

§ 557.6

Such a document will be treated according to the existing correspondence and other procedures of the NHTSA, and any information contained in it will be considered at the discretion of the Administrator.

§ 557.6 Determination whether to hold a public hearing.

(a) The Administrator considers the following factors in determining whether to hold a hearing:

- (1) The nature of the complaint;
- (2) The seriousness of the alleged breach of obligation to remedy;
- (3) The existence of similar complaints;
- (4) The ability of the NHTSA to resolve the problem without holding a hearing; and
- (5) Other pertinent matters.

(b) If, after considering the above factors, the Administrator determines that a hearing should be held, the petition is granted. If it is determined that a hearing should not be held, the petitioner is notified of the grant or denial not more than 60 days after receipt of the petition by the NHTSA.

(c) If a petition submitted under this part is denied, a FEDERAL REGISTER notice of the denial is issued within 45 days of the denial, setting forth the reasons for it.

(d) The Administrator may conduct a hearing under this part on his own motion.

§ 557.7 Public hearing.

If the Administrator decides that a public hearing under this part is necessary, he issues a notice of public hearing in the FEDERAL REGISTER, to advise interested persons of the time, place, and subject matter of the public hearing and invite their participation. Interested persons may submit their views through oral or written presentation, or both. There is no cross-examination of witnesses. A transcript of the hearing is kept and exhibits may be accepted as part of the transcript. Sections 556 and 557 of title 5, U.S.C., do not apply to hearings held under this part. When appropriate, the Chief Counsel designates a member of his staff to serve as legal officer at the hearing.

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§ 557.8 Determination of manufacturer's obligation.

If the Administrator determines, on the basis of the information presented at a hearing or any other information that is available to him, that the manufacturer has not reasonably met his obligation to notify owners, dealers, and purchasers of a safety-related defect or failure to comply with a Federal motor vehicle safety standard or to remedy such defect or failure to comply, he orders the manufacturer to take specified action to comply with his obligation, consistent with the authority granted the Administrator by the Act.

PART 562—LIGHTING AND MARKING OF AGRICULTURAL EQUIPMENT

Sec.

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562.7 Lighting and marking requirements for new agricultural equipment.

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562.11 Incorporation by reference.

AUTHORITY: Sec. 31601, Pub. L. 112-141, 126 Stat. 405; 49 U.S.C. 30111 note; delegation of authority at 49 CFR 1.95.

SOURCE: 81 FR 40533, June 22, 2016, unless otherwise noted.

§ 562.1 Scope and purpose.

This part establishes minimum lighting and marking standards for new agricultural equipment as required by the Moving Ahead for Progress in the 21st Century Act (Sec. 31601, Pub. L. 112-141).

§ 562.3 Definitions.

Agricultural equipment has the meaning given the term “agricultural field equipment” in the ANSI/ASAE 390.4 JAN2005, “Definitions and Classifications of Agricultural Field Equipment” (incorporated by reference, see § 562.11).

Public road means any road or street under the jurisdiction of and maintained by a public authority and open to public travel.