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of vehicles manufactured during the current production year.

(2) Production of complying vehicles—

Each manufacturer shall report for the production year being reported on, and each preceding production year, to the extent that vehicles produced during the preceding years are treated under Standard No. 141 as having been produced during the production year being reported on, information on the number of vehicles that meet the requirements of Standard No. 141, Minimum Sound Requirements for Hybrid and Electric Vehicles (49 CFR 571.141).

[81 FR 90521, Dec. 14, 2016, as amended at 83 FR 8198, Feb. 26, 2018; 85 FR 54281, Sept. 1, 2020]

§ 585.134 Records.

Each manufacturer shall maintain records of the Vehicle Identification Number for each vehicle for which information is reported under § 585.133 until December 31, 2025.

[85 FR 54281, Sept. 1, 2020]

PART 586—REPLICA MOTOR VEHICLES

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AUTHORITY: 49 U.S.C. 30112 and 30114; delegation of authority at 49 CFR 1.95.

SOURCE: 87 FR 13233, Mar. 9, 2022, unless otherwise noted.

§ 586.1 Scope.

This part specifies requirements and procedures under 49 U.S.C. 30114(b) for the registration of low-volume manufacturers as replica motor vehicle manufacturers and establishes the duties of the manufacturers.

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§ 586.2 Purpose.

The purpose of this part is to implement 49 U.S.C. 30114(b) to exempt not more than 325 replica motor vehicles per year that are manufactured or imported by low-volume manufacturers from certain requirements for motor vehicles. This part specifies eligibility requirements for low-volume manufacturers to qualify for the exemption. They must register with NHTSA as a replica motor vehicle manufacturer according to procedures for the registration of such manufacturers, meet content and format requirements for registration submissions, and meet requirements for updating registrations. This part also provides for the revocation of registrations and sets forth labeling, reporting, and other requirements. Manufacturers are not exempted under 49 U.S.C. 30114(b) unless they register with NHTSA pursuant to this part 586.

§ 586.3 Applicability.

This part applies to low-volume manufacturers that wish to register with NHTSA as a replica motor vehicle manufacturer, and to manufacturers registered as replica motor vehicle manufacturers.

§ 586.4 Definitions.

All terms in this part that are defined in 49 U.S.C. 30102 and in 49 CFR 571.3 are used as defined therein.

Low-volume manufacturer means a motor vehicle manufacturer, other than a person who is registered as an importer under 49 U.S.C. 30141, whose annual worldwide production, including by a parent or subsidiary of the manufacturer, if applicable, is not more than 5,000 vehicles.

Original model year of a replicated vehicle means the stated model year of a vehicle that has been replicated pursuant to 49 CFR part 586.

Replica motor vehicle means a motor vehicle that—

- (1) Is produced by a manufacturer meeting the definition of replica motor vehicle manufacturer under part 586 that has not manufactured 325 replica motor vehicles in the current calendar year;
- (2) Is intended to resemble the body of another motor vehicle that was

manufactured for consumer sale not less than 25 years before the manufacture of the replica motor vehicle;

(3) Is manufactured in a single stage; and

(4) Is either:

(i) Manufactured under a license for all of the intellectual property rights of the motor vehicle that is intended to be replicated, including, but not limited to, product configuration, trade dress, trademark, and patent, from the original manufacturer, or its successors or assignees; or,

(ii) Manufactured by a current owner of such intellectual property, including, but not limited to, product configuration trade dress, trademark, and patent rights.

Replica motor vehicle manufacturer means a low-volume manufacturer, that is registered as a replica motor vehicle manufacturer pursuant to the requirements in this part.

Replica model year means the calendar year in which a replica motor vehicle was manufactured.

§ 586.5 General requirements.

(a) Each manufacturer wishing to register as a replica motor vehicle manufacturer must have a calendar year, worldwide production, including any by a parent or subsidiary of the manufacturer, of not more than 5,000 motor vehicles, and must not be a registered importer under 49 CFR part 592. Only one registration is permitted for manufacturers sharing common ownership. If a manufacturer wishes to manufacture replica motor vehicles and share common ownership with a registered replica motor vehicle manufacturer, it may only do so after the registered replica vehicle manufacturer submits an updated registration submission indicating that the exemption for 325 replica vehicles will be divided between the manufacturers. Replica manufacturers sharing common ownership will be limited to a total of 325 replica vehicles. An update to a registration to add a manufacturer under common ownership shall allocate the exemption for 325 replica vehicles between the manufacturers. An update to the registration to adjust the allocation must be made pursuant to § 586.9.

(b) Each manufacturer wishing to manufacture replica motor vehicles under this program must be registered, according to the requirements in § 586.6, as a replica motor vehicle manufacturer for the calendar year in which the replica motor vehicle is manufactured.

(c) Each replica motor vehicle manufacturer shall meet all statutory and regulatory requirements, including requirements in 49 CFR part 567, applicable to motor vehicle manufacturers, except:

(1) 49 U.S.C. 30112(a) regarding the Federal motor vehicle safety standards applicable to vehicles (as opposed to standards applicable to motor vehicle equipment) in effect on the date of manufacture of the replica motor vehicle; and

(2) 49 U.S.C. 32304, 32502, 32902 and 15 U.S.C. 1232.

(d) Each replica motor vehicle manufacturer shall:

(1) Meet all the requirements set forth in this part;

(2) Not manufacture more than 325 replica motor vehicles in a calendar year; and,

(3) Meet 49 U.S.C. 30112(a) regarding the Federal motor vehicle safety standards applicable to equipment items installed on the vehicle.

(e) Each replica motor vehicle, as manufactured, shall resemble the original replicated vehicle.

(f) An exemption granted by NHTSA may not be transferred to any other person, and shall expire at the end of the calendar year for which it was granted with respect to any volume authorized by the exemption that was not applied by the replica motor vehicle manufacturer to vehicles built during that calendar year.

§ 586.6 Registration.

(a) A manufacturer may register under this part as a manufacturer of replica motor vehicles if:

(1) The manufacturer is not registered as an importer under 49 CFR part 592;

(2) The manufacturer's annual worldwide production, including any by a parent or subsidiary of the manufacturer, is not more than 5,000 motor vehicles;

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(3) The manufacturer has submitted manufacturer identification information pursuant to part 566.

(b) To register as a replica motor vehicle manufacturer, a manufacturer must submit, using the NHTSA Product Information Catalog and Vehicle Listing (vPIC) platform (<https://vpic.nhtsa.dot.gov/>) its name, address, and email address, and the following:

(1) Information sufficient to establish:

(i) That the manufacturer's annual world-wide production, including any by a parent or subsidiary of the manufacturer, is not more than 5,000 motor vehicles, and a statement certifying to that effect, including the total number of motor vehicles produced by or on behalf of the registrant in the 12-month period to filing the registration; and,

(ii) That the manufacturer is not registered as an importer under 49 CFR part 592;

(2) A statement identifying the original vehicle(s) the manufacturer intends to replicate by make, model, and model year;

(3) Information sufficient to establish that the replica vehicle(s) the manufacturer will replicate is intended to resemble the body of the original vehicle, including:

(i) The images of the front, rear, and side views of the exterior of the original vehicle;

(ii) If the manufacturer has previously replicated the original vehicle(s), images of the front, rear, and side views of the exterior of a representative replica motor vehicle;

(iii) If the manufacturer has not previously replicated the original vehicle(s), design plans for the replica vehicles;

(iv) Information to show that the replica motor vehicle will have a height, width, and length within 10 percent of the original motor vehicle and,

(v) If the replica motor vehicle deviates from the height, width, or length of the original motor vehicle by more than 10 percent, an explanation of why such deviations were necessary.

(4) A certification that the manufacturer has determined the intellectual property rights required, and that the manufacturer has obtained all licenses and permissions necessary to legally

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produce the replica motor vehicle described in the application, or is the owner of such intellectual property.

(5) A statement certifying that the manufacturer will not manufacture more than the number of replica motor vehicles covered by the requested exemption, a number not more than 325 replica motor vehicles in a calendar year; and,

(6) All information required by part 566 to identify itself to NHTSA as a motor vehicle manufacturer.

(c) A manufacturer is not considered registered under this part 586 unless:

(1) The registration is approved; or,

(2) The registration is deemed approved under § 586.9.

(d) A replica motor vehicle manufacturer shall submit an updated registration submission prior to beginning manufacture of any replica vehicle model(s) not covered by their existing registration and will not begin manufacturing those additional replica vehicle model(s) until the registration is either approved or deemed approved as specified under § 586.9.

(e) A registrant need not reapply annually if the registrant seeks to manufacture the same replica vehicles (make, model and model year) for which it received approval. The registrant must provide notification, by way of its annual report pursuant to § 586.12, of its intent to continue manufacturing replica vehicles to which an approved registration applies.

§ 586.7 Processing of registrations.

Upon receipt of a registration submitted on vPIC, NHTSA will automatically notify the registrant by email within 90 days of the receipt whether the registration is approved, denied, or incomplete. This notification will be sent to the email address provided in the manufacturer's original submission. If an application is approved, the registrant's name will automatically be added to the list of approved registrants on NHTSA's website. NHTSA will deny a registration if:

(a) NHTSA determines that the registrant does not meet the requirements of this part 586;

(b) The registration is incomplete, and the registrant has failed to provide the missing information within 60 days

after being notified by NHTSA pursuant to 586.8; or,

(c) The registration relies on the same facts and circumstances as a previously denied registration.

§ 586.8 Incomplete registrations.

(a) If NHTSA determines that a submission is incomplete, NHTSA will notify the registrant, by email, within 90 days, that there is missing information. The registrant shall have 60 days to submit the missing information. This notification will be sent to the email address provided in the manufacturer's original submission.

(b) If NHTSA receives the missing information within 60 days of notifying the registrant that its submission is incomplete, NHTSA will approve or deny the registration within a period of time equivalent to the number of days that were remaining in the original 90-day period at the time NHTSA sent the notification, plus an additional 30 days.

(c) If a registrant does not respond to NHTSA's notification that its submission is incomplete within 60 days, or the registrant responds within 60 days but the additional information submitted is not sufficient to complete the registration, the registration may be denied.

§ 586.9 Deemed approved registrations.

(a) If NHTSA does not act on a registration within 90 days of NHTSA's receipt of the submission, NHTSA will notify a registrant by email on or after the 90th day that the registration has been deemed approved. Registrants that have been deemed approved will be included on NHTSA's list of approved replica motor vehicle manufacturers.

(b) A manufacturer that has not received an email notification from NHTSA about NHTSA's decision on the application following 90 days from submission of the registration should contact NHTSA's Manufacturers Helpdesk to determine the status of its registration (Email: manufacturerinfo@dot.gov; Telephone: 1-888-399-3277). Manufacturers may also contact the helpdesk for information about the status of their registrations at any time, or may themselves check the status using the

key provided them when they submitted their registration application. A manufacturer that has not received an email confirmation from NHTSA that its registration has been deemed approved may be subject to enforcement action by NHTSA for violating 49 U.S.C. 30112(a) if NHTSA finds that the registration was incomplete or denied, and that an email notification had been sent to the email address provided in the manufacturer's submission.

(c) If NHTSA determines that a registration that had been deemed approved is incomplete or fails to meet the requirements for registrants in this part 586, NHTSA may request additional information from the registrant in writing, which includes by email. A manufacturer shall have 60 days to respond to a request for additional information. If the manufacturer fails to respond within the 60 days or submits information that does not support that it meets the requirements of this part 586, NHTSA may revoke the registration.

§ 586.10 Updating existing registrations.

A registered replica manufacturer shall submit updated registration information prior to commencing manufacture of a new model of replica vehicle or reallocating the number of replica vehicles to be made by two or more replica manufacturers under common ownership. The manufacturer shall submit updated registration information pursuant to § 586.6. The manufacturer may not begin producing the new model of replica vehicle or reallocate replica vehicles until its registration is either approved by NHTSA or is deemed approved.

§ 586.11 Temporary label.

Each replica motor vehicle shall have a temporary label attached to a location on the dashboard or the steering wheel hub that is clearly visible from all front seating positions. The label shall meet the following requirements:

(a) The label shall include a heading area in yellow with an alert symbol consisting of a solid black equilateral triangle with a yellow exclamation point and the word "WARNING" in black block capitals in a type size that

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is larger than that used in the remainder of the label and the alert symbol in black.

(b) The label shall include a message area in white with black text in at least 20-point font stating: “This vehicle is a replica motor vehicle and is exempt from complying with all current Federal motor vehicle safety standards that apply to motor vehicles, and with theft prevention and bumper standards in effect on the date of manufacture. [The expression “U.S.” or “U.S.A.” may be inserted before the word “Federal”.] See the certification label for a list of the standards from which this replica motor vehicle is exempt.”

(c) The message area shall be not less than 30 cm² (4.7 in²).

[87 FR 13233, Mar. 9, 2022, as amended at 87 FR 23111, Apr. 19, 2022]

§ 586.12 Annual report.

Each manufacturer of a replica motor vehicle shall furnish the following information to <https://vpic.nhtsa.dot.gov/> no later than March 1 following the end of a calendar year in which the manufacturer produced at least one (1) replica motor vehicle:

(a) Full individual, partnership or corporate name of the manufacturer.

(b) Residence address of the manufacturer, phone number and email address.

(c) Year to which the report applies (reporting year).

(d) The complete Vehicle Identification Number (VIN) of each replica vehicle manufactured.

(e) Vehicle make(s) and model(s).

(f) Replica model year.

(g) Original model year of the replicated vehicle(s).

(h) Total number of replica motor vehicles manufactured during the reporting year.

(i) Images of the front, rear, roof, and side views of the original vehicle(s) replicated, of the vehicle’s exterior, and images of the same views of a representative replica manufactured to resemble each original vehicle. Submit also information sufficient to establish that the replica motor vehicle, as manufactured, resembles the body of the original vehicle.

(j) State whether the replica vehicles contain any of the following vehicle safety features: Front or side air bags;

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lap or lap and shoulder belts; advanced safety systems/passive safety systems (listed with locations); electronic stability control; rear visibility camera system; ejection mitigation.

(k) If the registrant will be manufacturing the same replica motor vehicle(s) in the next calendar year, a notification to NHTSA of which replica motor vehicle(s) will be produced, and a certification that the registrant will produce no more than 325 replica motor vehicles in total. If the manufacturer intends to continue manufacturing replica motor vehicle(s), the manufacturer must also submit information sufficient to establish that their annual world-wide production, including by a parent or subsidiary of the manufacturer, if applicable, is not more than 5,000 motor vehicles, and a statement certifying to that effect, including the total number of motor vehicles produced by or on behalf of the registrant in the 12-month prior to filing the registration.

§ 586.13 Revocation of registrations.

NHTSA may require registrants to provide information related to compliance with the requirements of this part at any time. NHTSA may revoke an existing registration or deny a registration based on a failure to comply with requirements of this part or a finding of a safety-related defect or unlawful conduct under 49 U.S.C. Chapter 301 *et seq.* that poses a significant safety risk. Prior to the revocation of the registration, NHTSA will provide the registrant a reasonable opportunity to correct deficiencies, if such are correctable, based on the sole discretion of NHTSA.

PART 587—DEFORMABLE BARRIERS

Subpart A—General

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Subpart B—Side Impact Moving Deformable Barrier

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