

Helmet Laws Reduce Fatalities, Study Reports

Motorcyclist helmet use laws are reducing fatalities in motorcycle crashes, reports a recent study of the effectiveness of these laws.

In addition, the study found that laws requiring use of motorcycle headlamps during the daytime may also be achieving the same loss reduction purpose. But, it cautioned that additional information on the effectiveness of headlamp laws would be needed before a "more definitive conclusion" could be drawn.

Noting a movement by a few motorcyclist groups to overturn helmet use laws, the study observed that it "would be folly" to repeal such laws on the basis of the inadequate data cited by the laws' opponents. (See *Status Report*, Vol. 10, No. 15, Sept. 15, 1975.)

Despite the effectiveness of helmet use laws, the study noted that "short of banning the manufacture and sale of motorcycles as excessively hazardous products, no single action would eliminate all motorcycle related injuries."

"If the motorcycle registrations continue to double every 5 years, as they have for the past 15, without further action, the accompanying carnage will dwarf that already experienced," the study warned.

There is, however, a "wide range of options available to reduce society's toll related to motorcycle use," including improved "helmets and greater helmet use; measures to improve the visibility of motorcycles

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to other motorists, bicyclists and pedestrians; and reduction of pointed, hard surfaces on motorcycles and on other vehicles and elements of their environments," the study pointed out. (See *Status Report*, Vol. 9, No. 10, May 15, 1974.)

The study, which was conducted by Leon Robertson, senior behavioral scientist for the Insurance Institute for Highway Safety, examined the effects of helmet use and daytime headlamp use laws in terms of compliance with the laws and their effects on fatalities.

HELMET LAWS

The highway safety program standards adopted by the National Highway Traffic Safety Administration include a requirement that states implement all standards, including motorcycle helmet use laws, or face loss of all federal highway safety program funds and a portion of federal highway construction funds. Only three states had motorcycle use laws prior to 1967; during 1967-1969 an additional 37 states enacted such laws in accordance with the federal requirement.

Currently all but two states, California and Illinois, have such laws. Utah's law, however, only applies at speeds above 35 miles per hour. The Department of Transportation has recently held hearings to determine whether sanctions should be levied against those three states. (See *Status Report*, Vol. 10, No. 14, Aug. 14, 1975.)

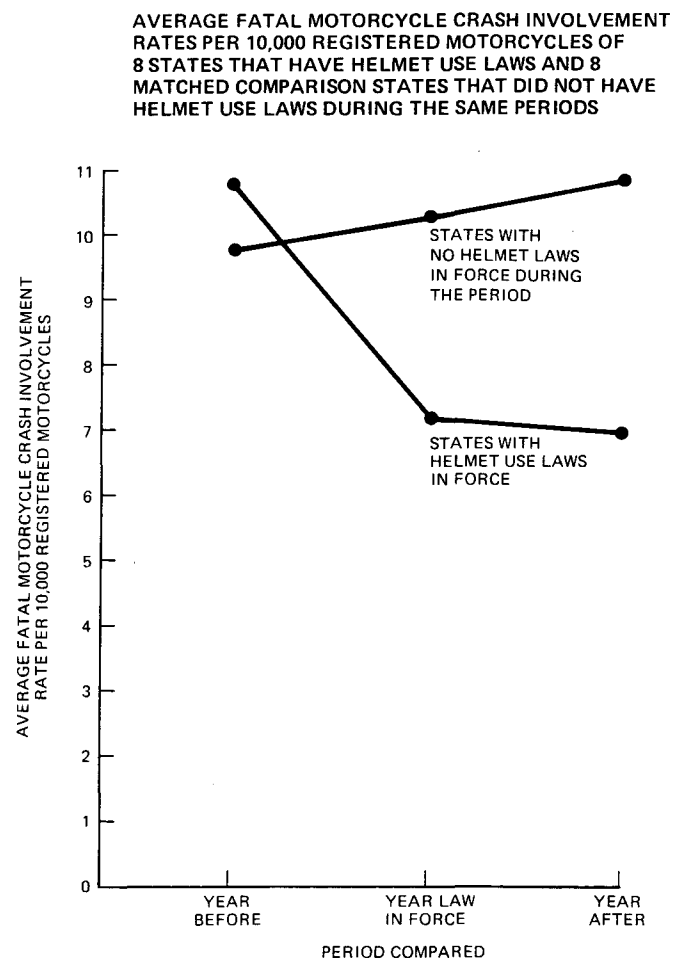
To determine the effect of helmet use laws on motorcyclist fatalities, the Institute's study compared the fatal crash involvement rates in eight states (Arizona, Colorado, Idaho, Kansas, Kentucky, Louisiana, Maryland and Minnesota) which adopted helmet laws, with similar states (California, New Mexico, Montana, Iowa, Virginia, Mississippi, West Virginia and Iowa) that had no such laws during a comparable period.

The study found that the "average fatal involvement rate for the eight states that enacted helmet use laws declined from more than 10 per 10,000 registered motorcycles the year before the laws' enactments to about seven per 10,000 registered motorcycles, both in the years of enactments and the following years. In contrast, the average fatal involvement rate in the eight matched states that enacted no helmet laws at the time that their comparison state did so remained at about 10 per 10,000 registered motorcycles throughout the period studied." (See chart.)

During the study, observations of helmet use were conducted along heavily traveled roadways in Atlanta and Baltimore, where helmet use laws are in effect, and Chicago and Los Angeles, where there are no such laws. In Atlanta and Baltimore "virtually all of the riders . . . were using helmets." In Los Angeles, more than 60 per cent of the riders were using helmets, "but only 25 per cent of Illinois riders were using them." The study noted that these findings do "not necessarily mean that these states had high use immediately upon enactment of their laws nor that all states with such laws have the same experience."

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HEADLAMP USE

Observations of daytime motorcycle headlamp use were made in the same cities as observations of helmet use. In cities with such laws – Atlanta and Chicago – “headlamps were in use by 87 per cent and 98 per cent respectively” of the observed motorcycles, while in the cities without such laws, 51 per cent were using headlamps in Los Angeles and only 43 per cent in Baltimore.

To evaluate the effectiveness of daytime headlamp use laws, the study compared the fatal crash involvement rates in four states (Georgia, Illinois, New York, and North Carolina) that enacted such laws, with states (Florida, Iowa, Pennsylvania and Virginia) without headlamp laws during the same period. Since most of the laws were only recently enacted, data were available for “only slightly more than a year after the laws’ effective dates in two of the four states,” and there were fewer states available for comparison, than were available for the helmet law comparison.

The study found that, in the year following enactment of daytime headlamp use laws, “the proportion of fatal crashes involving motorcycles decreased from that of the prior year in each of the states enacting such laws relative to the total such fatalities in it and its comparison state.” The conclusion that daytime headlamp use laws were responsible for these reductions in fatalities “must be tempered by consideration of the possibility that the states changing headlamp laws were not sufficiently comparable to the available comparison states,” the study cautioned. The findings are, however, “sufficiently encouraging to justify their consideration in states that do not now have headlamp use laws.”

Copies of the study can be obtained by writing, “Helmets and Headlamps,” Insurance Institute for Highway Safety, Watergate Six Hundred, Washington, D.C. 20037.

Carbon Monoxide Fatalities Reported

Chrysler Conducts Recall; Further NHTSA Action Urged

Chrysler Corp. is recalling more than 6,000 of its 1974 Dodge Coronets and Plymouth Satellites to correct an exhaust system defect that the automaker says can allow deadly carbon monoxide to enter the passenger compartments of those cars. Chrysler has told the National Highway Traffic Safety Administration that it knows of four cases of carbon monoxide poisoning in the cars; two of the cases involved fatalities.

Chrysler told NHTSA that entry of exhaust gases “into the passenger compartment of involved vehicles can occur if there is a path into the vehicle, such as rear end sheet metal damage or damage to the deck lid opening (resulting in a loss of deck lid seal) as could be caused by a rear end collision.” The entry of the gas “can result in carbon monoxide poisoning of car occupants,” Chrysler warned. Of the cars involved in the recall “about 80 per cent are used in fleet applications, mainly police” according to Chrysler.

Chrysler told the agency that it plans to equip the cars with a tailpipe extension “to direct exhaust gas toward the ground.” According to a Chrysler diagram supplied to NHTSA, the current tailpipe is parallel to the ground. Neither of the tailpipes extend as far as the rearmost portion of the bumper, according to the diagram.

According to Chrysler, the cars will also be “inspected for both trunk area and exhaust system damage” and owners “will be informed of any damage found and urged to obtain required repairs.”

As a result of the recent carbon monoxide poisonings, NHTSA has been urged to conduct an investigation into exhaust system designs. Sen. J. Glenn Beall, Jr. (R.-Md.) has asked NHTSA to determine whether "the circumstances which led to these fatal and nonfatal incidents are present in . . . other police vehicles, fleet cars or passenger autos which have been produced by Chrysler or any other manufacturer."

The chief traffic investigator for the Maryland Office of the Chief Medical Examiner has also urged NHTSA to begin an investigation into passenger vehicle exhaust system designs "to prevent a reoccurrence of this type of injury and death from carbon monoxide poisoning." The Maryland Office of the Chief Medical Examiner had investigated a fatal carbon monoxide poisoning in a Baltimore police car, a 1974 Plymouth Satellite.

In his letter to NHTSA, William C. Masemore told the agency that, "Since 1970, this office has been greatly concerned with carbon monoxide deaths resulting from vehicles equipped with tailpipe designs which do not clear the vehicle's undercarriage." He noted that he and his colleagues have published a study on the hazards of this design. (See *Status Report*, Vol. 8, No. 2, Jan. 15, 1973.)

Masemore pointed out that NHTSA has previously issued a public warning to truck-camper owners urging them to check whether the tailpipes on their vehicles are adequate "to bring the exhaust out from under both truck and camper." (NHTSA's warning was based in part on a recent court case in which General Motors was found liable for approximately \$700,000 in damages for the carbon monoxide deaths of three men in a camper unit affixed to a GM pickup truck. The suit charged "defective design" of a tailpipe "that discharged engine exhaust at a point beneath the approximate center of the truck bed and thus directly under the camper." See *Status Report*, Vol. 10, No. 16, Sept. 30, 1975.)

Masemore expressed concern that the same warning "has not been publicized to owners of passenger vehicles which are equipped with short tailpipe designs."

Earlier research by the Maryland Office of the Chief Medical Examiner, sponsored in part by the Insurance Institute for Highway Safety, has found that more than 500 Americans may die each year from carbon monoxide leakage into vehicles. (See *Status Report*, Vol. 7, No. 9, May 8, 1972.)

Senator Asks Immediate Action On Passive Restraints

Sen. Warren Magnuson (D-Wash.), chairman of the Senate Commerce Committee, has called on the Department of Transportation to act now on a passive restraint standard.

Magnuson said he was particularly concerned by the "impact that delay of introduction of the restraint system requirement will have." He cited a recent study by John DeLorean, former General Motors corporate vice president, that predicted a three year delay in the effective date of the standard would result in 37,600 needless deaths. (See *Status Report*, Vol. 10, No. 17, Oct. 10, 1975.)

"The Department of Transportation seems to be dragging its feet," Magnuson said, pointing out that "since late 1969, the department has been proposing various forms of passive system requirements."

In May this year, the National Highway Traffic Safety Administration held a round of hearings on its proposal that occupants be protected by passive (i.e. automatic) systems rather than the current active systems. A passive restraint standard, however, has yet to be issued. (See *Status Report*, Vol. 10, No. 11, June 18, 1975.)

(Cont'd on page 5)

"If the auto industry is to have adequate lead time in which to integrate the air restraint system into its vehicles, expeditious action from the Department of Transportation and the Ford Administration is required now," Magnuson warned.

"Thus far," Magnuson said, "the National Highway Traffic Safety Administration has put all of its faith in lap and shoulder harnesses." But "the most recent studies indicate that we are achieving a usage rate of only 6 per cent for the lap belt alone and 20 per cent for the lap/shoulder belt combination. This gives us a total usage rate of only 26 per cent — a little more than one-quarter of the motoring public."

"Unless we are able to achieve [safety belt] system use," of over 80 per cent, "the results will be catastrophic," Magnuson warned. He cited the DeLorean study's findings that by 1980, 65 per cent of new car sales will be compact and economy-sized vehicles. "Smaller vehicles are intrinsically less crashworthy because of the shorter distances available to decelerate the occupant and the greater likelihood of intrusion into the passenger compartment," he warned. The study found that the "massive shift toward smaller, lighter vehicles" will result in an increase of at least 35 per cent in annual fatalities during the next decade if passive restraint systems are not required, he said.

GM To Issue Nationwide Warnings

Momentum Grows For Catalytic Converter Warnings

Sen. Warren Magnuson (D-Wash.), chairman of the Senate Commerce Committee, has asked the National Highway Traffic Safety Administration to determine whether all catalytic converter equipped cars should carry printed warnings about hazardous heat build-ups.

General Motors has apparently concluded that such nationwide warnings would be appropriate. GM has informed NHTSA that it will place printed warnings on sun visors of all of its 1976 catalytic converter equipped cars. A GM official explained that the automaker believes "this is the most direct way to reduce the number of overtemperature converters."

A recent *Status Report* story revealed that, at the urging of California officials, automakers were preparing warnings to be permanently affixed to sun visors of 1976 catalytic converter equipped cars sold in that state. (See *Status Report*, Vol. 10, No. 16, Sept. 30, 1975.) Citing that article, Magnuson said in a letter to James Gregory, NHTSA administrator, that he found it "curious" that California officials "should conclude that such warnings may be necessary but that federal officials would not reach the same conclusion." Magnuson urged Gregory to consult with California officials "to determine on what basis they have urged that such a warning be provided." He also urged the agency to conduct its own evaluation of "engineering data and accident reports that are available concerning potential hazardous heat build-ups in catalytic converter equipped cars. . . ."

Center Asks For Sanctions Against Automaker

The Center for Auto Safety has asked the National Highway Traffic Safety Administration to force Ford Motor Co. to reply to a series of questions regarding a defect in Ford autos. The agency asked the questions five months ago.

On May 27, 1975, NHTSA requested information on 12 points relating to failures of the lower control arm for certain Ford models. (See *Status Report*, Vol. 9, No. 6, March 26, 1974.) Ford replied to

eight of the questions, and told NHTSA that it expected to answer the remaining four by Aug. 4, 1975. To date, Ford has still not answered the remaining four questions.

The center is asking NHTSA to fine Ford \$1,000 per day for each day it fails to provide answers to the remaining questions. "Very simply, NHTSA is allowing Ford, the party under investigation, to dictate the tone and pace of the investigation," said Ted Hoppock, acting director of the center, in a letter to the agency. Hoppock asked that "such action be taken against any and every manufacturer who in the future fails to meet a deadline for the submission of information."

Along with the letter, the center enclosed another report of a lower control arm failure. The center pointed out that Ford has acknowledged receiving reports of 884 lower control arm failures. These reports plus others that are contained in the NHTSA defect investigation file for this case constitute "a 'significant' number of vehicle failures regardless of the cause," and thus form the basis for a "finding of defect in this case," according to the center.

NHTSA Contemplating Bicycle Rack Rule

The National Highway Traffic Safety Administration says it is contemplating a rule that could lead to a regulation eliminating "hazards resulting from bicycle carriers mounted on the exterior of motor vehicles."



In a public notice, the agency specifically has requested information on damage associated with bicycle carriers, industry economic data and insurance rates. It has not asked, however, for data on whether bumper-mounted devices have any detrimental effect on the energy absorbing capability of bumpers, or whether bumpers are generally capable of supporting the racks and the bicycles that might be carried on them.

Many bicycle racks are designed to attach to a vehicle's bumper. Most have metal support arms and many are attached with large metal bolts that protrude as much as 10 inches. Rigid support arms and bolts, like other force localizing structures, can cause injury to pedestrians or other road users.

In 1967 NHTSA (then the National Highway Safety Bureau) announced it was considering a standard, which would become effective Jan. 1, 1969, that would have forbidden manufacturers from making or selling new vehicles that have "any protrusion or attachment" or are "equipped with any device not essential to its operation that would increase the risk

of personal injury upon impact with other users of the road, particularly pedestrians and cyclists [docket 2-5]." A year later the proposal was amended to prohibit protrusions "serving only a decorative or identification purpose." No standard was ever issued because the agency felt such a standard would necessarily be a design standard. Congress denied NHTSA the authority to issue motor vehicle design standards. Consequently, the agency's standards are written in terms of performance. For example, the

agency can set braking standards but it cannot require that manufacturers use disc brakes to meet those standards.

An NHTSA official told *Status Report* that the agency does not view its anticipated bicycle rack standard as a design standard. He noted that the agency already has a standard aimed at eliminating "spinner" hub caps and other winged projections that would be potentially hazardous to pedestrians and cyclists (FMVSS 211).

NHTSA has received several reports of pedestrian injuries resulting from protruding bolts that fasten the carriers to a vehicle's bumper. One letter described how a young girl "was badly hurt on a protruding eight-inch bolt, which held a bicycle carrier onto the rear bumper of a car. The bolt gouged a hole in her thigh, also damaging muscle and tendon . . . She had 25 or more stitches and will have a rather unsightly scar," the child's mother wrote.

That letter was forwarded to NHTSA by the Ralph Nader-affiliated Public Interest Research Group. PIRG forwarded the letter more than a year ago and at the same time petitioned NHTSA to initiate rulemaking to regulate the carriers, which PIRG said "pose a serious safety hazard to pedestrians when vehicles with such racks are parked or moving backward. The dangers include flesh wounds, nerve and tendon damage, and organ injury, particularly to the eyes and in the stomach area."

NHTSA has asked for comments by Dec. 2, 1975. Comments should be sent to Docket 75-22, Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590.

UPDATE . . .

NHTSA CONSUMER HOTLINE

Consumers who have had experience with safety related vehicle defects can now convey that information to the National Highway Traffic Safety Administration through a toll-free telephone line. This link is, for the time being, limited to sections of the East Coast, West Virginia and the southern half of Ohio. (See *Status Report*, Vol. 10, No. 17, Oct. 10, 1975.)

The hotline number is (800) 424-0123.

ELECTRICAL SYSTEM SAFETY

The National Highway Traffic Safety Administration has extended the period for comment on its advance notice of proposed rulemaking on vehicle electrical systems. The major purpose of the proposal is the prevention of vehicle fires. (See *Status Report*, Vol. 10, No. 16, Sept. 30, 1975.) The new closing date for comments is Feb. 16, 1976.

Controversy Continues Over Test Facilities

A government operated facility to test vehicles for compliance with federal safety standards would be neither independent nor economical, according to the president of a private test facility that currently competes for government contracts.

In a letter to the Insurance Institute for Highway Safety, R. A. Rockow, president of Ultrasystems, Inc. voiced his opposition to a proposed government testing facility. Rockow's letter was prompted by remarks made by Albert Benjamin Kelley, IIHS's senior vice president, at the Fourth International Congress for Automotive Safety.

Kelley had asked at that meeting, why, after more than a decade of operation, the National Highway Traffic Safety Administration still did not have its own compliance testing facility. Such a facility was mandated in the 1966 National Traffic and Motor Vehicle Safety Act, but Congress has consistently failed to appropriate funds for construction. This year, the Senate passed an appropriation measure for an "engineering facility" to be used in defect investigation work. This proposal will be voted on by a House-Senate conference committee this month. (See *Status Report*, Vol. 10, No. 14, Aug. 14, 1975.)

In his letter to IIHS, Rockow questioned the independence of a government facility. He said, "When it comes to establishing federal standards for vehicle safety you have the federal government on one side and the automotive industry on the other side. Regardless of how the two groups attempt to work together as a team there will always be a distinct difference in their position if capitalism remains a way of life in our country Private industry that is not associated with the federal government or the automotive industry can and will provide the independence necessary when assessing safety features in vehicles."

Rockow also disputed the economic advantage of a government facility. He claimed it "would clearly represent an unnecessary expenditure of taxpayers' money. It would be duplicative of facilities that presently exist in the private sector and which are operating substantially below capacity Furthermore, it is a well proven fact that government cannot compete with private industry when it comes to the cost of services rendered."

There has been a continuing debate over whether government agencies or private facilities should conduct compliance testing of government standards. Officials from NHTSA have repeatedly gone before Congress requesting funds for the agency's own test facility. Testifying before the House Committee on Appropriations on the fiscal 1975 budget, James Gregory, administrator of NHTSA, stated that if the agency tested for the next 10-20 years at a government compliance facility there would be an 8 per cent greater return on investment than if it awarded contracts to private contractors. Gregory acknowledged that there were many uncertainties in this type of financial projection, but, he said, the agency at least expected it to be a "break even" comparison.

An NHTSA official explained, however, that saving money was not the agency's primary consideration in seeking its own test facility. He said that any NHTSA facility would not replace private contract testing but would supplement the private testing. He said that the agency now contracts to test approximately 100 vehicles a year. "This doesn't begin to represent a reasonable sampling," he said. He called such a small amount of testing "law without enforcement."

The NHTSA spokesman enumerated three other reasons for asking for a compliance test facility. First, it would allow the agency to expedite urgent testing in both defect and compliance cases. Second, it

would provide practical experience for government engineers, compliance and defect officials. This would build credibility for the agency, especially in cases where litigation is considered, he explained. Third, in the event that any questions were raised about a possible conflict of interest on the part of the private contractor, a government facility would be available for retesting.

Bumper Injury Rumors False, NHTSA Says

Recurrent rumors of injuries allegedly caused by malfunctioning energy absorbing bumper systems are unfounded, according to the National Highway Traffic Safety Administration.

The rumors concern policemen and firemen supposedly injured either while separating crash-involved cars equipped with energy absorbing bumpers, or by alleged explosions of energy absorbing devices during vehicle fires. An NHTSA official told *Status Report* that the agency "has been unable to verify one single instance where anyone was injured" by a malfunction of the energy absorbing bumper system. The official said that NHTSA has checked on reports of alleged injuries with local, state and national firefighter and police associations, state motor vehicle departments and vehicle manufacturers.

Thus far, NHTSA has not been able to uncover the source of the rumors.

The federal safety standard on bumpers (FMVSS 215), which only prohibits damage to certain "safety related" items in very low speed crashes, first applied to 1973 model year cars and was subsequently upgraded for 1974 and later model year cars. To meet the performance requirements of the federal standard, automakers began equipping their cars with energy absorbing devices to manage, in a controlled manner, the forces imposed on the bumper during the crash so as to prevent damage to such safety related items as the vehicle's lights, brakes and exhaust system.

By law, NHTSA standards must be written in "performance," not design, terms. Manufacturers are free to choose the designs they want to use to meet the performance requirements of the standards.

One particularly recurrent rumor concerns alleged incidents in Phoenix, Arizona, in which several policemen supposedly were injured while separating cars with the new bumper systems that had hooked together during crashes. Accounts were carried in several newspapers and newsletters, including publications by two regional offices of the Federal Highway Administration and a bulletin by an Illinois office of the Federal Bureau of Investigation. A check by NHTSA with Arizona police officials showed that there was "no record of actual injuries in Arizona."

While there have been no verified reports of exploding energy absorbing devices, another NHTSA official pointed out that during a vehicle fire, seals within the devices will rupture and hot fluid will be expelled from the device. The temperature at which this happens is approximately 900 degrees Fahrenheit, the official said.

In tests conducted for the Insurance Institute for Highway Safety, two makes of energy absorbing bumper cylinders were subjected to impact and high temperature conditions such as might be present during post-crash fire, salvage or repair operations. None of the four types of tests produced an explosion and under impact conditions, "no personnel hazard" was found. However, high temperature oven tests and gasoline fire tests "produced failures on both cylinders which present hazards if a person were to contact the hot cylinder and hot fluid droplets leaking from the cylinder." A test with an oxy-acetylene torch, which might be used in disassembly of a car after a crash, produced similar results. (See *Status Report*, Vol. 9, No. 15, Aug. 16, 1974.)

New Public Petition Rules Adopted

The National Highway Traffic Safety Administration has established new procedures for public initiation of rulemaking and defect investigations.

Under the new rules, the public can petition NHTSA to initiate, revoke or amend a safety standard, and to begin a defect or compliance investigation. Under the requirements of the Motor Vehicle and School Bus Safety Amendments of 1974, NHTSA must respond to such petitions within 120 days. (See *Status Report*, Vol. 9, No. 19, Oct. 29, 1974).

NHTSA denied a request by the Center for Auto Safety to expand the scope of the petition procedure to include petitions to close defect investigations. NHTSA claimed that the 1974 amendments only directed the agency to set up procedures for beginning agency defect investigations. Thus, the agency said, Congress' intent was that "an informal response by the agency to other types of request for action is satisfactory. Accordingly, such other requests will not be treated as petitions, but will be handled informally (as in the past) under existing correspondence or other appropriate NHTSA procedures."

Of NHTSA's 68 current defect investigations, 13 are more than three years old. Of those 13, eight are more than four years old, including the five year old investigation into failures of lower control arms used in the front-end suspension systems of approximately 5.5 million 1965-1970 Ford made cars. Failures of the arm allow the front wheel to displace, resulting in loss of vehicle control. Ford has told the NHTSA that it is aware of 884 failure reports. (See *Status Report*, Vol. 9, No. 17, Sept. 27, 1974.)

Under the new procedures, each petition should be addressed to: Administrator, National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C. 20590. The petition must:

- have a heading identifying it as a "petition;"
- set forth facts which establish that action is necessary;
- set forth a brief description of the substance of the action requested;
- contain the name and address of the petitioner.

After receiving a petition, NHTSA will "conduct a technical review of the petition, to determine whether there is a reasonable possibility that the requested order" for a defect notification campaign or a safety standard "will be issued at the conclusion of the appropriate proceeding." At the discretion of the agency, a public meeting may be held on the petition.

If the agency decides there is such a possibility, the appropriate rulemaking or investigatory proceeding would be started. If a petition is denied, a notice will be published in the *Federal Register*.

The agency denied a request from General Motors to require petitioners to provide more evidence to convince the agency to grant petitions. NHTSA said that the change sought by GM would "tend to transform a threshold decision" as to whether or not the agency might issue a rule or order, "into a determination of whether or not it *should* issue." Such a result would "dilute the intent" of Congress and the agency "to provide means for interested parties, without access to complete data, to seek remedial action regarding what they consider to be defective or unsafe characteristics of motor vehicles," NHTSA said.

The new petition procedures were announced in the *Federal Register* of September 10.

Expanded Defect Reporting Requirements Proposed

Manufacturers of motor vehicle equipment would, for the first time, have to meet defect and compliance reporting requirements under a new regulation proposed by the National Highway Traffic Safety Administration.

The types of equipment that would be covered by the regulation include "accessories and other additions to the vehicle, and safety related devices, articles, and apparel, as well as any equipment which replaces original equipment," according to the agency.

The proposal reflects changes, contained in the Motor Vehicle and School Bus Safety Amendments of 1974, in the agency's defect powers and in equipment manufacturers' obligations to remedy their defective products. Under the 1974 amendments, NHTSA has the power to order vehicle and equipment manufacturers to recall and remedy defective products – in most instances, at no cost to the consumer. Formerly, most manufacturers voluntarily agreed to recall and remedy their products at no charge, even though the agency could only order them to send defect notification letters. (See *Status Report*, Vol. 9, No. 19, Oct. 29, 1974.)

The 1974 amendments obligate equipment manufacturers, for the first time, to recall and remedy their products when they have determined that the products contain a safety related defect or fail to comply with a federal safety standard. Previously, equipment manufacturers only had to take action after NHTSA had made a determination of defect based on its own investigation. Unlike equipment manufacturers, vehicle manufacturers have had to take action on defective products regardless of which party, the manufacturer or NHTSA, made the original determination of defect.

Under NHTSA's proposal, equipment manufacturers would have to comply with the following regulations, that have previously applied only to vehicle manufacturers:

INITIAL REPORTS

A manufacturer would have to notify the agency within five working days after it determines that a defect in its product is safety related or that its product fails to comply with an applicable safety standard. In its notification to the agency, the manufacturer would have to report such information as the number of items of equipment that potentially contain the defect or noncompliance, a description of the defect or

To Our Readers

The Insurance Institute for Highway Safety recently mailed to all *Status Report* readers and 84-page summary of Institute activities, entitled ". . . To Prevent Harm." Unfortunately, we have received reports that some copies have not been delivered and others were delivered in poor condition.

If you did *not* receive a copy of this report or received a *damaged* copy, please cut out this notice (your name and address are on the other side) and mail it to the Insurance Institute for Highway Safety, Watergate Six Hundred, Washington, D.C. 20037.

We will see that you receive a copy as quickly as possible.

noncompliance, a chronology of all the principal events that were the basis for determining the defect was safety related, the test results or other data that were the basis for discovering the failure, and the manufacturer's plan for remedying the defect or noncompliance.

QUARTERLY REPORTS

A manufacturer conducting a defect or noncompliance recall campaign would have to submit quarterly progress reports to NHTSA. The information in those reports would have to include the number of vehicles and items of equipment that have been repaired and the number inspected and determined not to need repair. (Under existing regulations, vehicle manufacturers must submit, in their third quarterly reports, the vehicle identification number (VIN) for each vehicle that has not yet been corrected. Under a new service recently initiated by NHTSA, individuals, insurance companies and other interested organizations can contact the agency and determine whether a recalled vehicle is still listed as "uncorrected." See *Status Report*, Vol. 10, No. 13, July 30, 1975.)

Under existing regulations, tire manufacturers must maintain records of the first purchasers of their tires.

Under the proposed regulations, other equipment manufacturers would have to maintain lists of the names and addresses of their distributors and dealers, each motor vehicle or equipment manufacturer using their product and the most recent purchaser known to the manufacturer to whom a potentially defective or noncomplying item of equipment has been sold.

The proposal would also affect motor vehicle manufacturers. Those manufacturers would be required to maintain lists of the registered owners or most recent purchaser of the vehicle as determined from such sources as the manufacturers' files and state motor vehicle records.

Manufacturers would have to furnish NHTSA with copies of all notices, bulletins and other communications "including warranty and policy extension communiques and product improvement bulletins" sent to their distributors, dealers or purchasers on defects or noncompliances in their products, regardless of whether the defect or noncompliance is safety related.

Comments on the proposal are due by November 21, and should be sent to: Docket 74-7, Notice 3, Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

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the highway
loss reduction

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