted line.

[81 FR 66841, Sept. 29, 2016]

§ 543.10 Terminating or modifying an exemption.

(a) On its own initiative or in response to a petition, NHTSA may commence a proceeding to terminate or modify any exemption granted under this part.

(b) Any interested person may petition the agency to commence a proceeding to terminate or modify an exemption.

(c)(1) In a petition to terminate an exemption, the petitioner must:

(i) Identify the vehicle line or lines that are the subject of the exemption;

(ii) State the reasons for petitioner's belief that the standard equipment antitheft device installed under the exemption is not as effective as compliance with the parts-marking requirements of part 541 in reducing and deterring motor vehicle theft;

(iii) Comply with §543.5, paragraphs (b) (1) through (3) and (7).

(2) In a petition to modify an exemption, the petitioner must:

(i) Identify the vehicle line or lines that are the subject of the exemption;

(ii) Request permission to use an antitheft device similar to, but different from the standard equipment antitheft device which is installed under the exemption;

(iii) Comply with §543.5, paragraphs (b) (1) through (3) and (7); and

(iv) Provide the same information for the modified device that is required under §543.6 for a new device, except that the information specified by §543.6(a)(3) need be provided only to the extent that the modified device differs from the standard equipment antitheft device installed under the exemption.

(d) NHTSA processes any complete petition. If a person submits a petition under this section that does not contain all the information required by it, NHTSA informs the manufacturer of the areas of insufficiency and advises the manufacturer that the agency does not process the petition until it receives the required information.

(e) If NHTSA denies a petition requesting a proceeding to terminate or modify an exemption, the agency notifies the petitioner by letter.

(f) If NHTSA commences a termination proceeding on its own initiative or in response to a petition, the agency provides the manufacturer of the exempted line with a copy of the petition, if any, a written statement of NHTSA's reasons for commencing the proceeding, and an opportunity to present its written views.

(g)(1) The agency terminates an exemption if it determines that the antitheft device installed under the exemption has not been as effective as parts-marking in reducing and deterring motor vehicle theft.

(2) Except as provided in paragraph (g)(3) of this section, a decision to ter-

minate an exemption under this section takes effect on the later of the following dates:

(i) The last day of the model year in which NHTSA issues the termination decision, or

(ii) Six months after the manufacturer receives written notice of the termination.

(3) If a manufacturer shows good cause why terminating its exemption effective on a date later than the one specified in paragraph (g)(2) of this section is consistent with the public interest and the purposes of the Act, the agency may set such later date.

(h)(1) The agency modifies an exemption if it determines, based on substantial evidence, that the modified antitheft device described in the petition is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of part 541.

(2)(i) Except as provided in paragraph (h)(2)(ii) of this section, a decision to modify an exemption under this section takes effect on the first day of the model year following the model year in which NHTSA issued the modification decision.

(ii) If a manufacturer shows good cause why modifying its exemption effective on a date earlier than the one specified in paragraph (h)(2)(i) of this section is consistent with the public interest and the purposes of the Act, the agency may set such earlier date.

(i) [Reserved]

(j) NHTSA publishes notice in the FEDERAL REGISTER of any agency decision terminating or modifying an exemption, and notifies the affected manufacturer in writing.

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

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

In order to be eligible for an exemption under §543.7(a)(1), the entire vehicle line must be equipped with an immobilizer meeting the following criteria:

(1) Subject to paragraph (2) of this appendix, an immobilization system shall arm automatically within a period of not more than 1 minute after the disarming device is

removed from the vehicle, if the vehicle remains in a mode of operation other than accessory mode or on throughout that period.

(2) If the disarming device is a keypad or biometric identifier, the immobilization system shall arm automatically within a period of not more than 1 minute after the motors used for the vehicle's propulsion are turned off, if the vehicle remains in a mode of operation other than accessory mode or on throughout that period.

(3) The immobilization system shall arm automatically not later than 2 minutes after the immobilization system is disarmed, unless:

(i) Action is taken for starting one or more motors used for the vehicle's propulsion;

(ii) Disarming requires an action to be taken on the engine start control or electric motor start control, the engine stop control or electric motor stop control, or the ignition switch; or

(iii) Disarming occurs automatically by the presence of a disarming device and the device is inside the vehicle.

(4) If armed, the immobilization system shall prevent the vehicle from moving more than 3 meters (9.8 feet) under its own power by inhibiting the operation of at least one electronic control unit and shall not have any impact on the vehicle's brake system except that it may prevent regenerative braking and the release of the parking brake.

(5) During the disarming process, a code shall be sent to the inhibited electronic control unit in order to allow the vehicle to move under its own power.

(6) It shall not be possible to disarm the immobilization system by interrupting its normal operating voltage.

(7) When the normal starting procedure requires that the disarming device mechanically latch into a receptacle and the device is physically separate from the ignition switch key, one or more motors used for the vehicle's propulsion shall start only after the device is removed from that receptacle.

(8)(i) The immobilization system shall have a minimum capacity of 50,000 code variants, shall not be disarmed by a code that can disarm all other immobilization systems of the same make and model; and

(ii) subject to paragraph (9) of this appendix, it shall not have the capacity to process more than 5,000 codes within 24 hours.

(9) If an immobilization system uses rolling or encrypted codes, it may conform to the following criteria instead of the criteria set out in paragraph (8)(ii) of this appendix:

(i) The probability of obtaining the correct code within 24 hours shall not exceed 4 per cent; and

(ii) It shall not be possible to disarm the system by re-transmitting in any sequence the previous 5 codes generated by the system.

(10) The immobilization system shall be designed so that, when tested as installed in the vehicle neither the replacement of an original immobilization system component with a manufacturer's replacement component nor the addition of a manufacturer's component can be completed without the use of software; and it is not possible for the vehicle to move under its own power for at least 5 minutes after the beginning of the replacement or addition of a component referred to in this paragraph (1).

(11) The immobilization system's conformity to paragraph (10) of this appendix shall be demonstrated by testing that is carried out without damaging the vehicle.

(12) Paragraph (10)(i) of this appendix does not apply to the addition of a disarming device that requires the use of another disarming device that is validated by the immobilization system.

(13) The immobilization system shall be designed so that it can neither be bypassed nor rendered ineffective in a manner that would allow a vehicle to move under its own power, or be disarmed, using one or more of the tools and equipment listed in paragraph (14) of this appendix;

(i) Within a period of less than 5 minutes, when tested as installed in the vehicle; or

(ii) Within a period of less than 2.5 minutes, when bench-tested outside the vehicle.

(14) During a test referred to in paragraph (13) of this appendix, only the following tools or equipment may be used: Scissors, wire strippers, wire cutters and electrical wires, a hammer, a slide hammer, a chisel, a punch, a wrench, a screwdriver, pliers, steel rods and spikes, a hacksaw, a battery operated drill, a battery operated angle grinder; and a battery operated jigsaw.

NOTE: C.R.C. c. 1038.114, Theft Protection and Rollaway Prevention (in effect March 30, 2011). See: SOR/2011-69 March, 2011 "Regulations Amending the Motor Vehicle Safety Regulations (Theft Prevention and Rollaway Prevention—Standard 114)" 2011-03-30 Canada Gazette Part II, Vol 145, No. 7.

[81 FR 66841, Sept. 29, 2016]

PART 545—FEDERAL MOTOR VEHICLE THEFT PREVENTION STANDARD PHASE-IN AND SMALL-VOLUME LINE REPORTING REQUIREMENTS

- Sec.
- 545.1 Scope.
- 545.2 Purpose.
- 545.3 Applicability.
- 545.4 Response to inquiries.
- 545.5 Definitions.
- 545.6 Reporting requirements for vehicles listed in § 541.3(a)(1).