

## Automatic Restraint, Bumper Rules Intact

### Key Standards Survive Congressional Wrangling

A year and a half of congressional bickering over the future of two key federal motor vehicle standards – one requiring automatic restraints in future new cars, the other mandating continued use of crash-resistant bumpers in today's new cars – has ended with both standards intact and unchanged.

For a while during the closing days of the post-election congressional session, it looked as though a final bill reshaping the two standards – and also affecting other aspects of the federal motor vehicle safety program – might be enacted. But despite frantic and often confusing efforts by members, government officials, and affected public and private interest organizations, including a last-minute switch by General Motors and Ford that put them in support of legislation specifically requiring that air bags be offered on future new cars, the session ended with no bill passed.

As of now, therefore, the two key federal motor vehicle standards remain in effect. They do the following:

**FMVSS 208** – Requires that, starting with large cars in the 1982 model year, new cars be equipped with front-seat automatic restraints – automatic belts or air bags – to protect occupants in front and front-angle crashes up to 30 mph. The standard will apply to medium-size cars in the 1983 model year, and small cars in 1984.

**Part 581 - 5 mph “no damage” bumper standard** – In effect since the beginning of the 1980 model year, the rule requires both front and rear bumper systems to sustain impacts of up to 5 mph with no damage to either car or bumper.

Here's what happened: In July 1979, Sen. Robert Byrd (D.-W.Va.) attached an amendment to what was to have been a routine authorization bill for the National Highway Traffic Safety Administration (NHTSA). The amendment, accepted by voice vote in the Senate with little debate, would have rolled back the current, 5 mph standard to a 2.5 mph standard. (See *Status Report*, Vol. 14, No. 11, July 13, 1979.)

#### Stockman Offers ‘Compromise’

When the House voted on its version of the bill six months later, it adopted an amendment calling for a “legislative veto” provision that, in effect, could set up a congressional roadblock to any new standard written by the agency. In a separate move, Rep. David Stockman (R.-Mich.), offered an unprinted amendment that he said represented a “compromise” on air bags. He told his colleagues the amendment would ban mandatory restraints, but require manufacturers to offer both automatic seat belts and air bags as options to consumers, in addition to conventional seat belts.

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## ***Key Standards Survive Congressional Wrangling*** (Cont'd from page 1)

The House bought the amendment and, when the smoke cleared, it appeared the members had voted for something very different. (See *Status Report*, Vol. 15, No. 1, Jan. 11, 1980.) What it did was to leave the question of whether or not cars would be equipped with automatic restraints or standard belts up to car dealers. Although Stockman publicly maintained he was in favor of permitting consumers a three-way choice between automatic belts, air bags, or standard belts, during conference talks in June he explained that was not his purpose. (See *Status Report*, Vol. 15, No. 12, Aug. 6, 1980.)

Senate conferees had refused to meet on the NHTSA authorizations bill until the two houses resolved their differences over a Federal Trade Commission bill. By the time they finally met in July, it was clear the domestic auto industry was in the midst of a disastrous slump.

### Warner Takes The Lead

Sen. John Warner (R.-Va.) took the lead in working out a relief package along lines originally suggested by General Motors in a letter to Transportation Secretary Goldschmidt. That compromise would have eliminated what domestic producers see as a trade advantage for importers — allowing small cars longer to comply with the automatic restraint requirement — while guaranteeing a chance for consumers to buy at least some air bag-equipped cars. On Sept. 25 the Senate ratified the conference agreement by voice vote and the bill went to the House. (See *Status Report*, Vol. 15, No. 12, Aug. 6, 1980, and No. 15, Oct. 9, 1980.) On Oct. 2, the House manager of the bill, Rep. James Scheuer (D.-N.Y.), had the report brought up under suspension of the rules, but it failed passage because it did not muster the two-thirds majority necessary to pass. However, it did receive a majority of the votes cast, setting the stage for reconsideration following the election recess.

In practical terms, the substitute language would have:

- Permitted Chrysler and American Motors, along with small importers, to begin meeting FMVSS 208 in 1983, starting with some mid-sized cars.
- Rolled back the standard for larger companies — General Motors, Ford, Toyota, Datsun, and Volkswagen — from its 1982 starting date to 1983. But the order of implementation would have been reversed to start with small cars, with all cars meeting the standard by 1984.
- Required the five producers to tool up and offer air bags for sale as an option on at least one car line for three of the four model years between 1982 and 1985.
- Required a two-house vote to cancel agency regulations.
- Adopted the Byrd amendment rolling back the bumper standard.
- Cancelled mandatory tire registration by dealers.

The House rejected the compromise by a three-vote margin, 186 to 189, on Dec. 4. The next day, it also rejected a last-minute bill that, in the words of one congressman, represented a “complete surrender to the automobile industry.”

### Dingell Leads Opposition

The defeat was engineered by Rep. John Dingell (D.-Mich.), an avowed foe of air bags. In his floor debate against the rule, Dingell urged his colleagues to vote against the compromise, stating he would offer a substitute bill without the “offending” air bag provisions, although he had been told Senate opposition to his bill made its passage extremely unlikely. Dingell argued, as he has on past occasions, that he does not oppose the automatic restraint standard and in debate on the conference report said whether the report was adopted or not, “. . . air bags will go in American-manufactured automobiles. Ford plans to put them in. GM plans to put them in. Mercedes will have them in. Volvo will have them in and BMW says it plans to

have them in.” For Dingell, who will probably chair the Interstate and Foreign Commerce Committee – the committee with oversight over NHTSA – next year, the crucial issue was whether or not manufacturers would be *required* to offer air bags.

### What Went Wrong?

Although the conference report had been filed Sept. 23, the Dec. 4 floor debate reflected a great deal of confusion on the part of the members about the effect of the legislation.

Rep. James R. Quillen (R.-Tenn.), ranking minority member of the House Rules Committee, argued against the conference report, saying it would require consumers to buy cars equipped with air bags at \$600

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## ***Eckhardt's Last Stand***

The day after the House narrowly rejected compromise legislation guaranteeing consumers an air bag option in exchange for a long list of concessions to the auto industry, Rep. John Dingell brought his own bill to the floor. (See accompanying story.)

His version contained the same provisions found in the rejected agreement, except the air bag requirement had been deleted. Even though the Dingell bill was defeated, the debate is worth remembering as outgoing Rep. Bob Eckhardt (D.-Tex.) once again took up the battle in defense of consumers. Excerpts from his Dec. 5 statement follow:

“Mr. Speaker, this is probably the last time I shall take this well. I take it in the same spirit I have taken it in the 14 years I have been here. I do not want to see the special interests win in every battle against the general public, and that is what is happening here . . . .

“Houdaille alone was the cause of putting the provision in this bill that takes the requirement out that automobile manufacturers make bumpers out of something other than tinsel, that they make bumpers that will withstand a collision at the same speed that a person may walk into a wall without skinning his nose.

“What have we in this bill? A reduction of the bumper standard from five to two-and-a-half miles per hour. One-and-a-half miles per hour from a side blow.

“When is this House going to stand up and represent consumers, represent people? Are we to be a brokerage house between the various special interests that want to make trades to make legislation fit their own businesses? Houdaille is not going out of business because they cannot make those heavy bumpers in West Virginia but they are going to quit their plant there anyway within a matter of days.

“Do we have to respond to every blandishment of every company when the cost to the public is in the neighborhood of \$100 or \$200 more for any collision between two-and-a-half miles and five miles an hour . . . ?

“At what point will we stop? At what point will we protect the public? We were presented with a bill yesterday that could come up again on Tuesday of next week and could pass both Houses. We are now confronted with a piece of legislation that probably will not be accepted by the Senate and which is a disgrace to this body to pass.”

to \$700 a clip. Rep. Phil Gramm (D.-Tex.) said he thought it would mean affected manufacturers would have to equip an entire car line with air bags, and said the equipment would cost \$800 to \$1,200 for each car.

Apparently, many congressmen misread the conference report to mean that the affected manufacturers would have to equip an entire car line with air bags, rather than simply providing them as a consumer option, to be selected in the same way people choose between a standard and automatic transmission. As for the inflated cost estimates, in the space of about 12 months Dingell had increased his projections of the price of air bags (estimated by NHTSA at about \$150-\$200 apiece) from \$500 to \$1,200.

Others felt the legislation would constitute a heavy financial burden on Ford and GM, not realizing the auto makers already have made most of the basic modifications necessary to accommodate air bag installation. Only some foreign producers affected by the legislation would have been forced to make design changes to accommodate air bags – something they said they could do, but resented greatly since they viewed it as a barely-disguised import barrier. (See *Status Report*, Vol. 15, No. 15, Oct. 9, 1980.)

### Auto Makers Muddy Waters

Auto makers added to the confusion significantly by switching signals several times. Although Ford, and particularly GM, had been active in formulating the automatic restraint provisions of the conference report, they switched their support to HR 8379, the last-minute Dingell substitute that contained the same language as the conference report but was without the air bag provision. When key senators announced their opposition to the Dingell substitute, the auto makers switched again, sending letters to House members the day before the vote and asking them to support the compromise.

That House members were befuddled was clear to Rep. Richard Bolling (D.-Mo.), chairman of the Rules Committee, who commented, “It is one of the more remarkable debates I have heard in a long time. There is so much confusion based on the statements that have been made that I think the House owes it to itself to clarify that confusion.”

Bolling added, “There have been statements made that have nothing to do with the case, and certainly have nothing to do with whether the rule should be granted.”

Another, more tactical problem was the fact that the legislators have simply grown tired of the issue. Someone close to the fight said one of the problems for congressional proponents of motor vehicle safety was that each time the issue has come up since 1977 proponents have said, “This is the last time you’ll have to take a vote on air bags.”

If one thing is clear, this isn’t the last time the issue will be fought. In fact, Rep. Stockman, who has been named by the Reagan Administration to become the next head of the Office of Management and Budget, has published a “manifesto” in which he has proposed both the bumper standard and the automatic restraint standard for extinction.

## **HLDI Finds Larger Domestic Cars Have Better Loss Record**

Comparisons of collision coverage loss experience for cars of the last three model years underline two basic conclusions, the Highway Loss Data Institute (HLDI) reports: larger models have fared better than small ones, and domestic cars have done better than imports.

Reviewing the frequencies and sizes of collision coverage claims for 1978, 1979, and 1980 model cars, HLDI has noted the variations in loss experience among different models and has prepared lists of those

cars with the best and worst experience. Over the three model years, all of the cars with the best collision loss experience were domestic models and all but one were intermediates or compacts. For the same period, 18 of the 23 worst-ranked cars were imports, and all but one were subcompacts or compacts.

In the 1980 model year, the Toyota Celica was found to have the worst loss experience among high-volume models, and the Buick Century four-door ranked best. The Chevrolet Corvette had the worst experience among the low-volume models, and the Oldsmobile Cutlass station wagon the best.

HLDI reported that the new three-year study reinforced other trends noted in earlier reports:

- Wide variations exist among vehicles, even those of comparable size and body style. For example, in the 1980 two-door subcompacts, the relative average loss payment per insured vehicle year ranged from a low of 79 for the Ford Fiesta (with 100 representing the average for all cars of the model year), to a high of 203 for the Volkswagen Scirocco.

- Smaller vehicles continue to dominate the vehicle population. Subcompacts and compacts accounted for 66 percent of the 1978 model year exposure, but this grew to 71 percent for 1979 models and 87 percent for 1980 models.

- Average loss payments per insured vehicle year in all three model years were higher for regular two-door models than for four-door models, and hit their peak each year for sports or specialty models.

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RELATIVE AVERAGE LOSS PAYMENTS PER INSURED VEHICLE YEAR  
FOR 1978-1980 MODEL YEAR CARS WITH THE BEST COLLISION  
COVERAGE LOSS EXPERIENCE

MAKE & SERIES	BODY STYLE	CAR SIZE	RELATIVE AVERAGE LOSS PAYMENT PER INSURED VEHICLE YEAR		
			1980	1979	1978
Oldsmobile Cutlass	Sta. Wgn.	C	46	70	74
Chevrolet Malibu	Sta. Wgn.	C	47	<b>65</b>	72
American Concord	Sta. Wgn.	C	47	70	74
American Matador	Sta. Wgn.	I			52
Pontiac Sunbird	Sta. Wgn.	SC		54	78
Buick Skylark*	4-Door	C		55	57
Pontiac Phoenix*	4-Door	C		55	62
Oldsmobile Omega*	4-Door	C		56	58
Chevrolet Caprice	Sta. Wgn.	I	57	63	80
Buick Skylark*	2-Door	C		57	64
Buick Century	4-Door	C	58	79	81
Pontiac Catalina	4-Door	I		59	68
American Eagle	Sta. Wgn.	C	60		
Buick LeSabre	4-Door	I	60	61	<b>69</b>
Pontiac Catalina	Sta. Wgn.	I		60	63

\*The 1980 models with these names are GM "X-body" cars and are completely different cars than the 1978 and 1979 models whose results are shown in this table.

NOTES:

1. 100 represents the average for all cars of each model year. All cars with results at least 40 percent better than average in any model year are listed.
2. Blanks indicate either insufficient exposure or no comparable series produced for that model year.
3. Numbers in bold print indicate results for high-volume cars (at least one percent of total model year exposure).

Copies of the report, “Automobile Insurance Losses, Collision Coverages, Variations by Make and Series,” HLDI Research Report R80-2, are available from the Highway Loss Data Institute, Watergate 600, Washington, D.C. 20037.

**RELATIVE AVERAGE LOSS PAYMENTS PER INSURED VEHICLE YEAR  
FOR 1978-1980 MODEL YEAR CARS WITH THE WORST COLLISION  
COVERAGE LOSS EXPERIENCE**

MAKE & SERIES	BODY STYLE	CAR SIZE	RELATIVE AVERAGE LOSS PAYMENT PER INSURED VEHICLE YEAR		
			1980	1979	1978
Porsche 911	Sports	SC		502	294
Porsche 924	Sports	SC		352	380
Chevrolet Corvette	Sports	SC	323	205	193
Datsun 280ZX/Z	Sports	SC	266	225	194
Datsun 280Z 2+2	Sports	*		227	201
Lincoln Mark VI 4-Door	Specialty	I	227		
Toyota Celica Supra	2-Door	C	217	212	
Volkswagen Scirocco	2-Door	SC	203	206	209
Fiat Brava	**	SC		205	151
Mazda RX7	Sports	SC	189	185	
Fiat Spider	Sports	SC		187	184
Dodge Challenger	2-Door	SC		186	168
Audi 5000	4-Door	C	139	184	173
Plymouth Sapporo	2-Door	SC		169	181

\*The 1978 models of this car were compacts (103 inch wheelbase) and the 1979 models were reduced in size to subcompacts (99 inch wheelbase).

\*\*Body style cannot be determined from Vehicle Identification Number.

NOTES:

1. 100 represents the average for all cars of each model year. All cars with results at least 80 percent worse than average in any model year are listed.
2. Blanks indicate either insufficient exposure or no comparable series produced for that model year.

## ***Utility Vehicles Show Worst Collision Loss Record***

Surveying the collision loss experience of multipurpose vehicles for 1978, 1979, and 1980 model years, the Highway Loss Data Institute has reported utility vehicles as a class to have the worst record, and vans the best.

HLDI studied both the frequencies and the sizes of collision coverage claims for vehicles of the three model years. There was considerable variation in the relative average loss payments per insured vehicle year for the individual makes and models, the institute reported. For example, the best-rated 1980 van, the Ford E-150 Econoline, had a relative average loss payment per insured vehicle year of 55 (with 100 representing the average for all vehicles of the model year), while the Chevrolet G10 Chevyvan at 80 had the poorest record. The range in pickups was from 74 for the Ford Courier to 241 for the Subaru Brat. For utility vehicles the range was from 101 for the Ford Bronco to 160 for the Jeep CJ-5.

The research report noted that the frequency of collision claims for each type of multipurpose vehicle decreased with increasing vehicle age, particularly in the third year of availability.

Copies of the study, “Automobile Insurance Losses, Non-Commercial Collision Coverages, Variations by Make and Series, Vans, Pickups, and Utility Vehicles,” HLDI Research Report V80-1, is available from the Highway Loss Data Institute, Watergate 600, Washington, D.C. 20037.

## **Michigan Legislators Spurn Child Protection**

Two bills aimed at giving children riding in motor vehicles better crash protection have been rejected by Michigan legislators. Meanwhile, the Michigan House has failed to act on a bill that would have repealed a long-standing state law requiring helmet use by motorcycle riders.

By a 21-15 margin, the state Senate defeated HB 5327, which would have required children below the age of four to be secured in child restraints if traveling with a parent or a legal guardian in a vehicle that must come equipped with seat belts. The bill passed the Michigan House last spring. A second bill, SB 394, would have given parents a tax credit for the purchase of a child restraint. The state Senate defeated that bill 18-15.

Thus far, only Tennessee and, just recently, Rhode Island have enacted laws requiring the use of child restraints. Studies indicated that in the two and one-half years since the Tennessee law took effect, child restraint use climbed from 8 percent to 29 percent (see *Status Report*, Vol. 15, No. 10, June 25, 1980).

It appears unlikely that Michigan this year will be joining the 28 states that the National Highway Traffic Safety Administration says have either repealed or substantially weakened requirements for motorcycle helmet use (see *Status Report*, Vol. 15, No. 11, July 21, 1980). Typically, these states have experienced an almost 40 percent increase, in motorcycle fatalities, a study supported by the Insurance Institute for Highway Safety has reported (see *Status Report*, Vol. 14, No. 18, Dec. 21, 1979).

In September, the state Senate approved SB 346, which would repeal a law in effect since 1969 requiring helmet use, and leave in its place mandatory use requirements only for motorcycle riders below the age of 18. The bill was referred to the House Insurance Committee but was not called to the floor for a vote.

## **OMB Finds Safety Costs A Small Part Of Regulatory Total**

Maximum capital expenditures American auto makers must make in the 1980-1985 period to meet major federal regulations will total \$11 billion, assuming all such rules are implemented, according to a government study. But only 4 percent of that total – \$394 million – would go toward meeting vehicle safety regulations, the study estimates.

The study was prepared by the Office of Management and Budget and dealt with regulations issued or contemplated by the Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA). It acknowledged that it is “highly improbable” that all of the contemplated rules will be issued and take effect by model year 1985, but said its analysis does provide an “‘upper-limit’ estimate of regulatory expenditures for this period.”

The bulk of the estimated capital expenditures – 83 percent – would go toward meeting fuel economy requirements. EPA regulations, most of them aimed at controlling vehicle emissions, would comprise an estimated 13 percent.

The study noted that the “benefits of the health and safety-related expenditures are clearly substantial,” but have not been quantified. It also commented, “Consumer demand for more fuel efficient vehicles will require the automobile industry to incur most, if not all, of the fuel economy-related expenditures, even in the absence of federal regulations . . . .”

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# Status Report

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