

January 2008

TRAILER INDUSTRY REGULATORY ALERT

New Vehicle Capacity Weight and Tire Information Regulations

NMMA Petitions for Additional Relief

The National Highway Traffic Safety Administration (NHTSA) issued new regulations on December 4, 2007 that would apply to boat trailers. ([72 Fed. Reg. 68,442](#)). The regulations go into effect on June 2, 2008, but manufacturers and dealers can begin complying with the new rule immediately. The bulk of the new rule applies to motor homes, recreational vehicles and travel trailers and was issued to address overloading concerns. However, NHTSA also provided new guidance and relief for boat trailer manufacturers and dealers on the vehicle capacity weight label requirements issued previously.

NHTSA requires under FMVSS No. 110 (Tire Selection and Rims) that a tire placard or label be affixed to a vehicle that includes a statement that the “combined weight of occupants and cargo should never exceed xxx kg or xxx lbs.” Vehicle manufacturers are required to disclose the amount of weight carrying capacity that is available on the vehicle for passengers (if applicable) and cargo. The vehicle manufacturer installs this label when the vehicle is certified. The question that arose is what must be done to this label when optional equipment and accessories are added to a vehicle after certification but before the first retail sale, which increases the vehicle’s weight and decreases the weight allotted for passengers and cargo.

NHTSA previously has stated that if there is a change in the vehicle weight then the label must be replaced prior to the first retail sale. NHTSA, in this rule, acknowledged that small increases in weight are insignificant and that requiring dealers to reprint labels with the new information each time would be unnecessarily burdensome. NHTSA originally proposed waiving the re-labeling requirement if the amount of the weight added by a dealer to a trailer before the first retail sale was equal to or less than 0.5 percent of gross vehicle weight rating (GVWR). If more than 0.5 percent GVWR were added, the dealer would be required to add a label to the vehicle within 25 mm of the FMVSS No. 110 tire placard, which discloses the total weight of the added items to the nearest kilogram (pound). Due to comments received from NMMA, National Association of Trailer Manufacturers (NATM) and others, **NHTSA has increased this threshold and made the following changes--**

- The load carrying capacity information must be corrected, if the total combined weight added between final vehicle certification and first retail sale **exceeds the lesser of 1.5 percent of the vehicle’s GVWR or 100 pounds.**
 - **Example:** A dealer would calculate 1.5% of the GVWR and compare that to 100 lbs, which ever amount is smaller is the max weight the dealer can add to the trailer without having to re-label. So, for a 3,000 GVWR vehicle the dealer would compare 45 lbs with 100 lbs and find that they must re-label if more that 45 lbs were added to the trailer. In contrast, for a 10,000 GVWR

vehicle a dealer would compare 150 lbs with 100 lbs and find that they must re-label if more than 100 lbs were added.

- **If a dealer/ service facility adds weight that exceeds the *lesser* of 1.5 percent GVWR or 100 pounds, the tire placard must be corrected.** A dealer / service facility can replace the label, modify the label, or add a load carrying capacity modification label near the original label/ tire placard:
- **Replacement labels** – must be identical to the labels replaced except for the corrected values.
 - **Label modification** must be by a pre-printed overlay which, when applied, obscures the original values while maintaining the original appearance of the label or tire placard. This can include blanks where the original values were and corrected values may be legibly written in the blanks of the overlay with a black, fine-point, indelible marker.
 - If a **load carrying capacity modification label option** is used, the modification label must be placed within 25 mm of the original label. Correct load carrying capacity values can be hand printed in indelible, black fine point marker.
 - **Dealers / service facilities may use any accurate method** (including a consumer electronic bathroom scale) **for determining the weight of added items** and subsequently, the total amount the load carrying capacity will be reduced.

Unfortunately, NHTSA did not increase the threshold for a change to the tire placard / label as much as NMMA had originally requested. So on January 18, 2008, NMMA signed on to a joint petition asking NHTSA to reconsider this threshold level and replace it with a re-labeling trigger threshold of *the greater of 3 percent GVWR or 100 kg (220 lb)*. NMMA awaits NHTSA's determination on the petition. Until NHTSA rules, the final rule is in effect.

Below is an excerpt from the text of the Appendix that will appear in the CFR:

Appendix A—Label Requirements for Various Vehicle/GVWR Combinations

Note: This explanation is offered as a guide to the various labels and figure numbers. An explanation of the labels applicable to each vehicle type (i.e., light vehicles other than RVs, light RVs, and heavy RVs) is set forth below.

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Light Vehicles Other Than RVs

- If weight added after final vehicle certification and before first retail sale exceeds the lesser of 1.5 percent of GVWR or 100 pounds, then
 - Correct the load carrying capacity information by modifying or replacing the FMVSS No. 110 tire placard, or
 - Install the load carrying capacity modification label (amendment to Standard No. 110, Figure 7) within 25 mm of the FMVSS No. 110 tire placard showing the amount the load carrying capacity is reduced.

To view the Federal Register Notice with the final rule go to:

<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/E7-22962.pdf>

New final rule on lamps and reflective devices issued by NHTSA

NHTSA, on December 4, 2007, issued a new rule to govern lamps and reflective devices. This new rule, effective September 1, 2008, is intended to be a reorganization of the current Federal Motor Vehicle Safety Standard (FMVSS) No. 108 on lamps, reflective devices, and associated equipment. It reorganizes the regulatory text so that it, according to NHTSA, provides a more straightforward and logical presentation of the regulatory requirements, including the agency's interpretation of the existing requirements. It also reduces the need to consult relevant third-party standards by including applicable requirements directly into the main body of Standard No. 108, rather than incorporating such provisions by reference. This final rule does not impose any new substantive requirements on manufacturers.

In addition, this document amends 49 CFR Part 564, *Replaceable Light Source Information*, by adding a newly created Appendix C, which relocates figures addressing sealed beam headlamps that currently reside in FMVSS No. 108. NHTSA stated that it believes few lighting manufacturers still produce sealed beam headlamps, and their diminishing use is unlikely to draw new manufacturers of this type of lamp. Accordingly, NHTSA saw no drawbacks to consolidating the information regarding sealed beam light sources with other light source information currently located in 49 CFR Part 564. To view new FMVSS No. 108 go to: <http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/07-5644.pdf> .

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