

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****49 CFR Part 567**

[Docket No. 94-74; Notice 2]

RIN 2127-AE71

Certification

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Termination of rulemaking proceeding.

SUMMARY: This notice terminates rulemaking to amend NHTSA's certification regulation to require the standardized display of a permanent metal vehicle manufacturer's label for all motor vehicles weighing more than 4,536 kg (10,000 lb).

FOR FURTHER INFORMATION CONTACT: Dr. Leon DeLarm, Chief, Pedestrian, Heavy Truck and Child Crash Protection Division, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, (202) 366-4920.

SUPPLEMENTARY INFORMATION:**I. The Petition**

On August 17, 1992, Michael Robinson, Director of the Michigan Department of State Police, petitioned NHTSA to amend the agency's certification regulations at 49 CFR 567.4 to require that manufacturers' labels on vehicles weighing more than 4,536 kg (10,000 lb) be made of a heavy gauge metal of a specified thickness with raised or recessed letters and numbers, and be riveted to the vehicle. Mr. Robinson also recommended specific locations for the placement of these labels, depending on the type of vehicle involved. Mr. Robinson stated that his petition was prompted by difficulties that the Motor Carrier Division of his Department had encountered in locating information identifying the gross vehicle weight rating (GVWR) and vehicle identification number (VIN) of commercial vehicles. Information identifying a commercial vehicle's GVWR is necessary, Mr. Robinson asserted, for the proper enforcement of the Commercial Driver License (CDL) requirements of the Federal Highway Administration's (FHWA's) Motor Carrier Safety Assistance Program. Under the CDL program, drivers are only licensed to operate vehicles within GVWR ranges for which they are qualified. Mr. Robinson contended that

law enforcement officers often have difficulty determining the GVWRs of commercial vehicles since the labels on those vehicles are often damaged, painted over, or missing because they were not designed or constructed to withstand the rigors of commercial vehicle operation.

II. The NPRM

On September 26, 1994, NHTSA published a notice in the **Federal Register** (at 59 FR 49038) announcing that it had granted Mr. Robinson's petition, in part, and was proposing to amend the agency's certification regulations at 49 CFR 567.4 to require that the manufacturer's certification label on vehicles with a GVWR over 4,536 kg (10,000 lb) be made of metal, have raised or recessed letters and numbers, and be riveted or otherwise permanently affixed to the vehicle in locations specified in the petition. In granting the petition, the agency noted that not only would the use of permanent metal labels help to ensure that commercial vehicles are being driven by duly qualified and licensed operators, but it would also improve the accuracy of commercial vehicle GVWR information submitted to the FHWA's SAFETynet system, which is shared with state personnel who monitor commercial motor carrier operations.

In the notice of proposed rulemaking (NPRM), NHTSA solicited comments on seventeen issues that the agency identified as being raised by the petition. These included questions on:

(1) whether there was a problem with labels on commercial vehicles becoming obliterated, painted over, or otherwise rendered illegible during the service life of the vehicle;

(2) the costs currently incurred by manufacturers in the purchase, printing, and application of labels;

(3) the types of material currently used for the labels on vehicles with a GVWR over 4,536 kg (10,000 lb);

(4) the sizes of the labels currently affixed to those vehicles;

(5) the incremental costs that vehicle manufacturers would incur to purchase, emboss, and affix permanent metal labels with raised or recessed letters and numbers;

(6) the incremental costs, if any, that label manufacturers would incur in producing metal labels with raised or recessed letters and numbers;

(7) the quantities in which vehicle manufacturers currently order labels;

(8) the time that is currently required for vehicle manufacturers to prepare and affix labels;

(9) the time that would be required for vehicle manufacturers to rivet or

otherwise permanently affix metal labels;

(10) the special problems, if any, that vehicle manufacturers would have in affixing permanent metal labels;

(11) whether a particular metal, such as aluminum, stainless steel, etc. should be specified for the labels;

(12) whether a minimum thickness should be prescribed for the labels;

(13) whether a minimum size should be specified for the labels;

(14) whether a minimum height or depth should be specified for the letters and numbers embossed on the labels;

(15) whether any information should be added to or deleted from that currently required to appear on the label;

(16) whether trailers with a GVWR of 4,536 kg (10,000 lb) or less should also meet the requirements proposed for trailers above that weight;

(17) whether NHTSA should require some approach different from the proposed metal label requirement for preserving VIN labels.

III. Comments

NHTSA received 142 comments in response to the NPRM. Only five of these supported the proposal. Two of the supporting comments were from law enforcement entities. Lt. Bruce Bugg of the Georgia Public Service Commission stated that from his own experience in enforcing the CDL requirements, and from discussions with other law enforcement officers, he has come to believe that missing and obliterated certification labels are a common problem that could be partially alleviated through the use of more durable, embossed metal plates. The California Highway Patrol (CHP) also supported the metal label requirement because existing non-metallic labels are being removed with increasing frequency in an apparent attempt to circumvent the CDL requirements. Supporting comments were also received from the Wisconsin Department of Transportation and Advocates for Highway and Auto Safety, which expressed agreement with a need for metal certification labels. Additionally, the National Automobile Dealers Association (NADA) expressed support for an improved certification labelling scheme and agreed with the proposal to impose requirements that will assist with theft enforcement and with the administration of motor carrier regulations.

The remaining 137 comments were opposed to the proposal, either in whole or in part. Of these, 117 were essentially identical letters submitted primarily by multi-stage truck manufacturers. Those