

# INSURANCE INSTITUTE FOR HIGHWAY SAFETY

November 1, 2001

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Administrator  
National Highway Traffic Safety Administration  
400 Seventh Street, S.W.  
Washington, D.C. 20590

**Petition for Inclusion of Vehicle Identification Numbers  
in Defect and Noncompliance Information Reports  
49 CFR 573.5(c) (2) (i)**

Dear Dr. Runge:

The Insurance Institute for Highway Safety hereby petitions the National Highway Traffic Safety Administration (NHTSA) to amend the Defect and Noncompliance Reports (49 CFR 573) to require that vehicle manufacturers supply NHTSA with the vehicle identification number (VIN) for each defective or noncompliant vehicle. This addition should be made to Part 573.5(c) (2) (i) and (ii), which describe the information required for identification of vehicles or vehicle items potentially containing the defect or noncompliance. The VINs of vehicles not yet repaired was once part of 49 CFR 573 as a requirement of the third quarterly report. Requiring vehicle manufacturers to again provide VIN information would assist NHTSA in alerting consumers that vehicles they own or intend to purchase have uncorrected safety-related defects.

**Background**

In 1974, NHTSA amended 49 CFR 573 to require vehicle manufacturers to provide the agency with the VINs of vehicles involved in notification campaigns resulting from defect and noncompliance reports (recall campaigns). NHTSA stated that "public availability of VINs will facilitate locating and repairing defective vehicles no longer in the hands of first purchasers" (39 FR 16169).

In July 1984, the Motor Vehicle Manufacturer's Association of the United States, Inc. (MVMA) petitioned NHTSA to remove the VIN requirement. MVMA's arguments were that the requirement would be of limited value because the number of cars repaired changes constantly (manufacturers were only required to supply VINs of vehicles that had not yet been repaired), the administrative burdens and costs were too high, individuals could request VIN information through NHTSA, and there was no safety benefit.

Jeffrey W. Runge, M.D.  
November 1, 2001  
Page 2

In 1986, NHTSA amended 49 CFR 573 to no longer require manufacturers to provide the agency with the VINs of vehicles involved in recall campaigns, citing its desire to lessen "an administrative burden and cost" for manufacturers. Furthermore, NHTSA noted, "in addition, all commenters agreed that these VINs would be supplied to the agency, if requested, within a reasonable time." The agency also pledged to continue assisting individuals requesting recall information and to provide "information to enable the owner to contact the appropriate office of the manufacturer" (51 FR 397).

### **1986 Rationale No Longer Valid**

The rationale for the 1986 amendment no longer applies. The rapid growth in computer and internet technology means that manufacturers can easily store and transmit VIN information to NHTSA. With its website and 800 hotline number, NHTSA can use VIN information to assist owners or prospective owners of recalled vehicles in determining whether a vehicle was ever involved in a recall campaign and if the needed repairs were made. In this way NHTSA can aid consumers in taking the appropriate steps to ensure their safety. If NHTSA waits to obtain VINs from manufacturers only after a request from a consumer, the consumer will continue to drive a vehicle with potential defects, thereby increasing the risk of injury. As explained below, the administrative burdens and costs associated with manufacturers electronically providing VIN information to NHTSA are minimal. Further, the substantial benefit of providing additional safety information to the consumer outweighs the small burden placed on manufacturers to provide the agency with VINs. Safety is jeopardized every time a consumer unknowingly buys or drives a vehicle subject to a recall campaign. Every reasonable effort should be made to facilitate access to complete recall information.

### **Burdens and Costs to Manufacturers**

Presently under 49 CFR 573, vehicle manufacturers must maintain lists of all registered owners of recalled vehicles, including the VIN of each vehicle. Most, if not all, of the records are kept in electronic form. The VIN reporting requirement repealed in 1986 occurred before the widespread commercial and public use of the internet. At that time, the administrative burdens and costs for manufacturers to compile and submit recall information either in print or electronic form were much greater. Today's information technology enables manufacturers to provide VINs to NHTSA at relatively small costs compared with the potentially enormous costs to vehicle owners who are unaware of recall campaigns.

Several existing websites make information available to consumers through use of VINs, demonstrating the ease with which manufacturers can provide such information. Owners of such makes as Lincoln,

Jeffrey W. Runge, M.D.  
November 1, 2001  
Page 3

Saturn, and Subaru can register their vehicles' VINs with manufacturers online and access information on scheduled maintenance. Some sites (e.g., my.Subaru.com) include information on recall and service campaigns. Another example is Carfax.com, which uses a search engine that allows consumers to find out if a vehicle has been recalled. However, not all manufacturers provide data to Carfax.com, and the company is not obligated to continue providing the information at no cost.

#### **Providing VIN Information will Improve Recall Process**

NHTSA's website demonstrates the agency's concern for providing consumers with safety information, but vehicle information for a given recall is incomplete. Consumers can search by model year, make, and model to determine the vehicle series involved in the recall, but they cannot determine from the information provided whether their own vehicles are included. For example, a recent search on the 1993 Ford Mustang returned two recalls, one for 4,100 vehicles with a potential fuel leak (campaign no. 93V159000) and one for 7,900,000 vehicles with a potential for fire in the steering column (campaign no. 96V071000). But there is nothing in the database that lets the prospective purchaser of a 1993 Mustang know if that vehicle was subject to either recall campaign.

If NHTSA were provided with the VINs of recalled vehicles at the beginning of the campaign, consumers would know immediately whether they were driving potentially unsafe vehicles. This not only would help original owners who may not be aware of the campaign but also would "facilitate locating and repairing defective vehicles no longer in the hands of first purchasers" (39 FR 16169). NHTSA's objective in first requiring VINs in 1974 was to reach a broad group of consumers; expanding the recall information available from the agency's website is one way to achieve this goal.

With the 1986 amendment, the agency pledged to continue assisting consumers requesting recall information (51 FR 397). However, this process takes time, during which the owner will continue to drive the potentially unsafe vehicle. By having the VINs from the beginning of the campaigns, NHTSA can provide complete recall information to vehicle owners without having to direct them to manufacturers.

#### **Increasing Recall Campaign Completion Rates**

The failure to identify and notify owners of vehicles subject to recall and the need to increase completion rates of recall campaigns are problems that undermine the regulatory process designed to protect the public from defective vehicles. Manufacturers cannot always contact all vehicle owners, as evidenced by a 1999 recall by DaimlerChrysler of more than 1 million vehicles (campaign no.

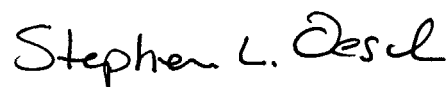
Jeffrey W. Runge, M.D.  
November 1, 2001  
Page 4

99V213000). The quarterly reports submitted to NHTSA by DaimlerChrysler showed that there were 39,129 vehicles for which owners were unable to be notified, meaning that there were at least that many vehicle occupants who could be at risk. Further, the repair completion rate submitted by DaimlerChrysler 18 months after the campaign began was only 65 percent. Therefore, 35 percent of the owners (350,000 vehicles) are at risk because of a defect that has an available remedy. If NHTSA had the VINs of all vehicles involved in recalls easily available on its website, consumers would have access to complete information about safety-related defects affecting their vehicles. This would allow for increases in repair completion rates and decreases in injury risk.

#### **Conclusion**

Defect and noncompliance reporting is and always has been an important aspect of ensuring vehicle safety. One purpose of the recently enacted TREAD Act was to ensure maximum public availability of information about safety related defects and recall campaigns (66 FR 6544). Using current information technology, NHTSA can maximize the benefits of its vehicle recall campaigns by working with manufacturers to provide complete recall information to vehicle owners and prospective purchasers. Requiring manufacturers to provide NHTSA with the VINs of vehicles involved in recalls and making this information available to the public at the beginning of the campaigns is an important step in ensuring occupant safety.

Sincerely,



Stephen L. Oesch  
Senior Vice President

cc: Kenneth W. Weinstein