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Appendix A

National Traffic and Motor Vehicle Safety Act

(Note in particular Section 103)
NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT
OF 1966

(References in brackets [ ] are to title 15, United States Code)

AN ACT To provide for a coordinated national safety program and establishment of safety standards for motor vehicles in interstate commerce to reduce accidents involving motor vehicles and to reduce the deaths and injuries occurring in such accidents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress hereby declares that the purpose of this Act is to reduce traffic accidents and deaths and injuries to persons resulting from traffic accidents. Therefore, Congress determines that it is necessary to establish motor vehicle safety standards for motor vehicles and equipment in interstate commerce; to undertake and support necessary safety research and development; and to expand the national driver register.

TITLE I—MOTOR VEHICLE SAFETY STANDARDS

SEC. 101. [1381] This Act may be cited as the "National Traffic and Motor Vehicle Safety Act of 1966".

PART A—GENERAL PROVISIONS

SEC. 102. [1391] As used in this title—

(1) "Motor vehicle safety" means the performance of motor vehicles or motor vehicle equipment in such a manner that the public is protected against unreasonable risk of accidents occurring as a result of the design, construction or performance of motor vehicles and is also protected against unreasonable risk of death or injury to persons in the event accidents do occur, and includes nonoperational safety of such vehicles.

(2) "Motor vehicle safety standards" means a minimum standard for motor vehicle performance, or motor vehicle equipment performance, which is practicable, which meets the need for motor vehicle safety and which provides objective criteria.

(3) "Motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails.

(4) "Motor vehicle equipment" means any system, part, or component of a motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as any accessory, or addition to the motor vehicle, and any device, article, or apparel not a system, part, or component of a motor vehicle (other than medicines, or eyeglasses prescribed by a physician or other duly li-
censed practitioner), which is manufactured, sold, delivered, offered, or intended for use exclusively to safeguard motor vehicles, drivers, passengers, and other highway users from risk of accident, injury, or death.

(5) "Manufacturer" means any person engaged in the manufacturing or assembling of motor vehicles or motor vehicle equipment, including any person importing motor vehicles or motor vehicle equipment for resale.

(6) "Distributor" means any person primarily engaged in the sale and distribution of motor vehicles or motor vehicle equipment for resale.

(7) "Dealer" means any person who is engaged in the sale and distribution of new motor vehicles or motor vehicle equipment primarily to purchasers who in good faith purchase any such vehicle or equipment for purposes other than resale.

(8) "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(9) "Interstate commerce" means commerce between any place in a State and any place in another State, or between places in the same State through another State.

(10) "Secretary" means the Secretary of Transportation.

(11) "Defect" includes any defect in performance, construction, components, or materials in motor vehicles or motor vehicle equipment.

(12) "United States district courts" means the Federal district courts of the United States and the United States courts of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(13) "Vehicle Equipment Safety Commission" means the Commission established pursuant to the joint resolution of the Congress relating to highway traffic safety, approved August 20, 1958 (72 Stat. 635), or as it may be hereafter reconstituted by law.

(14) "Schoolbus" means a passenger motor vehicle which is designed to carry more than 10 passengers in addition to the driver, and which the Secretary determines is likely to be significantly used for the purpose of transporting primary, preprimary, or secondary school students to or from such schools or events related to such schools; and

(15) "Schoolbus equipment" means equipment designed primarily as a system, part, or component of a schoolbus, or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as an accessory or addition to a schoolbus.

Sec. 103. [1392] (a) The Secretary shall establish by order appropriate Federal motor vehicle safety standards. Each such Federal motor vehicle safety standard shall be practicable, shall meet the need for motor vehicle safety, and shall be stated in objective terms.

(b) The Administrative Procedure Act shall apply to all orders establishing, amending, or revoking a Federal motor vehicle safety standard under this title.
(c) Each order establishing a Federal motor vehicle safety standard shall specify the date such standard is to take effect which shall not be sooner than one hundred and eighty days or later than one year from the date such order is issued, unless the Secretary finds, for good cause shown, that an earlier or later effective date is in the public interest, and publishes his reasons for such finding.

(d) Whenever a Federal motor vehicle safety standard established under this title is in effect, no State or political subdivision of a State shall have any authority either to establish, or to continue in effect, with respect to any motor vehicle or item of motor vehicle equipment any safety standard applicable to the same aspect of performance of such vehicle or item of equipment which is not identical to the Federal standard. Nothing in this section shall be construed as preventing any State from enforcing any safety standard which is identical to a Federal safety standard. Nothing in this section shall be construed to prevent the Federal Government or the government of any State or political subdivision thereof from establishing a safety requirement applicable to motor vehicles or motor vehicle equipment procured for its own use if such requirement imposes a higher standard of performance than that required to comply with the otherwise applicable Federal standard.

(e) The Secretary may by order amend or revoke any Federal motor vehicle safety standard established under this section. Such order shall specify the date on which such amendment or revocation is to take effect which shall not be sooner than one hundred and eighty days or later than one year from the date the order is issued, unless the Secretary finds, for good cause shown, that an earlier or later effective date is in the public interest, and publishes his reasons for such finding.

(f) In prescribing standards under this section, the Secretary shall—

1. consider relevant available motor vehicle safety data, including the results of research, development, testing and evaluation activities conducted pursuant to this Act;
2. consult with the Vehicle Equipment Safety Commission, and such other State or interstate agencies (including legislative committees) as he deems appropriate;
3. consider whether any such proposed standard is reasonable, practicable and appropriate for the particular type of motor vehicle or item of motor vehicle equipment for which it is prescribed; and
4. consider the extent to which such standards will contribute to carrying out the purposes of this Act.

(g) In prescribing safety regulations covering motor vehicles subject to part II of the Interstate Commerce Act, as amended (49 U.S.C. 301 et seq.), or the Transportation of Explosives Act, as amended (18 U.S.C. 831-835), the Interstate Commerce Commission shall not adopt or continue in effect any safety regulation which differs from a motor vehicle safety standard issued by the Secretary under this title, except that nothing in this subsection shall be deemed to prohibit the Interstate Commerce Commission from prescribing for any motor vehicle operated by a carrier subject to regulation under either or both of such Acts, a safety regulation which
imposes a higher standard of performance subsequent to its manufacture than that required to comply with the applicable Federal standard at the time of manufacture.

(h) The Secretary shall issue initial Federal motor vehicle safety standards based upon existing safety standards on or before January 31, 1967. On or before January 31, 1968, the Secretary shall issue new and revised Federal motor vehicle safety standards under this title.

(i)(1)(A) Not later than 6 months after the date of enactment of this subsection, the Secretary shall publish proposed Federal motor vehicle safety standards to be applicable to schoolbuses and schoolbus equipment. Such proposed standards shall include minimum standards for the following aspects of performance:

   (i) Emergency exits.
   (ii) Interior protection for occupants.
   (iii) Floor strength.
   (iv) Seating systems.
   (v) Crash worthiness of body and frame (including protection against rollover hazards).
   (vi) Vehicle operating systems.
   (vii) Windows and windshields.
   (viii) Fuel systems.

(B) Not later than 15 months after the date of enactment of this subsection, the Secretary shall promulgate Federal motor vehicle safety standards which shall provide minimum standards for those aspects of performance set out in clauses (i) through (viii) of subparagraph (A) of this paragraph, and which shall apply to each schoolbus and item of schoolbus equipment which is manufactured in or imported into the United States on or after April 1, 1977.

(2) The Secretary may prescribe regulations requiring that any schoolbus be test driven by the manufacturer before introduction into commerce.

(3) Not later than six months after the date of enactment of this section, the Secretary shall conduct a study and report to Congress on (A) the factors relating to the schoolbus vehicle which contribute to the occurrence of schoolbus accidents and resultant injuries, and (B) actions which can be taken to reduce the likelihood of occurrence of such accidents and severity of such injuries. Such study shall consider, among other things, the extent to which injuries may be reduced through the use of seat belts and other occupant restraint systems in schoolbus accidents, and an examination of the extent to which the age of schoolbuses increases the likelihood of accidents and resultant injuries.

Sec. 104.* [1393] (a)(1) The Secretary shall establish a National Motor Vehicle Safety Advisory Council, a majority of which shall be representatives of the general public, including representatives of State and local governments, and the remainder shall include representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers.

(2) For the purposes of this section, the term "representative of the general public" means an individual who (A) is not in the

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*Section 104 was repealed effective October 1, 1977.
employ of, or holding any official relation to any person who is (i) a manufacturer, dealer, or distributor, or (ii) a supplier of any manufacturer, dealer, or distributor, (B) does not own stock or bonds of substantial value in any person described in subparagraph (A)(i) or (ii), and (C) is not in any other manner directly or indirectly peculiarly interested in such a person. The Secretary shall publish the names of the members of the Council annually and shall designate which members represent the general public. The Chairman of the Council shall be chosen by the Council from among the members representing the general public.

(b) The Secretary shall consult with the Advisory Council on motor vehicle safety standards under this Act.

c) Members of the National Motor Vehicle Safety Advisory Council may be compensated at a rate not to exceed $100 per diem (including travel time) when engaged in the actual duties of the Advisory Council. Such members, while away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2), for persons in the Government service employed intermittently. Payments under this section shall not render members of the Advisory Council employees or officials of the United States for any purpose.

Sec. 105. [1394] (a)(1) In a case of actual controversy as to the validity of any order under section 103, any person who will be adversely affected by such order when it is effective may at any time prior to the sixtieth day after such order is issued file a petition with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review of such order. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based his order, as provided in section 2112 of title 28 of the United States Code.

(2) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary, and to be adduced upon the hearing, in such manner and upon such terms and conditions as to the court may seem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original order, with the return of such additional evidence.

(3) Upon the filing of the petition referred to in paragraph (1) of this subsection, the court shall have jurisdiction to review the order in accordance with section 10 of the Administrative Procedure Act (5 U.S.C. 1009) and to grant appropriate relief as provided in such section.
(4) The judgment of the court affirming or setting aside, in whole or in part, any such order of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(5) Any action instituted under this subsection shall survive, notwithstanding any change in the person occupying the office of Secretary of any vacancy in such office.

(6) The remedies provided for in this subsection shall be in addition to and not in substitution for any other remedies provided by law.

(b) A certified copy of the transcript of the record and proceedings under this section shall be furnished by the Secretary to any interested party at his request, and payment of the costs thereof, and shall be admissible in any criminal, exclusion of imports, or other proceeding arising under or in respect of this title, irrespective of whether proceedings with respect to the order have previously been initiated or become final under subsection (a).

Sec. 106. [1395] (a) The Secretary shall conduct research, testing, development, and training necessary to carry out the purposes of this title, including, but not limited to—

(1) collecting data from any source for the purpose of determining the relationship between motor vehicle or motor vehicle equipment performance characteristics and (A) accidents involving motor vehicles, and (B) the occurrence of death, or personal injury resulting from such accidents;

(2) procuring (by negotiation or otherwise) experimental and other motor vehicles or motor vehicle equipment for research and testing purposes;

(3) selling or otherwise disposing of test motor vehicles and motor vehicle equipment and reimbursing the proceeds of such sale or disposal into the current appropriation available for the purpose of carrying out this title.

(b) The Secretary is authorized to conduct research, testing, development, and training as authorized to be carried out by subsection (a) of this section by making grants for the conduct of such research, testing, development, and training to States, interstate agencies, and nonprofit institutions.

(c) Whenever the Federal contribution for any research or development activity authorized by this Act encouraging motor vehicle safety is more than minimal, the Secretary shall include in any contract, grant, or other arrangement for such research or development activity, provisions effective to insure that all information, uses, processes, patents, and other developments resulting from that activity will be made freely and fully available to the general public. Nothing herein shall be construed to deprive the owner of any background patent of any right which he may have thereunder.

Sec. 107. [1396] The Secretary is authorized to advise, assist, and cooperate with, other Federal departments and agencies, and State and other interested public and private agencies, in the planning and development of—

(1) motor vehicle safety standards;
(2) methods for inspecting and testing to determine compliance with motor vehicle safety standards.

Sec. 108. [(1397)] (a)(1) No person shall—

(A) manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States, any motor vehicle or item of motor vehicle equipment manufactured on or after the date any applicable Federal motor vehicle safety standard takes effect under this title unless it is in conformity with such standard and is covered by a certification issued under section 114, except as provided in this section;

(B) fail or refuse access to or copying of records, or fail to make reports or provide information, or fail or refuse to permit entry or inspection, as required under section 112; fail to keep specified records in accordance with such section; or fail or refuse to permit impounding, as required under section 112(a);

(C) fail to issue a certificate required by section 114, or issue a certificate to the effect that a motor vehicle or item of motor vehicle equipment conforms to all applicable Federal motor vehicle safety standards, if such person in the exercise of due care has reason to know that such certificate is false or misleading in a material respect;

(D) fail—

(i) to furnish notification,

(ii) to remedy any defect or failure to comply, or

(iii) to maintain records,

as required by part B of this title; or fail to comply with any order or other requirement applicable to any manufacturer, distributor, or dealer pursuant to such part B;

(E) fail to comply with any rule, regulation, or order issued under section 112 or 114; and

(F) to fail to comply with regulations of the Secretary under section 103(i)(2)

(2)(A) No manufacturer, distributor, dealer, or motor vehicle repair business shall knowingly render inoperative, in whole or part, any device or element of design installed on or in a motor vehicle or item of motor vehicle equipment in compliance with an applicable Federal motor vehicle safety standard, unless such manufacturer, distributor, dealer, or repair business reasonably believes that such vehicle or item of equipment will not be used (other than for testing or similar purposes in the course of maintenance or repair) during the time such device or element of design is rendered inoperative. For purposes of this paragraph, the term "motor vehicle repair business" means any person who holds himself out to the public as in the business of repairing motor vehicles or motor vehicle equipment for compensation.

(B) The Secretary may by regulation exempt any person from this paragraph if he determines that such exemption is consistent with motor vehicle safety and the purposes of this Act. The Secretary may prescribe regulations defining the term "render inoperative".

(C) This paragraph shall not apply with respect to the rendering inoperative of (i) any safety belt, interlock (as defined in section
125(f)(1)) or (ii) any continuous buzzer (as defined in section 125(f)(4)) designed to indicate that safety belts are not in use.

(D) Paragraph (1XA) of this subsection shall not apply to the sale or offering for sale of any motor vehicle which has such a buzzer or interlock rendered inoperative by a dealer at the request of the first purchaser of such vehicle.

(b)(1) Paragraph (1XA) of subsection (a) shall not apply to the sale, the offer for sale, or the introduction or delivery for introduction in interstate commerce of any motor vehicle or motor vehicle equipment after the first purchase of it in good faith for purposes other than resale. In order to assure a continuing and effective national traffic safety program, it is the policy of Congress to encourage and strengthen the enforcement of State inspection of used motor vehicles. Therefore to that end the Secretary shall conduct a thorough study and investigation to determine the adequacy of motor vehicle safety standards and motor vehicle inspection requirements and procedures applicable to used motor vehicles in each State, and the effect of programs authorized by this title upon such standards, requirements, and procedures for used motor vehicles, and report to Congress as soon as practicable but not later than one year after the date of enactment of this title, the results of such study, and recommendations for such additional legislation as he deems necessary to carry out the purposes of this Act. As soon as practicable after the submission of such report, but no later than one year from the date of submission of such report, the Secretary, after consultation with the Council and such interested public and private agencies and groups as he deems advisable, shall establish uniform Federal motor vehicle safety standards applicable to all used motor vehicles. Such standards shall be expressed in terms of motor vehicle safety performance. The Secretary is authorized to amend or revoke such standards pursuant to this Act.

(2) Paragraph (1XA) of subsection (a) shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that such vehicle or item of motor vehicle equipment is not in conformity with applicable Federal motor vehicle safety standards, or to any person who, prior to such first purchase, holds a certificate issued by the manufacturer or importer of such motor vehicle or motor vehicle equipment, to the effect that such vehicle or equipment conforms to all applicable Federal motor vehicle safety standards, unless such person knows that such vehicle or equipment does not so conform.

(3) Paragraph (1XA) of subsection (a) shall not apply in the case of a motor vehicle or item of motor vehicle equipment intended solely for export, and so labeled or tagged on the vehicle or item itself and on the outside of the container, if any, which is exported.
(c)(1) Except as provided in this subsection and subsections (e), (f), (g), (h), (i), and (j) a motor vehicle offered for importation in violation of subsection (a)(1)(A) shall be refused entry into the United States.

(2) In the case of any motor vehicle imported under paragraph (3), the person importing the motor vehicle shall furnish to the Secretary of the Treasury (acting on behalf of the Secretary) an appropriate bond and shall comply with such terms and conditions as it appears to the Secretary appropriate to ensure that any such motor vehicle—

(A) will be brought into conformity with all applicable Federal motor vehicle safety standards prescribed under this title within a reasonable time after such importation, as specified by the Secretary, or

(B) will be exported (at no cost to the United States) by the Secretary of the Treasury or abandoned to the United States. The amount of the bond furnished under this paragraph shall not be less than the dutiable value, as determined by the Secretary of the Treasury, of the motor vehicle with respect to which the bond was furnished, except that the amount of such bond may not exceed 150 percent of such value.

(3)(A) Subsection (a)(1)(A) and paragraph (1) of this subsection shall not apply to any motor vehicle if—

(i) the motor vehicle is determined to be substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under section 114, and of the same model year (as defined by regulation by the Secretary) as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards; or

(ii) the motor vehicle is imported by an importer registered under subparagraph (D), and

(iii) the registered importer pays (I) such annual fee as the Secretary establishes to cover the cost of administering the registration program, and (II) such other annual fee or fees as the Secretary reasonably establishes to cover the cost of processing the bond furnished to the Secretary of the Treasury under paragraph (2) and making the determinations under this section.
(B) The amount or rate of fees under subparagraph (A)(iii) shall be reviewed and, if appropriate, adjusted by the Secretary at least every 2 years. The fee applicable in any fiscal year shall be established by the Secretary before the beginning of such year. All fees collected shall be available until expended, without fiscal year limit, to the extent provided in advance by appropriation Acts, solely for use by the Secretary—

(i) in the administration of all of the requirements of this subsection (other than subparagraph (E)(iv)) and subsection (d)(2), and

(ii) to advance to the Secretary of the Treasury amounts for costs that will be incurred under this subsection and to reimburse the Secretary of the Treasury for such costs.

(C)(i) The Secretary shall make the determination under paragraph (3)(A)(i)—

(I) on the petition of any registered importer or any manufacturer, or

(II) on the Secretary's own initiative.

(ii) The Secretary shall establish by regulation (I) the information required to be provided by the petitioner to clearly show that the vehicle is capable of being brought into compliance with all applicable Federal motor vehicle safety standards and (II) the procedures for considering such petitions. In establishing such procedures, the Secretary shall provide for a minimum period for public notice and written comment consistent with ensuring expeditious, but full, consideration of the petition and avoiding delay by any person. In considering any petition under this subparagraph, the Secretary shall give due consideration to any test data or other information available to the Secretary, including any information provided by the manufacturer (whether or not confidential). If the Secretary makes a negative determination, another petition may not be considered for the same model of motor vehicles until the end of 3 calendar months after such negative determination.

(iii) The Secretary shall establish by regulation the procedures for determinations made on the Secretary's own initiative. Such procedures shall include a minimum period for public notice and written comment consistent with ensuring expeditious, but full, consideration and avoiding delay by any person. In making a determination under such procedures, the Secretary shall give due consideration to any test data or other information available to the Secretary, including any information provided by the manufacturer (whether or not confidential). If the Secretary makes a negative determination, the Secretary may not make another determination for the same model of motor vehicle until the end of 3 calendar months after such negative determination.
(iv) The Secretary shall annually publish in the Federal Register a list of all determinations under this subparagraph. Each determination published in the Federal Register shall apply to the same model of motor vehicle with respect to which the determination was made. A positive determination shall be sufficient authority for any other registered importer to import a vehicle of the same model under this subsection provided such registered importer complies with all the terms and conditions of such determination.

(D)(i) The Secretary shall establish procedures under which the Secretary shall register any person who complies with the requirements of clause (ii) and who has not previously had a registration revoked under clause (iii). The Secretary may deny registration to any person who is or was, directly or indirectly, owned or controlled by, or under common ownership or control with, a person who has had a registration revoked under clause (iii).

(ii) In order to acquire and maintain registration under clause (i), an importer shall comply with all requirements which the Secretary shall prescribe by regulation. Such regulation shall include, as a minimum, requirements for recordkeeping, inspection of records and facilities relating to the motor vehicles which such person has imported, modified, or both, and provision for ensuring that the importer (or any successor in interest) will be able technically and financially to carry out the importer's responsibilities under part B of this title (relating to discovery, notification, and remedy of defects).

(iii) The Secretary shall establish procedures for (I) the revocation or suspension of a registration issued under clause (i) for failure to comply with any requirement of this section or the regulations issued under this section, (II) automatic suspensions of registrations for failure to pay any fee referred to in subparagraph (A)(iii) in a timely manner or for knowingly filing a false or misleading certification under subparagraph (E), and (III) reinstatement of suspended registrations.

(E)(i) A registered importer shall not release custody of any motor vehicle—

(I) imported by the registered importer, or

(II) imported by an individual referred to in subsection (f) and which the registered importer is modifying to meet Federal motor vehicle safety standards,

to any person for license or registration for use on public roads, streets, or highways or license or register an imported motor vehicle for use on public roads, streets, or highways until 30 calendar days after the registered importer certifies to the Secretary, in such form as the Secretary shall require, that such motor vehicle complies with each Federal motor vehicle safety standard which was prescribed under this title in the year that vehicle was manufactured and which applies in such year to such vehicle, except that no such release shall be permitted if the Secretary gives written notice,
before the expiration of such 30 days, that an inspection will be required under clause (iii). If the Secretary gives such notice, such release shall be permitted at any time but only upon the completion of the inspection showing no failure to comply with applicable Federal motor vehicle safety standards for which the inspection was made and the release by the Secretary. The Secretary and the Secretary of the Treasury shall by rule establish procedures to ensure the release of a motor vehicle and bond at the expiration of such 30 days unless the notice under this clause or clause (vi) is issued. Such rule shall provide that, if such notice is issued, the motor vehicle and bond shall be promptly released after the completion of the inspection showing no such failure to comply.

(ii) In making a certification under clause (i) with respect to safety features of a motor vehicle, the registered importer may rely on the manufacturer's certification for the model for which the motor vehicle involved is substantially similar if the importer certifies that any modification undertaken by the importer did not affect the compliance of the motor vehicle's safety features and the importer retains records verifying such certification for such period as the Secretary shall prescribe.

(iii) The Secretary may require that such certification be accompanied by such evidence of compliance as the Secretary considers appropriate or that the certified motor vehicle be inspected by the Secretary, or both.

(iv) The Secretary shall periodically inspect a representative number of motor vehicles for which certifications have been filed under clause (i). In conducting any program under this title for the testing of motor vehicles, the Secretary shall include a representative number of vehicles for which certifications have been filed under clause (i).

(v) Any release of a bond required under paragraph (2) shall constitute acceptance of any certification or completion of an inspection but not a determination by the Secretary under section 152 of compliance with all applicable Federal motor vehicle safety standards.

(vi) Notwithstanding clause (i), no motor vehicle or bond may be released if the Secretary believes or has reason to believe that a certification made under clause (i) is false or contains any misrepresentation and the Secretary gives written notice of such belief or reason to believe to the registered importer before the expiration of 30 days after the date such certification is received by the Secretary. If such notice is provided, the motor vehicle involved and the bond required for the motor vehicle involved may not be released until the Secretary is satisfied with the certification and any modification thereof.

(vii) Each registered importer shall include on each motor vehicle released by it under this subsection a label, in such form as the Secretary may prescribe, on which the registered importer is identified and which states that the vehicle has been modified by such importer to comply with all applicable Federal motor vehicle safety standards for that model.

(d)(1) For purposes of part B of this title (relating to discovery, notification, and remedy of motor vehicle defects)—

(A) in the case of any defect or failure to comply with any applicable Federal motor vehicle safety standard in, or regarding, any motor vehicle which was originally manufactured for importation to the United States, any imported motor vehicle
that has a valid certification under subsection (c)(3)(E) and that is determined to be substantially similar to such motor vehicle shall be treated as having the same defect or failure unless the manufacturer or registered importer demonstrates otherwise to the Secretary,

(B) the Secretary shall publish in the Federal Register notice of the defect or failure referred to in subparagraph (A), and

(C) the registered importer shall be treated as the manufacturer with respect to any motor vehicle that it—

(i) imports, or

(ii) brings into conformity with applicable Federal motor vehicle safety standards on behalf of an individual under subsection (f).

(2) The Secretary shall, by regulation, require each registered importer (and any successor in interest) to provide and maintain evidence, satisfactory to the Secretary, of sufficient financial responsibility to meet its obligations under part B of this title (relating to discovery, notification, and remedy of motor vehicle defects).

(e) Subsections (a)(1)(A) and (c)(1) shall not apply to any motor vehicle or item of motor vehicle equipment if—

(1) the motor vehicle or item of equipment requires further manufacturing to perform its intended function (as determined under regulations prescribed by the Secretary), and

(2) it is accompanied at the time of entry by a written statement which is issued by the manufacturer of the incomplete motor vehicle or item of equipment which indicates the applicable Federal motor vehicle safety standard with which such motor vehicle or item is not in compliance.

(f)(1) Subsections (a)(1)(A) and (c)(1) shall not apply to any motor vehicle that is imported—

(A) after the effective date of the regulations initially issued to implement the amendments made to this section by the Imported Vehicle Safety Compliance Act of 1988, and

(B) for personal use, and not for purposes of resale, by any individual (other than an individual described in subsections (g) and (h)), if that individual takes the actions required by paragraph (2).

(2) To receive an exemption under paragraph (1) an individual shall—

(A) furnish to the Secretary of the Treasury (acting on behalf of the Secretary)—

(i) an appropriate bond in an amount determined under subsection (c)(2),

(ii) a copy of a contract or other agreement with an importer registered under subsection (c) for bringing such vehicle into conformity with applicable Federal motor vehicle safety standards, and

(iii) a certification that such vehicle meets the requirement set forth in clause (i) (I) or (II) of subsection (c)(3)(A), and

(B) comply with such terms and conditions as the Secretary shall impose as being appropriate to ensure that such motor vehicle—

(i) will be brought into conformity with all applicable Federal motor vehicle safety standards within a reasonable time, as specified by the Secretary, after such importation, or
(ii) will be exported (at no cost to the United States) by the Secretary of the Treasury or abandoned to the United States.

The Secretary, for good cause shown, may allow an individual additional time, but not more than 30 days after the day on which the motor vehicle is offered for importation, to comply with subparagraph \((A)\)ii).

\(g\) Subsections \((a)(1)(A)\) and \((c)(1)\) shall not apply to any motor vehicle if the motor vehicle is imported for personal use, and not for purposes of resale, by any individual (including any member of the uniformed services)—

1. whose assigned place of employment is outside the United States as of the date of the enactment of the Imported Vehicle Safety Compliance Act of 1988, and who has not had an assigned place of employment in the United States between that date and the date of entry of such motor vehicle,

2. who has not previously imported a motor vehicle into the United States under the authority of this subsection (or subsection \((b)(3)\) with respect to periods before the date of the enactment of the Imported Vehicle Safety Compliance Act of 1988),

3. who had acquired (or had entered into a binding contract to acquire) such motor vehicle before the date of enactment of this subsection,

4. who enters such motor vehicle not later than 4 years after such date of enactment, and

5. who meets the terms, conditions, and other requirements in effect under subsection \((b)(3)\) on the day before the date of the enactment of this subsection.

Paragraphs \((1)\) through \((5)\) shall be carried out by certification in such form as either the Secretary or the Secretary of the Treasury may prescribe. As used in this subsection, the term 'assigned place of employment' means the principal location at which an individual is permanently or indefinitely assigned to work. In the case of a member of the uniformed services, such term means the individual's permanent duty station.

\(h\) Subsections \((a)(1)(A)\) and \((c)(1)\) shall not apply to any motor vehicle if the motor vehicle is imported on a temporary basis for personal use by any individual—

1. who is (A) a member of the personnel of a foreign government on assignment in the United States or a member of the Secretariat of a public international organization so designated under the International Organization Immunities Act, and (B) within the class of persons for whom free entry of motor vehicles has been authorized by the Secretary of State, or

2. who is a member of the armed forces of a foreign country on assignment in the United States.

The Secretary or the Secretary of the Treasury may require such verification of such status as the Secretary considers appropriate. The Secretary shall ensure that any motor vehicle entered under this subsection will be exported (at no cost to the United States) or abandoned to the United States when the individual involved ceases to reside in the United States and hold such status. No motor vehicle imported under this subsection may be sold while within the United States.

\(i\) Subsections \((a)(1)(A)\) and \((c)(1)\) shall not apply to any motor vehicle that is 25 or more years old.

\(j\) The Secretary may exempt any motor vehicle or item of motor vehicle equipment from subsections \((a)(1)(A)\) and \((c)(1)\) upon such terms and conditions as the Secretary may find necessary solely for the purpose of research, investigations, studies, demonstrations or training, or competitive racing events.

Exports.

Research and development.

Racing.
(k) Compliance with any Federal motor vehicle safety standard issued under this title does not exempt any person from any liability under common law.

Sec. 109. [1398] (a) Whoever violates any provision of section 108, or any regulation issued thereunder, shall be subject to a civil penalty of not to exceed $1,000 for each such violation. Such violation of a provision of section 108, or regulations issued thereunder, shall constitute a separate violation with respect to each motor vehicle or item of motor vehicle equipment or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty shall not exceed $800,000 for any related series of violations.

(b) Any such civil penalty may be compromised by the Secretary. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

Sec. 110. [1399] (a) The United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title (or rules, regulations or orders thereunder), or to restrain the sale, offer for sale, or the introduction or delivery for introduction, in interstate commerce, or the importation into the United States, of any motor vehicle or item of motor vehicle equipment which is determined, prior to the first purchase of such vehicle in good faith for purposes other than resale, not to conform to applicable Federal motor vehicle safety standards prescribed pursuant to this title, or to contain a defect (A) which relates to motor vehicle safety and (B) with respect to which notification has been given under section 151 or has been required to be given under section 152(b), upon petition by the appropriate United States attorney or the Attorney General on behalf of the United States. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, and, except in the case of a knowing and willful violation, shall afford him reasonable opportunity to achieve compliance or to remedy the defect. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.
(b) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, which violation also constitutes a violation of this title, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

(c) Except as provided in section 155(a), actions under subsection (a) of this section and section 109(a) of this title may be brought in the district wherein any act or transaction constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

(d) In any actions brought under subsection (a) of this section and section 109(a) of this title, subpoenas for witnesses who are required to attend a United States district court may run into any other district.

(e) It shall be the duty of every manufacturer offering a motor vehicle or item of motor vehicle equipment for importation into the United States to designate in writing an agent upon whom service of all administrative and judicial processes, notices, orders, decisions and requirements may be made for and on behalf of said manufacturer, and to file such designation with the Secretary, which designation may from time to time be changed by like writing, similarly filed. Service of all administrative and judicial processes, notices, orders, decisions and requirements may be made upon said manufacturer by service upon such designated agent at his office or usual place of residence with like effect as if made personally upon said manufacturer, and in default of such designation of such agent, service of process, notice, order, requirement or decision in any proceeding before the Secretary or in any judicial proceeding for enforcement of this title or any standards prescribed pursuant to this title may be made by posting such process, notice, order, requirement or decision in the Office of the Secretary.

Sec. 111. [1400] (a) If any motor vehicle or item of motor vehicle equipment is determined not to conform to applicable Federal motor vehicle safety standards, or contains a defect which relates to motor vehicle safety, after the sale of such vehicle or item of equipment by a manufacturer or a distributor to a distributor or a dealer and prior to the sale of such vehicle or item of equipment by such distributor or dealer:

(1) The manufacturer or distributor, as the case may be, shall immediately repurchase such vehicle or item of motor vehicle equipment from such distributor or dealer at the price paid by such distributor or dealer, plus all transportation charges involved and a reasonable reimbursement of not less than 1 per centum per month of such price paid prorated from the date of notice of such nonconformance to the date of repurchase by the manufacturer or distributor; or

(2) In the case of motor vehicles, the manufacturer or distributor, as the case may be, at his own expense, shall immediately furnish the purchasing distributor or dealer the required
conforming part or parts or equipment for installation by the distributor or dealer on or in such vehicle and for the installation involved the manufacturer shall reimburse such distributor or dealer for the reasonable value of such installation plus a reasonable reimbursement of not less than 1 per centum per month of the manufacturer's or distributor's selling price prorated from the date of notice of such nonconformance to the date such vehicle is brought into conformance with applicable Federal standards: Provided, however, That the distributor or dealer proceeds with reasonable diligence with the installation after the required part, parts or equipment are received.

(b) In the event any manufacturer or distributor shall refuse to comply with the requirements of paragraphs (1) and (2) of subsection (a), then the distributor or dealer, as the case may be, to whom such nonconforming vehicle or equipment has been sold may bring suit against such manufacturer or distributor in any district court of the United States in the district in which said manufacturer or distributor resides, or is found, or has an agent, without respect to the amount in controversy, and shall recover the damage by him sustained, as well as all court costs plus reasonable attorneys' fees. Any action brought pursuant to this section shall be forever barred unless commenced within three years after the cause of action shall have accrued.

(c) The value of such installations and such reasonable reimbursements as specified in subsection (a) of this section shall be fixed by mutual agreement of the parties, or failing such agreement, by the court pursuant to the provisions of subsection (b) of this section.

Sec. 112. [1401] (a)(1) The Secretary is authorized to conduct any inspection or investigation—

(A) which may be necessary to enforce this title or any rules, regulations, or orders issued thereunder, or

(B) which relates to the facts, circumstances, conditions, and causes of any motor vehicle accident and which is for the purposes of carrying out his functions under this Act.

The Secretary shall furnish the Attorney General and, when appropriate, the Secretary of the Treasury any information obtained indicating noncompliance with this title or any rules, regulations, or orders issued thereunder, for appropriate action. In making investigations under subparagraph (B), the Secretary shall cooperate with appropriate State and local officials to the greatest extent possible consistent with the purposes of this subsection.

(2) For purposes of carrying out paragraph (1), officers or employees duly designated by the Secretary, upon presenting appropriate credentials and written notice to the owner, operator, or agent in charge, are authorized at reasonable times and in a reasonable manner—

(A) to enter (i) any factory, warehouse, or establishment in which motor vehicles or items of motor vehicle equipment are manufactured, or held for introduction into interstate commerce or are held for sale after such introduction, or (ii) any premises where a motor vehicle or item of motor vehicle equipment involved in a motor vehicle accident is located;
(B) to impound for a period not to exceed 72 hours, any motor vehicle or item of motor vehicle equipment involved in a motor vehicle accident; and

(C) to inspect any factory, warehouse, establishment, vehicle, or equipment referred to in subparagraph (A) or (B).

Each inspection under this paragraph shall be commenced and completed with reasonable promptness.

(3)(A) Whenever, under the authority of paragraph (2)(B), the Secretary inspects or temporarily impounds for the purpose of inspection any motor vehicle (other than a vehicle subject to part II of the Interstate Commerce Act) or an item of motor vehicle equipment, he shall pay reasonable compensation to the owner of such vehicle to the extent that such inspection or impounding results in the denial of the use of the vehicle to its owner or in the reduction in value of the vehicle.

(B) As used in this subsection, "motor vehicle accident" means an occurrence associated with the maintenance, use, or operation of a motor vehicle or item of motor vehicle equipment in or as a result of which any person suffers death or personal injury, or in which there is property damage.

(b) Every manufacturer of motor vehicles and motor vehicle equipment shall establish and maintain such records and every manufacturer, dealer, or distributor shall make such reports, as the Secretary may reasonably require to enable him to determine whether such manufacturer, dealer, or distributor has acted or is acting in compliance with this title or any rules, regulations, or orders issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee to inspect appropriate books, papers, records, and documents relevant to determining whether such manufacturer, dealer, or distributor has acted or is acting in compliance with this title or any rules, regulations, or orders issued thereunder. Nothing in this subsection shall be construed as imposing recordkeeping requirements on distributors or dealers, except those requirements imposed under section 158 and regulations and orders promulgated thereunder.

(c)(1) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(2) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to any function of the Secretary under this title.

(3) The Secretary is authorized to require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating
to any function of the Secretary under this title. Such reports and
answers shall be made under oath or otherwise, and shall be filed
with the Secretary within such reasonable period as the Secretary
may prescribe.

(4) Any of the district courts of the United States within the jur-
isdiction of which an inquiry is carried on may, in the case of con-
tumacy or refusal to obey a subpoena or order of the Secretary or
such officer or employee issued under paragraph (1) or paragraph
(3) of this subsection, issue an order requiring compliance there-
with; and any failure to obey such order of the court may be pun-
ished by such court as a contempt thereof.

(5) Witnesses summoned pursuant to this subsection shall be paid
the same fees and mileage which are paid witnesses in the courts
of the United States.

(6)(A) The Secretary is authorized to request from any depart-
ment, agency or instrumentality of the Federal Government such
statistics, data, program reports, and other materials as he deems
necessary to carry out his functions under this title; and each such
department, agency, or instrumentality is authorized and directed
to cooperate with the Secretary and to furnish such statistics, data,
program reports, and other materials to the Department of Trans-
portation upon request made by the Secretary. Nothing in this sub-
paragraph shall be deemed to affect any provision of law limiting
the authority of an agency, department, or instrumentality of the
Federal Government to provide information to another agency, de-
partment, or instrumentality of the Federal Government.

(B) The head of any Federal department, agency, or instrumen-
tality is authorized to detail, on a reimbursable basis, any person-
nel of such department, agency, or instrumentality to assist in car-
rying out the duties of the Secretary under this title.

(d) Every manufacturer of motor vehicles and motor vehicle
equipment shall provide to the Secretary such performance data
and other technical data related to performance and safety as may
be required to carry out the purposes of this Act. The Secretary is
authorized to require the manufacturer to give such notification of
such performance and technical data as the Secretary determines
necessary to carry out the purposes of this Act in the following man-
ner—

(1) to each prospective purchaser of a motor vehicle or item
of equipment before its first sale for purposes other than resale
at each location where any such manufacturer's vehicles or
items of motor vehicle equipment are offered for sale by a
person with whom such manufacturer has a contractual, pro-
prietary, or other legal relationship in a manner determined
by the Secretary to be appropriate which may include, but is
not limited to, printed matter (A) available for retention by
such prospective purchaser and (B) sent by mail to such pro-
spective purchaser upon his request; and

(2) to the first person who purchases a motor vehicle or item
of equipment for purposes other than resale, at the time of
such purchase, in printed matter placed in the motor vehicle
or attached to or accompanying the item of motor vehicle
equipment.
(e) Except as otherwise provided in section 158(a)(2) and section 113(b), all information reported to or otherwise obtained by the Secretary or his representative pursuant to this title which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this title or when relevant in any proceeding under this title. Nothing in this section shall authorize the withholding of information by the Secretary or any officer or employee under his control, from the duly authorized committees of the Congress.

Sec. 113. (1402) (a) Whenever any manufacturer opposes an action of the Secretary under section 103, or under any other provision of this Act, on the ground of increased cost, the manufacturer shall submit such cost information (in such detail as the Secretary may by regulation or order prescribe) as may be necessary in order to properly evaluate the manufacturer's statement. The Secretary shall thereafter promptly prepare an evaluation of such cost information.

(b)(1) Subject to paragraph (2), such cost information together with the Secretary's evaluation thereof, shall be available to the public. Notice of the availability of such information shall be published in the Federal Register.

(2) If the manufacturer satisfies the Secretary that any portion of such information contains a trade secret or other confidential matter, such portion may be disclosed to the public only in such manner as to preserve the confidentiality of such trade secret or other confidential matter, except that any such information may be disclosed to other officers or employees concerned with carrying out this title or when relevant in any proceeding under this title. Nothing in this subsection shall authorize the withholding of information by the Secretary or any officer or employee under his control, from the duly authorized committees of the Congress.

(c) For purposes of this section, the term "cost information" means information with respect to alleged cost increases resulting from action by the Secretary, in such form as to permit the public and the Secretary to make an informed judgment on the validity of the manufacturer's statements. Such term includes both the manufacturer's cost and the cost to retail purchasers.

(d) The Secretary is authorized to establish rules and regulations prescribing forms and procedures for the submission of cost information under this section.

(e) Nothing in this section shall be construed to restrict the authority of the Secretary to obtain, or require submission of, information under any provision of this Act.

Sec. 114. (1403) Every manufacturer or distributor of a motor vehicle or motor vehicle equipment shall furnish to the distributor or dealer at the time of delivery of such vehicle or equipment by such manufacturer or distributor the certification that each such vehicle or item of motor vehicle equipment conforms to all applicable Federal motor vehicle safety standards. In the case of an item of motor vehicle equipment such certification may be in the form
of a label or tag on such item or on the outside of a container in which such item is delivered. In the case of a motor vehicle such certification shall be in the form of a label or tag permanently affixed to such motor vehicle.

Sec. 115. [1404] The Secretary shall carry out the provisions of this Act through a National Traffic Safety Agency (hereinafter referred to as the "Bureau"), which he shall establish in the Department of Commerce. The Bureau shall be headed by a Traffic Safety Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall be a citizen of the United States, and shall be appointed with due regard for his fitness to discharge efficiently the powers and the duties delegated to him pursuant to this Act. The Director shall perform such duties as are delegated to him by the Secretary.

Sec. 116. [1405] Nothing contained herein shall be deemed to exempt from the antitrust laws of the United States any conduct that would otherwise be unlawful under such laws, or to prohibit under the antitrust laws of the United States any conduct that would be lawful under such laws.

Sec. 117. [1301n] (a) The Act entitled "An Act to provide that hydraulic brake fluid sold or shipped in commerce for use in motor vehicles shall meet certain specifications prescribed by the Secretary of Commerce", approved September 5, 1962 (76 Stat. 437; Public Law 87-637), and the Act entitled "An Act to provide that seat belts sold or shipped in interstate commerce for use in motor vehicles shall meet certain safety standards", approved December 13, 1963 (77 Stat. 361; Public Law 88-201), are hereby repealed.

(b) Whoever, prior to the date of enactment of this section, knowingly and willfully violates any provision of law repealed by subsection (a) of this section, shall be punished in accordance with the provisions of such laws as in effect on the date such violation occurred.

(c) All standards issued under authority of the laws repealed by subsection (a) of this section which are in effect at the time this section takes effect, shall continue in effect as if they had been effectively issued under section 103 until amended or revoked by the Secretary, or a court of competent jurisdiction by operation of law.

(d) Any proceeding relating to any provision of law repealed by subsection (a) of this section which is pending at the time this section takes effect shall be continued by the Secretary as if this section had not been enacted, and orders issued in any such proceeding shall continue in effect as if they had been effectively issued under section 103 until amended or revoked by the Secretary in accordance with this title, or by operation of law.

(e) The repeals made by subsection (a) of this section shall not affect any suit, action, or other proceeding lawfully commenced prior to the date this section takes effect, and all such suits, actions, and proceedings, shall be continued, proceedings therein had, appeals therein taken, and judgments therein rendered, in the same manner and with the same effect as if this section had not been enacted. No suit, action, or other proceeding lawfully commenced by or against any agency or officer of the United States in relation to the discharge of official duties under any provision of
law repealed by subsection (a) of this section shall abate by reason of such repeal, but the court, upon motion or supplemental petition filed at any time within 12 months after the date of enactment of this section showing the necessity for the survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained.

Sec. 118. [1406] The Secretary, in exercising the authority under this title, shall utilize the services, research and testing facilities of public agencies to the maximum extent practicable in order to avoid duplication.

Sec. 119. [1407] The Secretary is authorized to issue, amend, and revoke such rules and regulations as he deems necessary to carry out this title.

Sec. 120. [1408] (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on July 1 of each year a comprehensive report on the administration of this Act for the preceding calendar year. Such report shall include but not be restricted to (1) a thorough statistical compilation of the accidents and injuries occurring in such year; (2) a list of Federal motor vehicle safety standards prescribed or in effect in such year; (3) the degree of observance of applicable Federal motor vehicle standards; (4) a summary of all current research grants and contracts together with a description of the problems to be considered by such grants and contracts; (5) an analysis and evaluation, including relevant policy recommendations, of research activities completed and technological progress achieved during such year; (6) a statement of enforcement actions including judicial decisions, settlements, or pending litigation during such year; and (7) the extent to which technical information was disseminated to the scientific community and consumer-oriented information was made available to the motoring public.

(b) The report required by subsection (a) of this section shall contain such recommendations for additional legislation as the Secretary deems necessary to promote cooperation among the several States in the improvement of traffic safety and to strengthen the national traffic safety program.

Sec. 121. [1409] There are authorized to be appropriated for the purpose of carrying out this Act, $51,400,000 for fiscal year 1983, $55,000,000 for fiscal year 1984, and $58,700,000 for fiscal year 1985.

Sec. 122. [1403n] The provisions of this title for certification of motor vehicles and items of motor vehicle equipment shall take effect on the effective date of the first standard actually issued under section 103 of this title.

Sec. 123. [1410] (a) Except as provided in subsection (d) of this section, upon application by a manufacturer at such time, in such manner, and containing such information as required in this section and as the Secretary shall prescribe, the Secretary may, after publication of notice and opportunity to comment and under such terms and conditions and to such extent as he deems appropriate, temporarily exempt or renew the exemption of a motor vehicle from any motor vehicle safety standard established under this title if he finds—
(1)(A) that compliance would cause such manufacturer substantial economic hardship and that the manufacturer has, in good faith, attempted to comply with each standard from which it requests to be exempted.

(B) that such temporary exemption would facilitate the development or field evaluation of new motor vehicle safety features which provide a level of safety which is equivalent to or exceeds the level of safety established in each standard from which an exemption is sought,

(C) that such temporary exemption would facilitate the development or field evaluation of a low-emission motor vehicle and would not unreasonably degrade the safety of such vehicle, or

(D) that requiring compliance would prevent a manufacturer from selling a motor vehicle whose overall level of safety is equivalent to or exceeds the overall level of safety of nonexempted motor vehicles; and

(2) that such temporary exemption would be consistent with the public interest and the objectives of the Act.

Notice of each decision to grant a temporary exemption and the reasons for granting it shall be published in the Federal Register.

(b) The Secretary shall require permanent labeling of each exempted motor vehicle. Such label shall either name or describe each of the standards from which the motor vehicle is exempted and be affixed to such exempted vehicles. The Secretary may require that written notification of the exemption be delivered to the dealer and first purchaser for purposes other than the resale of such exempted motor vehicle in such manner as he deems appropriate.

(c)(1) No exemption or renewal granted under paragraph (1)(A) of subsection (a) of this section shall be granted for a period longer than three years and no renewal shall be granted without reapplication and approval conforming to the requirements of subsection (a).

(2) No exemption or renewal granted under paragraph (1)(B), (1)(C), or (1)(D) of subsection (a) of this section shall be granted for a period longer than two years and no renewal shall be granted without reapplication and approval conforming to the requirements of subsection (a).

(d)(1) No manufacturer whose total motor vehicle production in its most recent year of production exceeds 10,000, as determined by the Secretary, shall be eligible to apply for an exemption under paragraph (1)(A) of subsection (a) of this section.

(2) No manufacturer shall be eligible to apply for exemption under paragraph (1)(B), (1)(C), or (1)(D) of subsection (a) of this section for more than 2,500 vehicles to be sold in the United States in any 12 month period, as determined by the Secretary.

(e) Any manufacturer applying for an exemption on the basis of paragraph (1)(A) of subsection (a) of this section shall include in the application a complete financial statement showing the basis of the economic hardship and a complete description of its good faith efforts to comply with the standards. Any manufacturer applying for an exemption on the basis of paragraph (1)(B) of subsection (a) of
this section shall include in the application research, development, and testing documentation establishing the innovational nature of the safety features and a detailed analysis establishing that the level of safety of the new safety feature is equivalent to or exceeds the level of safety established in the standard from which the exemption is sought. Any manufacturer applying for an exemption on the basis of paragraph (1)(C) of subsection (a) of this section shall include in the application research, development, and testing documentation establishing that the safety of such vehicle is not unreasonably degraded and that such vehicle is a low-emission motor vehicle. Any manufacturer applying for an exemption on the basis of paragraph (1)(D) of subsection (a) of this section shall include in the application a detailed analysis of how the vehicle provides an overall level of safety equivalent to or exceeding the overall level of safety of nonexempted motor vehicles.

(f) The Secretary shall promulgate regulations within 90 days (which time may be extended by the Secretary by a notice published in the Federal Register stating good cause therefor) after the date of the enactment of this subsection for applications for exemption from any motor vehicle safety standard provided for in this section. The Secretary may make public within 10 days of the date of filing an application under this section all information contained in such application or other information relevant thereto unless such information concerns or relates to a trade secret, or other confidential business information, not relevant to the application for exemption.

(g) For the purpose of this section, the term "low-emission motor vehicle" means any motor vehicle which—

(1) emits any air pollutant in amounts significantly below new motor vehicle standards applicable under section 202 of the Clean Air Act (42 U.S.C. 1857f-1) at the time of manufacture to that type of vehicle; and

(2) with respect to all other air pollutants meets the new motor vehicle standards applicable under section 202 of the Clean Air Act at the time of manufacture to that type of vehicle.

Sec. 124. [1410a] (a) Any interested person may file with the Secretary a petition requesting him (1) to commence a proceeding respecting the issuance of an order pursuant to section 103 or to commence a proceeding to determine whether to issue an order pursuant to section 152(b) of this Act.

(b) Such petition shall set forth (1) facts which it is claimed establish that an order is necessary, and (2) a brief description of the substance of the order which it is claimed should be issued by the Secretary.

(c) The Secretary may hold a public hearing or may conduct such investigation or proceeding as he deems appropriate in order to determine whether or not such petition should be granted.

(d) Within 120 days after filing of a petition described in subsection (b), the Secretary shall either grant or deny the petition. If the Secretary grants such petition, he shall promptly commence the proceeding requested in the petition. If the Secretary denies such
petition he shall publish in the Federal Register his reasons for such denial.

(e) The remedies under this section shall be in addition to, and not in lieu of, other remedies provided by law.

Sec. 125. [1410b] (a) Not later than 60 days after the date of enactment of this section, the Secretary shall amend the Federal motor vehicle safety standard numbered 208 (49 CFR 571.208), so as to bring such standard into conformity with the requirements of paragraphs (1), (2), and (3) of subsection (b) of this section. Such amendment shall take effect not later than 120 days after the date of enactment of this section.

(b) After the effective date of the amendment prescribed under subsection (a):

(1) No Federal motor vehicle safety standard may—

(A) have the effect of requiring, or
(B) provide that a manufacturer is permitted to comply with such standard by means of,

any continuous buzzer designed to indicate that safety belts are not in use, or any safety belt interlock system.

(2) Except as otherwise provided in paragraph (3), no Federal motor vehicle safety standard respecting occupant restraint systems may—

(A) have the effect of requiring, or
(B) provide that a manufacturer is permitted to comply with such standard by means of,

an occupant restraint system other than a belt system.

(3)(A) Paragraph (2) shall not apply to a Federal motor vehicle safety standard which provides that a manufacturer is permitted to comply with such standard by equipping motor vehicles manufactured by him with either—

(i) a belt system, or
(ii) any other occupant restraint system specified in such standard.

(B) Paragraph (2) shall not apply to any Federal motor vehicle safety standard which the Secretary elects to promulgate in accordance with the procedure specified in subsection (c), unless it is disapproved by both Houses of Congress by concurrent resolution in accordance with subsection (d).

(C) Paragraph (2) shall not apply to a Federal motor vehicle safety standard if at the time of promulgation of such standard

(i) the 60-day period determined under subsection (d) has expired with respect to any previously promulgated standard which the Secretary has elected to promulgate in accordance with subsection (c), and (ii) both Houses of Congress have not by concurrent resolution within such period disapproved such previously promulgated standard.

(c) The procedure referred to in subsection (b)(3)(B) and (C) in accordance with which the Secretary may elect to promulgate a standard is as follows:

(1) The standard shall be promulgated in accordance with section 103 of this Act, subject to the other provisions of this subsection.
(2) Section 553 of title 5, United States Code, shall apply to such standard; except that the Secretary shall afford interested persons an opportunity for oral as well as written presentation of data, views, or arguments. A transcript shall be kept of any oral presentation.

(3) The chairmen and ranking minority members of the House Interstate and Foreign Commerce Committee and the Senate Commerce Committee shall be notified in writing of any proposed standard to which this section applies. Any Member of Congress may make an oral presentation of data, views, or arguments under paragraph (2).

(4) Any standard promulgated pursuant to this subsection shall be transmitted to both Houses of Congress, on the same day and to each House while it is in session. In addition, such standard shall be transmitted to the chairmen and ranking minority members of the committees referred to in paragraph (3).

(d)(1) A standard which the Secretary has elected to promulgate in accordance with subsection (c) shall not be effective if during the first period of 60 calendar days of continuous session of Congress after the date of transmittal to Congress, both Houses of Congress pass a concurrent resolution the matter after the resolving clause of which reads as follows: "The Congress disapproves the Federal motor vehicle safety standard transmitted to Congress on—., 19—.", (the blank space being filled with date of transmittal of the standard to Congress). If both Houses do not pass such a resolution during such period, such standard shall not be effective until the expiration of such period (unless the standard specifies a later date).

(2) For purposes of this section—

(A) continuity of session of Congress is broken only by an adjournment sine die; and

(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 60-day period.

(e) This section shall not impair any right which any person may have to obtain judicial review of a Federal motor vehicle safety standard.

(f) For purposes of this section:

(1) The term "safety belt interlock" means any system designed to prevent starting or operation of a motor vehicle if one or more occupants of such vehicle are not using safety belts.

(2) The term "belt system" means an occupant restraint system consisting of integrated lap and shoulder belts for front outboard occupants and lap belts for other occupants. With respect to (A) motor vehicles other than passenger vehicles, (B) convertibles, and (C) open-body type vehicles, such term also includes an occupant restraint system consisting of lap belts or lap belts combined with detachable shoulder belts.

(3) The term "occupant restraint system" means a system the principal purpose of which is to assure that occupants of a motor vehicle remain in their seats in the event of a collision...
or rollover. Such term does not include a warning device designed to indicate that seat belts are not in use.

(4) The term "continuous buzzer" means a buzzer other than a buzzer which operates only during the 8 second period after the ignition is turned to the "start" or "on" position.

PART B—DISCOVERY, NOTIFICATION, AND REMEDY OF MOTOR VEHICLE DEFECTS

NOTIFICATION RESPECTING MANUFACTURER'S FINDING OF DEFECT OR FAILURE TO COMPLY

SEC. 151. If a manufacturer—

(1) obtains knowledge that any motor vehicle or item of replacement equipment manufactured by him contains a defect and determines in good faith that such defect relates to motor vehicle safety; or

(2) determines in good faith that such vehicle or item of replacement equipment does not comply with an applicable Federal motor vehicle safety standard prescribed pursuant to section 103 of this Act;

he shall furnish notification to the Secretary and to owners, purchasers, and dealers, in accordance with section 153, and he shall remedy the defect or failure to comply in accordance with section 154.

NOTIFICATION RESPECTING SECRETARY'S FINDING OF DEFECT OR FAILURE TO COMPLY

SEC. 152. (a) If through testing, inspection, investigation, or research carried out pursuant to this Act, or examination of communications under section 158(a)(1), or otherwise, the Secretary determines that any motor vehicle or item of replacement equipment—

(1) does not comply with an applicable Federal motor vehicle safety standard prescribed pursuant to section 103 of this Act; or

(2) contains a defect which relates to motor vehicle safety;

he shall immediately notify the manufacturer of such motor vehicle or item of replacement equipment of such determination, and shall publish notice of such determination in the Federal Register. The notification to the manufacturer shall include all information upon which the determination of the Secretary is based. Such notification (including such information) shall be available to any interested person, subject to section 158(a)(2)(B). The Secretary shall afford such manufacturer an opportunity to present data, views, and arguments to establish that there is no defect or failure to comply or that the alleged defect does not affect motor vehicle safety; and shall afford other interested persons an opportunity to present data, views, and arguments respecting the determination of the Secretary.

(b) If, after such presentations by the manufacturer and interested persons, the Secretary determines that such vehicle or item of replacement equipment does not comply with an applicable Federal
motor vehicle safety standard, or contains a defect which relates to
motor vehicle safety, the Secretary shall order the manufacturer
(1) to furnish notification respecting such vehicle or item of re-
placement equipment to owners, purchasers, and dealers in accord-
ance with section 153, and (2) to remedy such defect or failure to
comply in accordance with section 154.

CONTENTS, TIME, AND FORM OF NOTICE

Sec. 153. [1413] (a) The notification required by section 151 or
152 respecting a defect in or failure to comply of a motor vehicle or
item of replacement equipment shall contain, in addition to such
other matters as the Secretary may prescribe by regulation—

(1) a clear description of such defect or failure to comply;

(2) an evaluation of the risk to motor vehicle safety reason-
ably related to such defect or failure to comply;

(3) a statement of the measures to be taken to obtain remedy
of such defect or failure to comply;

(4) a statement that the manufacturer furnishing the notifi-
cation will cause such defect or failure to comply to be reme-
died without charge pursuant to section 154;

(5) the earliest date (specified in accordance with the second
and third sentences of section 154(b)(2)) on which such defect or
failure to comply will be remedied without charge and, in the
case of tires, the period during which such defect or failure to
comply will be remedied without charge pursuant to section
154; and

(6) a description of the procedure to be followed by the recipi-
ent of the notification in informing the Secretary whenever a
manufacturer, distributor, or dealer fails or is unable to
remedy without charge such defect or failure to comply.

(b) The notification required by section 151 or 152 shall be fur-
nished—

(1) within a reasonable time after the manufacturer first
makes a determination with respect to a defect or failure to
comply under section 151; or

(2) within a reasonable time (prescribed by the Secretary)
after the manufacturer's receipt of notice of the Secretary's de-
termination pursuant to section 152 that there is a defect or
failure to comply.

(c) The notification required by section 151 or 152 with respect to
a motor vehicle or item of replacement equipment shall be accom-
plished—

(1) in the case of a motor vehicle, by first class mail to each
person who is registered under State law as the owner of such
vehicle and whose name and address is reasonably ascertain-
able by the manufacturer through State records or other
sources available to him;

(2) in the case of a motor vehicle, by first class mail to the
first purchaser (or if a more recent purchaser is known to the
manufacturer, to the most recent purchaser known to the man-
ufacturer) of each such vehicle containing such defect or fail-
ure to comply, unless the registered owner (if any) of such ve-
hicle was notified under paragraph (1);
(3) in the case of an item of replacement equipment (other than a tire), (A) by first class mail to the most recent purchaser known to the manufacturer; and (B) if the Secretary determines that it is necessary in the interest of motor vehicle safety, by public notice in such manner as the Secretary may order after consultation with the manufacturer;

(4) in the case of a tire (A) by first-class mail to the most recent purchaser known to the manufacturer; and (B) by public notice in such manner as the Secretary may order after consultation with the manufacturer, if the Secretary determines that such public notice is necessary in the interest of motor vehicle safety, after considering (i) the magnitude of the risk to motor vehicle safety caused by the defect or failure to comply; and (ii) the cost of such public notice as compared to the additional number of owners who could be notified as a result of such public notice;

(5) by certified mail or other more expeditious means to the dealer or dealers of such manufacturer to whom such motor vehicle or replacement equipment was delivered; and

(6) by certified mail to the Secretary, if section 151 applies.

In the case of a tire which contains a defect or failure to comply, the manufacturer who is required to provide notification by first-class mail under paragraph (4)(A) may elect to provide such notification by certified mail.

REMEDY OF DEFECT OR FAILURE TO COMPLY

Sec. 154. [1414] (a)(1) If notification is required under section 151 or by an order under section 152(b) with respect to any motor vehicle or item of replacement equipment which fails to comply with an applicable Federal motor vehicle safety standard or contains a defect which relates to motor vehicle safety, then the manufacturer of each such motor vehicle or item of replacement equipment presented for remedy pursuant to such notification shall cause such defect or failure to comply in such motor vehicle or such item of replacement equipment to be remedied without charge. In the case of notification required by an order under section 152(b), the preceding sentence shall not apply during any period during which enforcement of the order has been restrained in an action to which section 155(a) applies or if such order has been set aside in such an action.

(2)(A) In the case of a motor vehicle presented for remedy pursuant to such notification, the manufacturer (subject to subsection (b) of this section) shall cause the vehicle to be remedied by whichever of the following means he elects:

(i) By repairing such vehicle.

(ii) By replacing such motor vehicle without charge with an identical or reasonably equivalent vehicle.

(iii) By refunding the purchase price of such motor vehicle in full, less a reasonable allowance for depreciation.

Replacement or refund may be subject to such conditions imposed by the manufacturer as the Secretary may permit by regulation.

(B) In the case of an item of replacement equipment the manufacturer shall (at his election) cause either the repair of such item
of replacement equipment, or the replacement of such item of replacement equipment without charge with an identical or reasonably equivalent item of replacement equipment.

(3) The dealer who effects remedy pursuant to this section without charge shall receive fair and equitable reimbursement for such remedy from the manufacturer.

(4) The requirement of this section that remedy be provided without charge shall not apply if the motor vehicle or item of replacement equipment was purchased by the first purchaser more than 8 calendar years (3 calendar years in the case of a tire, including an original equipment tire) before (A) notification respecting the defect or failure to comply is furnished pursuant to section 151, or (B) the Secretary orders such notification under section 152, whichever is earlier.

(5)(A) The manufacturer of a tire (including an original equipment tire) presented for remedy by an owner or purchaser pursuant to notification under section 153 shall not be obligated to remedy such tire if such tire is not presented for remedy during the 60-day period beginning on the later of (i) the date on which the owner or purchaser received such notification or (ii) if the manufacturer elects replacement, the date on which the owner or purchaser received notice that a replacement tire is available.

(B) If the manufacturer elects replacement and if a replacement tire is not in fact available during the 60-day period, then the limitation under subparagraph (A) on the manufacturer's remedy obligation shall be applicable only if the manufacturer provides a notification (subsequent to the notification provided under subparagraph (A)(ii)) that replacement tires are to be available during a later 60-day period (beginning after such subsequent notification), and in that case the manufacturer's obligation shall be limited to tires presented for remedy during the later 60-day period if the tires are in fact available during that period.

(b)(1) Whenever a manufacturer has elected under subsection (a) to cause the repair of a defect in a motor vehicle or item of replacement equipment or of a failure of such vehicle or item of replacement equipment to comply with a motor vehicle safety standard, and he has failed to cause such defect or failure to comply to be adequately repaired within a reasonable time, then (A) he shall cause the motor vehicle or item of replacement equipment to be replaced with an identical or reasonably equivalent vehicle or item of replacement equipment without charge, or (B) (in the case of a motor vehicle and if the manufacturer so elects) he shall cause the purchase price to be refunded in full, less a reasonable allowance for depreciation. Failure to adequately repair a motor vehicle or item of replacement equipment within 60 days after tender of the motor vehicle or item of replacement equipment for repair shall be prima facie evidence of failure to repair within a reasonable time; unless prior to the expiration of such 60-day period the Secretary, by order, extends such 60-day period for good cause shown and published in the Federal Register.

(2) For purposes of this subsection, the term "tender" does not include presenting a motor vehicle or item of replacement equipment for repair prior to the earliest date specified in the notifica-
tion pursuant to section 153(a) on which such defect or failure to comply will be remedied without charge, or (if notification was not afforded pursuant to section 153(a)) prior to the date specified in any notice required to be given under section 155(d). In either case, such date shall be specified by the manufacturer and shall be the earliest date on which parts and facilities can reasonably be expected to be available. Such date shall be subject to disapproval by the Secretary.

(c) The manufacturer shall file with the Secretary a copy of his program pursuant to this section for remedying any defect or failure to comply, and the Secretary shall make the program available to the public. Notice of such availability shall be published in the Federal Register.

ENFORCEMENT OF NOTIFICATION AND REMEDY ORDERS

SEC. 155. 1415 (a) An action under section 110(a) to restrain a violation of an order issued under section 152(b), or under section 109 to collect a civil penalty with respect to a violation of such an order, or any other civil action with respect to such an order, may be brought only in the United States district court for the District of Columbia or the United States district court for a judicial district in the State of incorporation (if any) of the manufacturer to which the order applies; unless on motion of any party the court orders a change of venue to any other district court for good cause shown. All actions (including enforcement actions) brought with respect to the same order under section 152(b) shall be consolidated in an action in a single judicial district, in accordance with an order of the court in which the first such action is brought (or if such first action is transferred to another court, by order of such other court).

(b) If a civil action which relates to an order under section 152(b), and to which subsection (a) of this section applies, has been commenced, the Secretary may order the manufacturer to issue a provisional notification which shall contain—

(A) a statement that the Secretary has determined that a defect which relates to motor vehicle safety, or failure to comply with a Federal motor vehicle safety standard, exists, and that the manufacturer is contesting such determination in a proceeding in a United States district court,

(B) a clear description of the Secretary's stated basis for his determination that there is such a defect or failure,

(C) the Secretary's evaluation of the risk to motor vehicle safety reasonably related to such defect or failure to comply,

(D) any measures which in the judgment of the Secretary are necessary to avoid an unreasonable hazard resulting from the defect or failure to comply,

(E) a statement that the manufacturer will cause such defect or failure to comply to be remedied without charge pursuant to section 154, but that this obligation of the manufacturer is conditioned on the outcome of the court proceeding, and

(F) such other matters as the Secretary may prescribe by regulation or in such order.
Issuance of notification under this subsection does not relieve the manufacturer of any liability for failing to issue notification required by an order under section 152(b).

(c)(1) If a manufacturer fails to notify owners or purchasers in accordance with section 153(c) within the period specified under section 153(b), the court may hold him liable for a civil penalty with respect to such failure to notify, unless the manufacturer prevails in an action described in subsection (a) of this section or unless the court in such an action restrains the enforcement of such order (in which case he shall not be liable with respect to any period for which the effectiveness of the order was stayed). The court shall restrain the enforcement of such an order only if it determines, (A) that the failure to furnish notification is reasonable, and (B) that the manufacturer has demonstrated that he is likely to prevail on the merits.

(2) If a manufacturer fails to notify owners or purchasers as required by an order under subsection (b) of this section, the court may hold him liable for a civil penalty without regard to whether or not he prevails in an action (to which subsection (a) applies) with respect to the validity of the order issued under section 152(b).

(d) If (i) a manufacturer fails within the period specified in section 153(b) to comply with an order under section 152(b) to afford notification to owners and purchasers, (ii) a civil action to which subsection (a) applies is commenced with respect to such order, and (iii) the Secretary prevails in such action, then the Secretary shall order the manufacturer—

(1) to afford notice (which notice may be combined with any notice required by an order under section 152(b)) to each owner, purchaser, and dealer described in section 153(c) of the outcome of the proceeding and containing such other information as the Secretary may require;

(2) to specify (in accordance with the second and third sentences of section 154(b)) the earliest date on which such defect or failure will be remedied without charge; and

(3) if notification was required under subsection (b) of this section, to reimburse such owner or purchaser for any reasonable and necessary expenses (not in excess of any amount specified in the order of the Secretary) which are incurred (A) by such owner or purchaser; (B) for the purpose of repairing the defect or failure to comply to which the order relates; and (C) during the period beginning on the date such notification under subsection (b) was required to be issued and ending on the date such owner or purchaser receives notification pursuant to this subsection.

REASONABLENESS OF NOTIFICATION AND REMEDY

Sec. 156. [1416] Upon petition of any interested person or on his own motion, the Secretary may hold a hearing in which any interested person (including a manufacturer) may make oral (as well as written) presentations of data, views, and arguments on the question of whether a manufacturer has reasonably met his obligation to notify under section 151 or 152, and to remedy a defect or failure to comply under section 154. If the Secretary determines
the manufacturer has not reasonably met such obligation, he shall
order the manufacturer to take specified action to comply with
such obligation; and, in addition, the Secretary may take any other
action authorized by this title.

EXEMPTION FOR INCONSEQUENTIAL DEFECT OR FAILURE TO COMPLY

SEC. 157. [1417] Upon application of a manufacturer, the Secre-
tary shall exempt such manufacturer from any requirement under
this part to give notice with respect to, or to remedy, a defect or
failure to comply, if he determines, after notice in the Federal Reg-
ister and opportunity for interested persons to present data, views,
and arguments, that such defect or failure to comply is inconse-
quential as it relates to motor vehicle safety.

INFORMATION, DISCLOSURE, AND RECORDKEEPING

SEC. 158. [1418] (a)(1) Every manufacturer shall furnish to the
Secretary a true or representative copy of all notices, bulletins, and
other communications to the dealers of such manufacturer or to
owners or purchasers or motor vehicle or replacement equipment
produced by such manufacturer regarding any defect or failure to
comply in such vehicle or equipment which is sold or serviced.
(2)(A) Except as provided in subparagraph (B), the Secretary shall
disclose to the public so much of any information which is obtained
under this Act and which relates to a defect which relates to motor
vehicle safety or to a failure to comply with an applicable Federal
motor vehicle safety standard, as he determines will assist in carry-
ing out the purposes of this part or as may be required by section
152.

(B) Any information described in subparagraph (A) which con-
tains or relates to a trade secret or other matter referred to in sec-
tion 1905 of title 18, United States Code, shall be considered confi-
dential for purposes of that section and shall not be disclosed;
unless the Secretary determines that disclosure of such informa-
tion is necessary to carry out the purposes of this title.

(C) Any obligation to disclose information under this paragraph
shall be in addition to and not in lieu of the requirements of sec-
tion 552 of title 5, United States Code.

(b)(1) Every manufacturer of motor vehicles or tires except the
manufacturer of tires which have been retreaded, shall cause the
establishment and maintenance of records of the name and address
of the first purchaser of each motor vehicle and tire produced by
such manufacturer. To the extent required by regulations of the
Secretary, every manufacturer of motor vehicles or tires except the
manufacturer of tires which have been retreaded, shall cause the
establishment and maintenance of records of the name and address
of the first purchaser of each item of replacement equipment other
than a tire produced by such manufacturer. The Secretary may, by
rule, specify the records to be established and maintained, and rea-
sonable procedures to be followed by manufacturers in establishing
and maintaining such records, including procedures to be followed
by distributors and dealers to assist manufacturers to secure the
information required by this subsection; except that the availabil-
ity or not of such assistance shall not affect the obligation of manufacturers under this subsection. Such procedures shall be reasonable for the particular type of motor vehicle or tires for which they are prescribed, and shall provide reasonable assurance that customer lists of any dealer and distributor, and similar information, will not be made available to any person other than the dealer or distributor, except where necessary to carry out the purpose of this part.

(2)(A) Except as provided in paragraph (3), the Secretary shall not have any authority to establish any rule which requires a dealer or distributor to complete or compile the records and information specified in paragraph (1) if the business of such dealer or distributor is not owned or controlled by a manufacturer of tires.

(B) The Secretary shall require each dealer and distributor whose business is not owned or controlled by a manufacturer to furnish the tire purchaser of a tire with a registration form (containing the tire identification number of the tire) which the purchaser may complete and return directly to the manufacturer of the tire. The contents and format of such forms shall be established by the Secretary and shall be standardized for all tires. Sufficient copies of such forms shall be furnished to such dealers and distributors by manufacturers of tires.

(3)(A) At the end of the two-year period following the effective date of this paragraph (and from time to time thereafter), the Secretary shall evaluate the extent to which the procedures established in paragraph (2) have been successful in facilitating the establishment and maintenance of records regarding the first purchasers of tires.

(B)(i) The Secretary, upon completion of any evaluation under subparagraph (A), shall determine (I) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which dealers and distributors have complied with the procedures established in paragraph (2); and (II) whether to impose upon manufacturers, dealers, or distributors (or any combination of such groups) any requirements which the Secretary determines will result in a significant increase in the percentage of first purchasers of tires with respect to whom records would be established and maintained.

(ii) Manufacturers of tires shall reimburse dealers and distributors for all reasonable costs incurred by them in order to comply with any requirement imposed by the Secretary under clause (i).

(iii) The Secretary may order by rule the imposition of requirements under clause (i) only if the Secretary determines that such requirements are necessary to reduce the risk to motor vehicle safety, after considering (I) the cost of such requirements to manufacturers and the burden of such requirements upon dealers and distributors, as compared to the additional percentage of first purchasers of tires with respect to whom records would be established and maintained as a result of the imposition of such requirements; and (II) the extent to which dealers and distributors have encouraged first purchasers of tires to register the tires, and the extent to which dealers and distributors have complied with the procedures established in paragraph (2).
(iv) The Secretary, upon making any determination under clause (i), shall submit a report to each House of the Congress containing a detailed statement of the nature of such determination, together with an explanation of the grounds for such determination.

DEFINITIONS

SEC. 159. [1419] For purposes of this part:

(1) The retreader of tires shall be deemed the manufacturer of tires which have been retreaded, and the brand name owner of tires marketed under a brand name not owned by the manufacturer of the tire shall be deemed the manufacturer of tires marketed under such brand name.

(2) Except as otherwise provided in regulations of the Secretary:

(A) The term “original equipment” means an item of motor vehicle equipment (including a tire) which was installed in or on a motor vehicle at the time of its delivery to the first purchaser.

(B) The term “replacement equipment” means motor vehicle equipment (including a tire) other than original equipment.

(C) A defect in, or failure to comply of, an item of original equipment shall be deemed to be a defect in, or failure to comply of, the motor vehicle in or on which such equipment was installed at the time of its delivery to the first purchaser.

(D) If the manufacturer of a motor vehicle is not the manufacturer of original equipment installed in or on such vehicle at the time of its delivery to the first purchaser, the manufacturer of the vehicle (rather than the manufacturer of such equipment) shall be considered the manufacturer of such item of equipment.

(3) The term “first purchaser” means first purchaser for purposes other than resale.

(4) The term “adequate repair” does not include any repair which results in substantially impaired operation of a motor vehicle or item of replacement equipment.

EFFECT ON OTHER LAWS

SEC. 160. [1420] The provisions of this part shall not create or affect any warranty obligation under State or Federal law. Consumer remedies under this part are in addition to, and not in lieu of, any other right or remedy under State or Federal law.
Appendix B

Administrative Procedure Act (Excerpts)

(Note in particular Section 552, Paragraph 10,673 and Section 706, Paragraph 10,706)

(Freedom of Information Act)

[¶10,673]

Public Information; Agency Rules, Opinions, Orders, Records, and Proceedings

Sec. 552. (a) Each agency shall make available to the public information as follows:

(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public—

(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

(2) Each agency, in accordance with published rules, shall make available for public inspection and copying—

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register, and

(C) administrative staff manuals and instructions to staff that affect a member of the public;

unless the materials are promptly published and copies offered for sale. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction. However, in each case the justification
for the deletion shall be explained fully in writing. Each agency shall also maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published. Each agency shall promptly publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of each index or supplement thereto unless it determines by order published in the Federal Register that the publication would be unnecessary and impracticable, in which case the agency shall nonetheless provide copies of such index on request at a cost not to exceed the direct cost of duplication. A final order, opinion, statement of policy interpretation, or staff manual or instruction that affects a member of the public may be relied on, used, or cited as precedent by an agency against a party other than an agency only if—

(i) it has been indexed and either made available or published as provided by this paragraph; or

(ii) the party has actual and timely notice of the terms thereof.

[¶10,673A]

(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, upon any request for records which (A) reasonably describes such records and (B) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person.

[¶10,673B]

(4) (A) (i) In order to carry out the provisions of this section, each agency shall promulgate regulations, pursuant to notice and receipt of public comment, specifying the schedule of fees applicable to the processing of requests under this section and establishing procedures and guidelines for determining when such fees should be waived or reduced. Such schedule shall conform to the guidelines which shall be promulgated, pursuant to notice and receipt of public comment, by the Director of the Office of Management and Budget and which shall provide for a uniform schedule of fees for all agencies.

(ii) Such agency regulations shall provide that—

(I) fees shall be limited to reasonable standard charges for document search, duplication, and review, when records are requested for commercial use;

(II) fees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and request is made by an educational or noncommercial scientific institution, whose purpose is scholarly or scientific research; or a representative of the news media; and

(III) for any request not described in (I) or (II), fees shall be limited to reasonable standard charges for document search and duplication.

(iii) Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(iv) Fee schedules shall provide for the recovery of only the direct costs of search, duplication, or review. Review costs shall include only the direct costs incurred during the initial examination of a document for the purpose of determining whether the documents must be disclosed under this section and for the purposes of withholding any portions exempt from disclosure under this section. Review costs may not include any costs incurred in resolving issues of law or policy that may be raised in the course of processing a request under this section. No fee may be charged by any agency under this section—

(I) if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee; or

(II) for any request described in the clause (ii)(II) or (III) of this subparagraph for the
first two hours of search time or for the first one hundred pages of duplication.

(v) No agency may require advance payment of any fee unless the requester has previously failed to pay fees in a timely fashion, or the agency has determined that the fee will exceed $250.

(vi) Nothing in this subparagraph shall supersede fees chargeable under a statute specifically providing for setting the level of fees for particular types of records.

(vii) In any action by a requester regarding the waiver of fees under this section, the court shall determine the matter de novo: Provided, That the court’s review of the matter shall be limited to the record before the agency.

Judicial Review Application; Definitions

[¶10,701]

Sec. 701. (a) this chapter applies, according to the provisions thereof, except to the extent that—

(1) statutes preclude judicial review; or

(2) agency action is committed to agency discretion by law.

(b) For the purpose of this chapter—

(1) "agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include—

(A) the Congress;

(B) the courts of the United States;

(C) the governments of the territories or possessions of the United States;

(D) the government of the District of Columbia;

(E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;

(F) courts martial and military commissions;

(G) military authority exercised in the field in time of war or in occupied territory; or

(H) functions conferred by section 1738, 1739, 1743, and 1744 of title 12; chapter 2 of title 41; or sections 1622, 1884, 1891-1902, and former section 1641(b)(2), of title 50, appendix; and

(2) "person," "rule," "order," "license," "sanction," "relief," and "agency action" have the meanings given them by section 551 of this title.

[September 6, 1966, P.L. 89-554, 80 Stat. 392.]

Right of Review

[¶10,702]

Sec. 702. A person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof. An action in a court of the United States seeking relief other than money damages and stating a claim that an agency or an officer or employee thereof acted or failed to act in an official capacity or under color of legal authority shall not be dismissed nor relief therein be denied on the ground that it is against the United States or that the United States is an indispensable party. The United States may be named as a defendant in any such action, and a judgment or decree may be entered against the United States: Provided, That any mandatory or injunctive decree shall specify the Federal officer or officers (by name or by title), and their successors in office, personally responsible for compliance. Nothing herein (1) affects other limitations on judicial review or the power or duty of the court to dismiss any action or deny relief on any other appropriate legal or equitable ground; or (2) confers authority to grant relief if any other statute that grants consent to suit expressly or impliedly forbids the relief which is sought.


Form and Venue of Proceeding

[¶10,703]

Sec. 703. The form of proceeding for judicial review is the special statutory review proceeding relevant to the subject matter in a court specified by statute or, in the absence or inadequacy thereof, any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory
injunction or habeas corpus, in a court of competent jurisdiction. If no special statutory review proceeding is applicable, the action for judicial review may be brought against the United States, the agency by its official title, or the appropriate officer. Except to the extent that prior, adequate, and exclusive opportunity for judicial review is provided by law, agency action is subject to judicial review in civil or criminal proceedings for judicial enforcement.


**Actions Reviewable**

[¶10,704]

Sec. 704. Agency action made reviewable by statute and final agency action for which there is no other adequate remedy in a court are subject to judicial review. A preliminary, procedural, or intermediate agency action or ruling not directly reviewable is subject to review on the review of the final agency action. Except as otherwise expressly required by statute, agency action otherwise final is final for the purposes of this section whether or not there has been presented or determined an application for a declaratory order, for any form of reconsiderations, or, unless the agency otherwise requires by rule and provides that the action meanwhile is inoperative, for an appeal to superior agency authority.

[September 6, 1966, P.L. 89-554, 80 Stat. 392.]

**Relief Pending Review**

[¶10,705]

Sec. 705. When an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review. On such conditions as may be required and to the extent necessary to prevent irreparable injury, the reviewing court, including the court to which a case may be taken on appeal from or on application for certiorari or other writ to a reviewing court, may issue all necessary and appropriate process to postpone the effective date of an agency action or to preserve status or rights pending conclusion of the review proceedings.

[September 6, 1966, P.L. 89-554, 80 Stat. 393.]

**Scope of Review**

[¶10,706]

Sec. 706. To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall—

1. compel agency action unlawfully withheld or unreasonably delayed; and

2. hold unlawful and set aside agency action, findings, and conclusions found to be—

   A. arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

   B. contrary to constitutional right, power, privilege, or immunity;

   C. in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

   D. without observance of procedure required by law;

   E. unsupported by substantial evidence in a case subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or

   F. unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

[September 6, 1966, P.L. 89-554, 80 Stat. 393.]
Appendix C

Presidential Executive Order 12291 (Excerpts)

(Note in particular Section 2)

Executive Order 12291 of February 17, 1981

Federal Regulation

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to reduce the burdens of existing and future regulations, increase agency accountability for regulatory actions, provide for presidential oversight of the regulatory process, minimize duplication and conflict of regulations, and insure well-reasoned regulations, it is hereby ordered as follows:

Section 1. Definitions. For the purposes of this Order:

(a) "Regulation" or "rule" means an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency, but does not include:

(1) Administrative actions governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code;

(2) Regulations issued with respect to a military or foreign affairs function of the United States; or

(3) Regulations related to agency organization, management or personnel.

(b) "Major rule" means any regulation that is likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

(c) "Director" means the Director of the Office of Management and Budget.

(d) "Agency" means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), excluding those agencies specified in 44 U.S.C. 3502(10).

(e) "Task Force" means the Presidential Task Force on Regulatory Relief.

Sec. 2. General Requirements. In promulgating new regulations, reviewing existing regulations, and developing legislative proposals concerning regulation, all agencies, to the extent permitted by law, shall adhere to the following requirements:

(a) Administrative decisions shall be based on adequate information concerning the need for and consequences of proposed government action;

(b) Regulatory action shall not be undertaken unless the potential benefits to society for the regulation outweigh the potential costs to society;

(c) Regulatory objectives shall be chosen to maximize the net benefits to society;
(d) Among alternative approaches to any given regulatory objective, the alternative involving the least net cost to society shall be chosen; and

(e) Agencies shall set regulatory priorities with the aim of maximizing the aggregate net benefits to society, taking into account the condition of the particular industries affected by regulations, the condition of the national economy, and other regulatory actions contemplated for the future.

Sec. 3. Regulatory Impact Analysis and Review.

(a) In order to implement Section 2 of this Order, each agency shall, in connection with every major rule, prepare, and to the extent permitted by law consider, a Regulatory Impact Analysis. Such Analyses may be combined with any Regulatory Flexibility Analyses performed under 5 U.S.C. 603 and 604.

(b) Each agency shall initially determine whether a rule it intends to propose or to issue is a major rule, provided that, the Director, subject to the direction of the Task Force, shall have authority, in accordance with Sections 1(b) and 2 of this Order, to prescribe criteria for making such determinations, to order a rule to be treated as a major rule, and to require any set of related rules to be considered together as a major rule.

(c) Except as provided in Section 8 of this Order, agencies shall prepare Regulatory Impact Analyses of major rules and transmit them, along with all notices of proposed rulemaking and all final rules, to the Director as follows:

(1) If no notice of proposed rulemaking is to be published for a proposed major rule that is not an emergency rule, the agency shall prepare only a final Regulatory Impact Analysis, which shall be transmitted, along with the proposed rule, to the Director at least 60 days prior to the publication of the major rule as a final rule;

(2) With respect to all other major rules, the agency shall prepare a preliminary Regulatory Impact Analysis, which shall be transmitted, along with a notice of proposed rulemaking, to the Director at least 60 days prior to the publication of a notice of proposed rulemaking, and a final Regulatory Impact Analysis, which shall be transmitted along with the final rule at least 30 days prior to the publication of the major rule as a final rule;

(3) For all rules other than major rules, agencies shall submit to the Director, at least 10 days prior to publication, every notice of proposed rulemaking and final rule.

(d) To permit each proposed major rule to be analyzed in light of the requirements stated in Section 2 of this Order, each preliminary and final Regulatory Impact Analysis shall contain the following information:

(1) A description of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms, and the identification of those likely to receive the benefits;

(2) A description of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms, and the identification of those likely to bear the costs;

(3) A determination of the potential net benefits of the rule, including an evaluation of effects that cannot be quantified in monetary terms;

(4) A description of alternative approaches that could substantially achieve the same regulatory goal at lower cost, together with an analysis of this potential benefit and costs and a brief explanation of the legal reasons why such alternatives, if proposed, could not be adopted; and

(5) Unless covered by the description required under paragraph (4) of this subsection, an explanation of any legal reasons why the rule cannot be based on the requirements set forth in Section 2 of this Order.

(e) (1) The Director, subject to the direction of the Task Force, which shall resolve any issues raised under this Order or ensure that they are presented to the President, is authorized to review any preliminary or final Regulatory Impact Analysis, notice of proposed rulemaking, or final rule based on the requirements of this Order.
(2) The Director shall be deemed to have concluded review unless the Director advises an agency to the contrary under subsection (f) of this Section:

(A) Within 60 days of submission under subsection (c)(1) or a submission of a preliminary Regulatory Impact Analysis or notice of proposed rulemaking under subsection (c)(2);

(B) Within 30 days of the submission of a final Regulatory Impact Analysis and a final rule under subsection (c)(2); and

(C) Within 10 days of the submission of a notice of proposed rulemaking or final rule under subsection (c)(3).

(f) (1) Upon the request of the Director, an agency shall consult with the Director concerning the review of a preliminary Regulatory Impact Analysis or notice of proposed rulemaking under this Order, and shall, subject to Section 8(a)(2) of this Order, refrain from publishing its preliminary Regulatory Impact Analysis or notice of proposed rulemaking until such review is concluded.

(2) Upon receiving notice that the Director intends to submit views with respect to any final Regulatory Impact Analysis or final rule, the agency shall, subject to Section 8(a)(2) of this Order, refrain from publishing its final Regulatory Impact Analysis or final rule until the agency has responded to the Director’s views, and incorporated those views and the agency’s response in the rulemaking file.

(3) Nothing in this subsection shall be construed as displacing the agencies’ responsibilities delegated by law.

(g) For every rule for which an agency publishes a notice of proposed rulemaking, the agency shall include in its notice:

(1) A brief statement setting forth the agency’s initial determination whether the proposed rule is a major rule, together with the reasons underlying that determination; and

(2) For each proposed major rule, a brief summary of the agency’s preliminary Regulatory Impact Analysis.

(h) Agencies shall make their preliminary and final Regulatory Impact Analyses available to the public.

(i) Agencies shall initiate reviews of currently effective rules in accordance with the purposes of this Order, and perform Regulatory Impact Analyses of currently effective major rules. The Director, subject to the direction of the Task Force, may designate currently effective rules for review in accordance with this Order, and establish schedules for reviews and Analyses under this Order.

Sec. 4. Regulatory Review. Before approving any final major rule, each agency shall:

(a) Make a determination that the regulation is clearly within the authority delegated by law and consistent with congressional intent, and include in the Federal Register at the time of promulgation a memorandum of law supporting that determination.

(b) Make a determination that the factual conclusions upon which the rule is based have substantial support in the agency record, viewed as a whole, with full attention to public comments in general and the comments of persons directly affected by the rule in particular.

Sec. 5. Regulatory Agendas.

(a) Each agency shall publish, in October and April of each year, an agenda of proposed regulations that the agency has issued or expects to issue, and currently effective rules that are under agency review pursuant to this Order. These agendas may be incorporated with the agendas published under 5 U.S.C. 602, and must contain at the minimum:

(1) A summary of the nature of each major rule being considered, the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any major rule for which the agency has issued a notice of proposed rulemaking;

(2) The name and telephone number of a knowledgeable agency official for each item on the agenda; and
(3) A list of existing regulations to be reviewed under the terms of this Order, and a brief discussion of each such regulation.

(b) The Director, subject to the direction of the Task Force, may, to the extent permitted by law:

(1) Require agencies to provide additional information in an agenda; and

(2) Require publication of the agenda in any form.

Sec. 6. The Task Force and Office of Management and Budget.

(a) To the extent permitted by law, the Director shall have authority, subject to the direction of the Task Force, to:

(1) Designate any proposed or existing rule as a major rule in accordance with Section 1(b) of this Order;

(2) Prepare and promulgate uniform standards for the identification of major rules and the development of Regulatory Impact Analyses;

(3) Require an agency to obtain and evaluate, in connection with a regulation, any additional relevant data from any appropriate source;

(4) Waive the requirements of Sections 3, 4, or 7 of this Order with respect to any proposed or existing major rule;

(5) Identify duplicative, overlapping and conflicting rules, existing or proposed, and existing or proposed rules that are inconsistent with the policies underlying statutes governing agencies other than the issuing agency or with the purposes of this Order, and, in each such case, require appropriate interagency consultation to minimize or eliminate such duplication, overlap, or conflict;

(6) Develop procedures for estimating the annual benefits and costs of agency regulations, on both an aggregate and economic or industrial sector basis, for purposes of compiling a regulatory budget;

(7) In consultation with interested agencies, prepare for consideration by the President recommendations for changes in the agencies’ statutes; and

(8) Monitor agency compliance with the requirements of this Order and advise the President with respect to such compliance.

(b) The Director, subject to the direction of the Task Force, is authorized to establish procedures for the performance of all functions vested in the Director by this Order. The Director shall take appropriate steps to coordinate the implementation of the analysis, transmittal, review, and clearance provisions of this Order with the authorities and requirements provided for or imposed upon the Director and agencies under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., and the Paperwork Reduction Plan Act of 1980, 44 U.S.C. 3501 et seq.

Sec. 7. Pending Regulations.

(a) To the extent necessary to permit reconsideration in accordance with this Order, agencies shall, except as provided in Section 8 of this Order, suspend or postpone the effective dates of all major rules that they have promulgated in final form as of the date of this Order, but that have not yet become effective, excluding:

(1) Major rules that cannot legally be postponed or suspended;

(2) Major rules that, for good cause, ought to become effective as final rules without reconsideration. Agencies shall prepare, in accordance with Section 3 of this Order, a final Regulatory Impact Analysis for each major rule that they suspend or postpone.

(b) Agencies shall report to the Director no later than 15 days prior to the effective date of any rule that the agency has promulgated in final form as of the date of this Order, and that has not yet become effective, and that will not be reconsidered under subsection (a) of this Section:

(1) That the rule is excepted from reconsideration under subsection (a), including a brief statement of the legal or other reasons for that determination; or

(2) That the rule is not a major rule.

(c) The Director, subject to the direction of the Task Force, is authorized, to the extent permitted by law, to:

(1) Require reconsideration, in accordance with this Order, of any major rule that an agency has issued in final form as of the date of this Order and that has not become effective; and

(2) Designate a rule that an agency has issued in final form as of the date of this Order and that has not yet become effective as a major rule in accordance with Section 1(b) of this Order.
(d) Agencies may, in accordance with the Administrative Procedure Act and other applicable statutes, permit major rules that they have issued in final form as of the date of this Order, and that have not yet become effective, to take effect as interim rules while they are being reconsidered in accordance with this Order, provided that, agencies shall report to the Director, no later than 15 days before any such rule is proposed to take effect as an interim rule, that the rule should appropriately take effect as an interim rule while the rule is under reconsideration.

(e) Except as provided in Section 8 of this Order, agencies shall, to the extent permitted by law, refrain from promulgating as a final rule any proposed major rule that has been published or issued as of the date of this Order until a final Regulatory Impact Analysis, in accordance with Section 3 of this Order, has been prepared for the proposed major rule.

(f) Agencies shall report to the Director, no later than 30 days prior to promulgating as a final rule any proposed major rule that the agency has published or issued as of the date of this Order and that has not been considered under the terms of this Order:

(1) That the rule cannot legally be considered in accordance with this Order, together with a brief explanation of the legal reasons barring such consideration; or

(2) That the rule is not a major rule, in which case the agency shall submit to the Director a copy of the proposed rule.

(g) The Director, subject to the direction of the Task Force, is authorized, to the extent permitted by law, to:

(1) Require consideration, in accordance with this Order, of any proposed major rule that the agency has published or issued as of the date of this Order; and

(2) Designate a proposed rule that an agency has published or issued as of the date of this Order, as a major rule in accordance with Section 1(b) of this Order.

(h) The Director shall be deemed to have determined that an agency's report to the Director under subsections (b), (d), or (f) of this Section is consistent with the purposes of this Order, unless the Director advises the agency to the contrary:

(1) Within 15 days of its report, in the case of any report under subsections (b) or (d); or

(2) Within 30 days of its report, in the case of any report under subsection (f).

(i) This Section does not supersede the President's Memorandum of January 29, 1981, entitled "Postponement of Pending Regulations", which shall remain in effect until March 30, 1981.

(j) In complying with this Section, agencies shall comply with all applicable provisions of the Administrative Procedure Act, and with any other procedural requirements made applicable to the agencies by other statutes.

Sec. 8. Exemptions.

(a) The procedures prescribed by this Order shall not apply to:

(1) Any regulation that responds to an emergency situation, provided that, any such regulation shall be reported to the Director as soon as is practicable, the agency shall publish in the Federal Register a statement of the reasons why it is impracticable for the agency to follow the procedures of this Order with respect to such a rule, and the agency shall prepare and transmit as soon as is practicable a Regulatory Impact Analysis of any such major rule; and

(2) Any regulation for which consideration or reconsideration under the terms of this Order would conflict with deadlines imposed by statute or by judicial order, provided that, any such regulation shall be reported to the Director together with a brief explanation of the conflict, the agency shall publish in the Federal Register a statement of the reasons why it is impracticable for the agency to follow the procedures of this Order with respect to such a rule, and the agency, in consultation with the Director, shall adhere to the requirements of this Order to the extent permitted by statutory or judicial deadlines.
(b) The Director, subject to the direction of the Task Force, may, in accordance with the purposes of this Order, exempt any class or category of regulations from any or all requirements of this Order.

Sec. 9. Judicial Review. This Order is intended only to improve the internal management of the Federal government, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers or any person. The determinations made by agencies under Section 4 of this Order, and any Regulatory Impact Analyses for any rule, shall be made part of the whole record of agency action in connection with the rule.

Sec. 10. Revocations. Executive Orders No. 12044, as amended, and No. 12174 are revoked.

RONALD REAGAN

THE WHITE HOUSE,

February 17, 1981.
Appendix D

Motor Vehicle Information and Cost Savings Act
(Excerpts)

Title 15—Commerce and Trade

Chapter 46—Motor Vehicle Information and Cost Savings

Sec.

1901. Definitions.

SUBCHAPTER II—AUTOMOBILE CONSUMER INFORMATION STUDY

Sec.

1941. Consumer information study by Secretary.

(a) Scope of study.

(b) Recommendations.

(c) Dissemination of information to consumers.

(d) Compilation and distribution of information.

(e) Insurance premium rate comparisons; establishment of procedures requiring automobile dealers to distribute information to prospective purchasers.

1942. Appointment, compensation, etc., by Secretary of personnel, experts, consultants, and advisory committees to assist in study.

1943. Requests by Secretary for information from other Federal departments, etc.

(a) Compliance.

(b) Detail of personnel by head of other Federal departments, etc.; reimbursement.

1944. Powers of Secretary.

(a) Conduct of hearings; subpoena of witnesses and production of books, records, etc.

(b) Examination of relevant documentary evidence.

(c)Orders requiring persons to file reports and answer specific questions.

(d) Enforcement of subpoenas and orders by district courts; contempt proceedings.

(e) Payment of fees and mileage to witnesses.

(f) Disclosure of confidential information.

1945. Insurance reports and information.

(a) Duty of insurers of passenger motor vehicles.

(b) Scope of reports and information.

(c) Considerations governing request by Secretary for reports and information.

(d) Voluntary nature of compliance by insurer with request of Secretary.

(e) Damage susceptibility, crashworthiness, and damage repair and personal injury cost information.

(f) Dissemination of information by Secretary.
(g) Time and manner of furnishing information.

1946. Prohibited acts.

1947. Injunctive relief to restrain violations of information require-
ments; petition; jurisdiction; notice by Secretary to person against whom action is contemplated for op-
portunity to present views and achieve compliance; venue; subpoenas for witnesses.

1948. Civil penalties for violations of information require-
ments.

(a) Separate nature of violations; maximum amount of penalties.

(b) Compromise of penalty by Secretary; determination of amount of penalty or amount of compro-
mised penalty; deduction of amount of penalty.

(c) Venue; subpoenas for witnesses.


SUBCHAPTER II—AUTOMOBILE CONSUMER INFORMATION STUDY

§1941. Consumer information study by Secretary.

(a) Scope of study

During the first year after October 20, 1972, the Secretary shall conduct a comprehensive study and investigation of the methods for determining the following characteristics of passenger motor ve-
hicles:

(1) The damage susceptibility of such vehicles.

(2) The degree of crashworthiness of such ve-
hicles.

(3) The characteristics of such vehicles with re-
spect to the ease of diagnosis and repair of mechanical and electrical systems which fail during use or which are damaged in motor vehicle accidents.

(b) Recommendations

After reviewing the methods for determining the characteristics enumerated in subsection (a) of this section, the Secretary shall make specific recom-
mendations for the further development of existing methods or for the development of new methods.

(c) Dissemination of information to consumers

After the study has been completed the Secretary is authorized and directed to devise specific ways in which existing information and information to be developed relating to (1) the characteristics of pas-
senger motor vehicles enumerated in subsection (a) of this section, or (2) vehicle operating costs de-
pendent upon those characteristics (including in-
formation obtained pursuant to section 1945 of this title), can be communicated to consumers so as to be of benefit in their passenger motor vehicle purchasing decisions.

(d) Compilation and distribution of information

The Secretary shall compile the information described in subsection (c) of this section and furnish it to the public in a simple and readily understandable form in order to facilitate comparison among the various makes and models of passenger motor vehicles with respect to the characteristics enumerated in subsection (a) of this section. The Secretary may by rule require automobile dealers to distribute to prospective purchasers any information compiled pursuant to this subsection.

(e) Insurance premium rate comparisons; establish-
ment of procedures requiring automobile dealers to distribute information to prospective purchasers

The Secretary, not later than February 1, 1975, shall by rule establish procedures requiring auto-
mobile dealers to distribute to prospective purchasers information developed by the Secretary and provided to the dealer which compares differences in insurance costs for different makes and models of passenger motor vehicles based upon differences in damage susceptibility and crashworthiness.


AMENDMENTS

1976—Subsec. (d). Pub. L. 94-364 inserted provision authoriz-
ing the Secretary to require dealers to distribute to pro-
spective purchasers compiled information.
§1942. Appointment, compensation, etc., by Secretary of personnel, experts, consultants, and advisory committees to assist in study

In order to carry out his functions under this subchapter the Secretary is authorized to—

(1) appoint and fix the compensation of such employees as he deems necessary without regard to the provisions of title 5 governing appointment in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, but at rates for individuals not to exceed $100 per diem;

(3) contract with any person for the conduct of research and surveys and the preparation of reports; and

(4) appoint, without regard to the provisions of title 5 governing appointments in the competitive services, such advisory committees, representative of the divergent interests involved, as he deems appropriate for the purposes of consultation with and advice to the Secretary.

Members of advisory committees appointed under paragraph (4) of this section, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be compensated at rates to be fixed by the Secretary but not exceeding $100 per day, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons in the Government service employed intermittently. Members of such advisory committees shall, for the purposes of chapter 11 of title 18, be deemed to be special Government employees.


REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in text, are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

The General Schedule, referred to in text, is set out under section 5332 of Title 5.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§1943. Requests by Secretary for information from other Federal departments, etc.

(a) Compliance

The Secretary may request from any department, agency, or independent instrumentality of the Government any information he deems necessary to carry out his functions under this subchapter; and each such department, agency, or independent instrumentality is authorized and directed to cooperate with the Secretary and furnish such information to the Department of Transportation upon request made by the Secretary.

(b) Detail of personnel by head of other Federal departments, etc.; reimbursement

The head of any Federal department, agency, or independent instrumentality may detail, on a reimbursable basis, any personnel of such department, agency, or independent instrumentality to assist in carrying out the duties of the Secretary under this subchapter.

§1944. Powers of Secretary

(a) Conduct of hearings; subpoena of witnesses and production of books, records, etc.

For the purpose of carrying out the provisions of this subchapter, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(b) Examination of relevant documentary evidence

In order to carry out the provisions of this subchapter, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to the study authorized by this subchapter.

(c) Orders requiring persons to file reports and answer specific questions

The Secretary may require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this subchapter. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

(d) Enforcement of subpoenas and orders by district courts; contempt proceedings

Any United States district court within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpoena or order of the Secretary or such officer or employee issued under subsection (a) or subsection (c) of this section, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) Payment of fees and mileage to witnesses

Witnesses summoned pursuant to this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(f) Disclosure of confidential information

Any information which is reported to or otherwise obtained by the Secretary or such officer or employee under this section and which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 shall not be disclosed except to other officers or employees of the Federal Government for their use in carrying out this subchapter. Nothing in the preceding sentence shall authorize the withholding of information by the Secretary (or any officer or employee under his control) from the duly authorized committees of the Congress.


§1945. Insurance reports and information

(a) Duty of insurers of passenger motor vehicles

Insurers of passenger motor vehicles, or their designated agents, shall, upon request by the Secretary, make such reports and furnish such information as the Secretary may reasonably require to enable him to carry out the purposes of this subchapter.

(b) Scope of reports and information

Such reports and information may include, but shall not be limited to—

(1) accident claim data relating to the type and extent of physical damage and the cost of remediying the damage according to make, model, and model year of passenger motor vehicle, and
(2) accident claim data relating to the type and extent of personal injury according to make, model, and model year of passenger motor vehicle.

(c) Considerations governing request by Secretary for reports and information

In determining the reports and information to be furnished pursuant to subsections (a) and (b) of this section, the Secretary shall—

(1) consider the cost of preparing and furnishing such reports and information;

(2) consider the extent to which such reports and information will contribute to carrying out the purposes of this subchapter; and

(3) consult with such State and insurance regulatory agencies and other agencies and associations, both public and private, as he deems appropriate.

(d) Voluntary nature of compliance by insurer with request of Secretary

The Secretary shall, to the extent possible, obtain such reports and information from the insurers of passenger motor vehicles on a voluntary basis.

(e) Damage susceptibility, crashworthiness, and damage repair and personal injury cost information

Every insurer of passenger motor vehicles shall, upon request by the Secretary, furnish him a description of the extent to which the insurance rates or premiums charged by the insurer for passenger motor vehicles are affected by the damage susceptibility, crashworthiness, and cost of damage repair and personal injury involved relating to each of the various makes and models of passenger motor vehicles. Such insurer shall also furnish the Secretary upon request such information as may be available to such insurer reflecting the effect of the damage susceptibility, crashworthiness, and cost of damage repair and personal injury involved relating to each of the various makes and models of passenger motor vehicles upon risk incurred by insuring each such make and model.

(f) Dissemination of information by Secretary

The Secretary shall not, in disseminating any information received pursuant to this section, disclose the name of, or other identifying information about, any person who may be an insured, a claimant, a passenger, an owner, a driver, an injured person, a witness, or otherwise involved in any motor vehicle crash or collision unless the Secretary has the consent of the persons so named or otherwise identified.

(g) Time and manner of furnishing information

The information required by this section shall be furnished at such times and in such manner as the Secretary shall prescribe by regulation otherwise.


SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1941 of this title.

§1946. Prohibited acts

No person shall fail or refuse (1) to furnish the Secretary with the data or information requested by him under this subchapter, or (2) to comply with rules prescribed by the Secretary under this subchapter.


SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1947, 1948 of this title.

§1947. Injunctive relief to restrain violations of information requirements; petition; jurisdiction; notice by Secretary to person against whom action is contemplated for opportunity to present views and achieve compliance; venue; subpoenas for witnesses

Upon petition by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65(a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of section 1946 of
this title. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views and shall afford him reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief. Paragraphs (3) and (4) of section 1917(c) of this title shall apply to any action under this section in the same manner as they apply to actions under section 1917 of this title.


CODIFICATION

Paragraphs (3) and (4) of section 1917(c) of this title, referred to in text, was in the original “paragraphs (3) and (4) of section 107(b) of this title”. Section 107(b), which is classified to section 1917(b) of this title, was enacted without any pars. (3) and (4). Therefore, section 107(b) has been translated editorially as section 1917(c) as the probable intent of Congress.

§1949. Authorization of appropriations

There are authorized to be appropriated to carry out this subchapter $1,677,000 for fiscal year 1983, $1,800,000 for fiscal year 1984, and $1,950,000 for fiscal year 1985.


AMENDMENTS

1982 — Pub. L. 97-331 substituted “subchapter $1,677,000 for fiscal year 1983, $1,800,000 for fiscal year 1984, and $1,950,000 for fiscal year 1985” for “subchapter $1,875,000 for the fiscal year ending June 30, 1976; $500,000 for the period beginning July 1, 1976, and ending September 30, 1976; $3,385,000 for the fiscal year ending September 30, 1977; and $3,375,000 for the fiscal year ending September 30, 1978”.

1976 — Pub. L. 94-364 substituted provisions authorizing appropriations of $1,875,000 for the fiscal year ending June 30, 1976, $500,000 for the period beginning July 1, 1976, and ending Sept. 30, 1976, $3,385,000 for the fiscal year ending Sept. 30, 1977, and $3,375,000 for the fiscal year ending Sept. 30, 1978, for provisions authorizing appropriations of $3,000,000 per fiscal year for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years.
Appendix E

Code of Federal Regulations
Part 571 (FMVSS 208)
(Excerpts)
(Note in particular Sections 6 and 8.1)

§571.208 Standard No. 208; Occupant crash protection.

Editorial Notes:

1. For compliance date relating to automatic occupant restraint requirements, see the "Editorial Note" appearing at the end of this standard.

2. For compliance provisions relating to a vehicle's conformance with the performance requirements of Standard No. 208 relating to the Part 572 test dummy, see the “Editorial Note” at the end of this standard.

S1. Scope. This standard specifies performance requirements for the protection of vehicle occupants in crashes.

S2. Purpose. The purpose of this standard is to reduce the number of deaths of vehicle occupants, and the severity of injuries, by specifying vehicle crashworthiness requirements in terms of forces and accelerations measured on anthropomorphic dummies in test crashes, and by specifying equipment requirements for active and passive restraint systems.

S3. Application. This standard applies to passenger cars, multi-purpose passenger vehicles, trucks, and buses. In addition, S9., Pressure vessels and explosive devices, applied to vessels designed to contain a pressurized fluid or gas, and to explosive devices, for use in the above types of motor vehicles as part of a system designed to provide protection to occupants in the event of a crash.

S4.1.4 Passenger cars manufactured on or after September 1, 1989. Except as provided in S4.1.5, each passenger car manufactured on or after September 1, 1989, shall comply with the requirements of S4.1.2.1. Until September 1, 1993, each car whose driver's designated seating position complies with the requirements of S4.1.2.1(a) by means not including any type of seat belt and whose right front designated seating position is equipped with a manual Type 2 seat belt that meets the requirements of S5.1, with the Type 2 seat belt assembly adjusted in accordance with S7.4.2, shall be counted as a vehicle complying with S4.1.2.1. A vehicle shall not be deemed to be in noncompliance with this standard if its manufacturer establishes that it did not have reason to know in the exercise of due care that such vehicle is not in conformity with the requirement of this standard.

S4.1.5 Mandatory seatbelt use laws.

S4.1.5.1 If the Secretary of Transportation determines, by not later than April 1, 1989, that state mandatory safety belt usage laws have been enacted that meet the criteria specified in S4.1.5.2 and that are applicable to not less than two-thirds of the total population of the 50 states and the District of Columbia (based on the most recent Estimates of the Resident Population of States, by Age, Current Population Reports, Series P-25, Bureau of the Census), each passenger car manufactured under S4.1.3 or S4.1.4 on or after the date of that determination shall comply with the requirements of S4.1.2.1, S4.1.2.2 or S4.1.2.3.

S4.1.5.2 The minimum criteria for state mandatory safety belt usage laws are:

(a) Require that each front seat occupant of a passenger car equipped with safety belts under Standard No. 208 has a safety belt properly fastened about his or her body at all times when the vehicle is in forward motion.

(b) If waivers from the safety belt usage requirement are to be provided, permit them for medical reasons only.

(c) Provide for the following enforcement measures:

(1) A penalty of not less than $25.00 (which may include court costs) for each occupant of a car who violates the best usage requirement.

(2) A provision specifying that the violation of the best usage requirement may be used to mitigate damages with respect to any person who is involved in a passenger car accident while violating the belt usage
requirement and who seeks in any subsequent litigation to recover damages for injuries resulting from the accident. This requirement is satisfied if there is a rule of law in the State permitting such mitigation.

(3) A program to encourage compliance with the belt usage requirement.

(d) An effective date of not later than September 1, 1989.

S5. Occupant crash protection requirements.

S5.1 Passenger cars manufactured before September 1, 1991, and all other vehicles subject to S5.1 shall comply with either S5.1(a) or S5.1(b), at the manufacturer's option. Passenger cars manufactured on or after September 1, 1991, shall comply with S5.1(b).

(a) Impact a vehicle traveling longitudinally forward at any speed, up to and including 30 mph, into a fixed or collision barrier that is perpendicular to the line of travel of the vehicle, or at any angle up to 30 degrees in either direction from the perpendicular to the line of travel of the vehicle under the applicable conditions of S8. The test dummy specified in S8.1.8.1 placed at each front outboard designated seating position shall meet the injury criteria of S6.1.1, 6.1.2, 6.1.3, and 6.1.4.

(b) Impact a vehicle traveling longitudinally forward at any speed, up to and including 30 mph, into a fixed collision barrier that is perpendicular to line of travel of the vehicle, or at any angle up to 30 degrees in either direction from the perpendicular to the line of travel of the vehicle, under the applicable conditions of S8. The test dummy specified in S8.1.8.2 placed at each front outboard designated seating position shall meet the injury criteria of S6.2.1, 6.2.2, 6.2.3, 6.2.4, and 6.2.5.

S5.2 Later moving barrier crash tests.

S5.2.1 Vehicles subject to S5.2 shall comply with either S5.2.1(a) or S5.2.1(b), or any combination thereof, at the manufacturer's option; except that vehicles manufactured before September 1, 1990 that comply with the requirements of S4.1.2.1(c) by means not including any type of seat belt or inflatable restraint shall comply with S5.2.1(a).

(a) Impact a vehicle laterally on either side by a barrier moving at 20 mph under the applicable conditions of S8. The test dummy specified in S8.1.8.1 placed at the front outboard designated seating position adjacent to the impacted side shall meet the injury criteria of S6.1.2 and S6.1.3.

(b) When the vehicle is impacted laterally under the applicable conditions of S8, on either side by a barrier moving at 20 mph, with a test device specified in S8.1.8.2, which is seated at the front outboard designated seating position adjacent to the impacted side, it shall meet the injury criteria of S6.2.2, and S6.2.3.

S5.3 Rollover. Subject a vehicle to a rollover test under the applicable condition of S8 in either lateral direction at 30 mph with either, at the manufacturer's option, a test dummy specified in S8.1.8.1 or S8.1.8.2, placed in the front outboard designated seating position on the vehicle's lower side as mounted on the test platform. The test dummy shall meet the injury criteria of either S6.1.1 or S6.2.1.

S6. Injury criteria.

S6.1 Injury criteria for the Part 572, Subpart B, 50th percentile Male Dummy.

S6.1.1 All portions of the test dummy shall be contained within the outer surfaces of the vehicle passenger compartment throughout the test.

S6.1.2 The resultant acceleration at the center of gravity of the head shall be such that the expression:

\[
\left[ \frac{1}{(t_2 - t_1)} \int_{t_1}^{t_2} \frac{a dt}{g} \right]^{2.5} (t_2 - t_1)
\]

shall not exceed 1,000 where a is the resultant acceleration expressed as a multiple of g (the acceleration of gravity), and t_1 and t_2 are any two points in time during the crash of the vehicle which are separated by not more than a 36 millisecond time interval.

S6.1.3 The resultant acceleration at the center of gravity of the upper thorax shall not exceed 60 g's, except for intervals whose cumulative duration is not more than 3 milliseconds.

S6.1.4 The compressive force transmitted axially through each upper leg shall not exceed 2250 pounds.
S6.2 Injury Criteria for the Part 572, Subpart E, Hybrid III Test Dummy.

S6.2.1 All portions of the test dummy shall be contained within the outer surfaces of the vehicle passenger compartment throughout the test.

S6.2.2 The resultant acceleration at the center of gravity of the head shall be such that the expression:

\[
\left( \frac{1}{(t_2 - t_1)} \int_{t_1}^{t_2} a(t) \, dt \right)^{2.5} (t_2 - t_1)
\]

shall not exceed 1,000 where \( a \) is the resultant acceleration expressed as a multiple of g (the acceleration of gravity), and \( t_1 \) and \( t_2 \) are any two points in time during the crash of the vehicle which are separated by not more than a 36 milliseconds time interval.

S6.2.3 The resultant acceleration calculated from the output of the thoracic instrumentation shown in drawing 78051-218, revision R incorporated by reference in Part 572, Subpart E of this chapter shall not exceed 60g's, except for intervals whose cumulative duration is not more than 3 milliseconds.

S6.2.4 Compression deflection of the sternum relative to the spine, as determined by instrumentation shown in drawing 78051-317, revision A incorporated by reference in Part 572, Subpart E of this chapter, shall not exceed 3 inches.

S6.2.5 The force transmitted axially through each upper leg shall not exceed 2250 pounds.

S8.1.8 Anthropomorphic test dummies.

S8.1.8.1 The anthropomorphic test dummies used for evaluation of occupant protection systems manufactured pursuant to applicable portions of paragraphs S4.1.2, S4.1.3, and S4.1.4 shall conform to the requirements of Subpart B of Part 572 of this Chapter.

S8.1.8.2 Anthropomorphic test devices used for the evaluation of occupant protection systems manufactured pursuant to applicable portions of paragraphs S4.1.2, S4.1.3, and S4.1.4 shall conform to the requirement of Subpart E of Part 572 of this Chapter.

S8.1.9.1 Each Part 572, Subpart B test dummy specified in S8.1.8.1 is clothed in formfitting cotton stretch garments with short sleeves and midcalf length pants. Each foot of the test dummy is equipped with a size 11EE shoe which meets the configuration size, sole, and heel thickness specifications of MIL-S 131192 and weighs 1.25 ±0.2 pounds.

S8.1.9.2 Each Part 572, Subpart E test dummy specified in S8.1.8.2 is clothed in formfitting cotton stretch garments with short sleeves and midcalf length pants specified in drawings 78051-292 and -293 incorporated by reference in Part 572, Subpart E of this Chapter, respectively or their equivalents. A size 11EE shoe specified in drawings 78051-294 (left) and 78051-295 (right) or their equivalents is placed on each foot of the test dummy.

S8.1.10 Limb joints are set at 1g, barely restraining the weight of the limb when extended horizontally. Leg joints are adjusted with the torso in the supine position.

S8.1.11 Instrumentation does not affect the motion of dummies during impact or rollover.

S8.1.12 Temperature of the test dummy.

S8.1.12.1 The stabilized temperature of the test dummy specified by S8.1.8.1 is at any level between 66 degrees F and 78 degrees F.

S8.1.12.2 The stabilized temperature of the test dummy specified by S8.1.8.2 is at any level between 69 degrees F and 72 degrees F.

S8.2 Lateral moving barrier crash test conditions. The following conditions apply to the lateral moving barrier crash test.

S8.2.1 The moving barrier, including the impact surface, supporting structure, and carriage, weighs 4,000 pounds.

S8.2.2 The impact surface of the barrier is a vertical, rigid, flat rectangle, 78 inches wide and 60 inches high, perpendicular to its direction of movement, with its lower edge horizontal and 5 inches above the ground surface.

S8.2.3 During the entire impact sequence the barrier undergoes no significant amount of dynamic or static deformation, and absorbs no significant portion of the energy resulting from the impact, except for energy that results in translational rebound movement of the barrier.

S8.2.4 During the entire impact sequence the barrier is guided so that it travels in a straight line, with no significant lateral, vertical or rotational movement.
S8.2.5 The concrete surface upon which the vehicle is tested is level, rigid and of uniform construction, with a skid number of 75 when measured in accordance with American Society for Testing and Materials Method E-274-65T at 40 m.p.h., omitting water delivery as specified in paragraph 7.1 of that method.

S8.2.6 The tested vehicle's brakes are disengaged and the transmission is in neutral.

S8.2.7 The barrier and the test vehicle are positioned so that at impact—

(a) The vehicle is at rest in its normal attitude;

(b) The barrier is traveling in a direction perpendicular to the longitudinal axis of the vehicle at 20 m.p.h.; and

(c) A vertical plane through the geometric center of the barrier impact surface and perpendicular to that surface passes through the driver's seating reference point in the tested vehicle.

S8.3 Rollover test conditions. The following conditions apply to the rollover test.

S8.3.1 The tested vehicle's brakes are disengaged and the transmission is in neutral.

S8.3.2 The concrete surface on which the test is conducted is level, rigid, of uniform construction, and of a sufficient size that the vehicle remains on it throughout the entire rollover cycle. It has a skid number of 75 when measured in accordance with American Society for Testing and Materials Method E-274-65T at 40 m.p.h. omitting water delivery as specified in paragraph 7.1 of that method.

S8.3.3 The vehicle is placed on a device, similar to that illustrated in Figure 2, having a platform in the form of a flat, rigid plane at an angle of 23° from the horizontal. At the lower edge of the platform is an unyielding flange, perpendicular to the platform with a height of 4 inches and a length sufficient to hold in place the tires that rest against it. The intersection of the inner face of the flange with the upper face of the platform is 9 inches above the rollover surface. No other restraints are used to hold the vehicle in position during the deceleration of the platform and the departure of the vehicle.

S8.3.4 With the vehicle on the test platform, the test devices remain as nearly as possible in the posture specified in S8.1.

S8.3.5 Before the deceleration pulse, the platform is moving horizontally, and perpendicularly to the longitudinal axis of the vehicle, at a constant speed of 30 m.p.h. for a sufficient period of time for the vehicle to become motionless relative to the platform.

S8.3.6 The platform is decelerated from 30 to 0 m.p.h. in a distance of not more than 3 feet, without change of direction and without transverse or rotational movement during the deceleration of the platform and the departure of the vehicle. The deceleration rate is at least 20g for a minimum of 0.04 seconds.
Appendix F

Code of Federal Regulations
Part 572 (Test Dummy)
(Excerpts)

Subpart A—General

§572.1 Scope.

This part describes the anthropomorphic test dummies that are to be used for compliance testing of motor vehicles and motor vehicle equipment with motor vehicle safety standards.

[42 FR 7151, Feb. 7, 1977]

§572.2 Purpose.

The design and performance criteria specified in this part are intended to describe measuring tools with sufficient precision to give repetitive and correlative results under similar test conditions and to reflect adequately the protective performance of a vehicle or item of motor vehicle equipment with respect to human occupants.


§572.3 Application.

This part does not in itself impose duties or liabilities on any person. It is a description of tools that measure the performance of occupant protection systems required by the safety standards that incorporate it. It is designed to be referenced by, and become a part of, the test procedures specified in motor vehicle safety standards such as Standard No. 208, Occupant Crash Protection.


Subpart B—50th Percentile Male

§572.5 General description.

(a) The dummy consists of the component assemblies specified in Figure 1, which are described in their entirety by means of approximately 250 drawings and specifications that are grouped by component assemblies under the following nine headings:

SA 150 M070—Right arm assembly

SA 150 M071—Left arm assembly
SA 150 M050—Lumbar spine assembly  
SA 150 M060—Pelvis and abdomen assembly  
SA 150 M080—Right leg assembly  
SA 150 M081—Left leg assembly  
SA 150 M010—Head assembly  
SA 150 M020—Neck assembly  
SA 150 M030—Shoulder-thorax assembly.

(b) The drawings and specifications referred to in this regulation that are not set forth in full are hereby incorporated in this part by reference. These materials are thereby made part of this regulation. The Director of the Federal Register has approved the materials incorporated by reference. For materials subject to change, only the specific version approved by the Director of the Federal Register and specified in the regulation are incorporated. A notice of any change will be published in the Federal Register. As a convenience to the reader, the materials incorporated by reference are listed in the Finding Aid Table found at the end of this volume of the Code of Federal Regulations.

(c) The materials incorporated by reference are available for examination in Docket 73-08, Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC, 20590. Copies may be obtained from Rowley-Scher Reprographics, Inc., 1216 K Street NW., Washington, DC 20005 ((202) 628-6667). The drawings and specifications are also on file in the reference library of the Office of the Federal Register, National Archives and Records Administration, Washington, DC.

(d) Adjacent segments are joined in a manner such that throughout the range of motion and also under crash impact conditions there is no contact between metallic elements except for contacts that exist under static conditions.

(e) The structural properties of the dummy are such that the dummy conforms to this Part in every respect both before and after being used in vehicle tests specified in Standard No. 208 of this Chapter (571.208).

(f) A specimen of the dummy is available for surface measurements and access can be arranged by contacting: Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590.

[50 FR 25423, June 19, 1985]

Subpart C—3-Year-Old Child

Source: 44 FR 76530, Dec. 27, 1979, unless otherwise noted.

§572.15 General description.

(a) The dummy consists of the component assemblies specified in drawing SA 103C 001, which are described in their entirety by means of approximately 122 drawings and specifications are grouped by component assemblies under the following thirteen headings:

SA 103C 010 Head Assembly  
SA 103C 020 Neck Assembly  
SA 103C 030 Torso Assembly  
SA 103C 041 Upper Arm Assembly Left  
SA 103C 042 Upper Arm Assembly Right  
SA 103C 051 Forearm Hand Assembly Left  
SA 103C 052 Forearm Hand Assembly Right  
SA 103C 061 Upper Leg Assembly Left  
SA 103C 062 Upper Leg Assembly Right  
SA 103C 071 Lower Leg Assembly Left  
SA 103C 072 Lower Leg Assembly Right  
SA 103C 081 Foot Assembly Left  
SA 103C 082 Foot Assembly Right  

(b) The drawings, specifications, and operation and maintenance manual referred to in this regulation that are not set forth in full are hereby incorporated in this Part by reference. These materials are thereby made part of this regulation. The Director of the Federal Register has approved the materials incorporated by reference. For
materials subject to change, only the specific version approved by the Director of the Federal Register and specified in the regulation are incorporated. A notice of any change will be published in the Federal Register. As a convenience to the reader, the materials incorporated by reference are listed in the Finding Aid Table found at the end of this volume of the Code of Federal Regulations.

(c) The materials incorporated by reference are available for examination in Docket 78-09, Room 5109, Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. Copies may be obtained from Rowley-Scher Reprographics, Inc., 1216 K Street NW., Washington, DC 20005 ((202) 628-6667). The materials are also on file in the reference library of the Office of the Federal Register, National Archives and Records Administration, Washington, DC.

(d) Adjacent segments are joined in a manner such that throughout the range of motion and also under simulated crash-impact conditions there is no contact between metallic elements except for contacts that exist under static conditions.

(e) The structural properties of the dummy are such that the dummy conforms to this Part in every respect both before and after being used in vehicle tests specified in Standard No. 213 of this Chapter (571.213):

(f) The patterns of all cast and molded parts for reproduction of the molds needed in manufacturing of the dummies can be obtained on a loan basis by manufacturers of the test dummies, or others if need is shown, from: Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590.

[50 FR 25423, June 19, 1985]

Subpart D—6-Month-Old Infant

§572.25 General description.

(a) The infant dummy is specified in its entirety by means of 5 drawings (No. SA 1001) and a construction manual, dated July 2, 1974, which describe in detail the materials and the procedures involved in the manufacturing of this dummy.

(b) The drawings, specifications, and construction manual referred to in this regulation that are not set forth in full are hereby incorporated in this Part by reference. These materials are thereby made part of this regulation. The Director of the Federal Register has approved the materials incorporated by reference. For materials subject to change, only the specific version approved by the Director of the Federal Register and specified in the regulation are incorporated. A notice of any change will be published in the Federal Register. As a convenience to the reader, the materials incorporated by reference are listed in the Finding Aid Table found at the end of this volume of the Code of Federal Regulations.

(c) The materials incorporated by reference are available for examination in Docket 78-09, Room 5109, Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. Copies may be obtained from Rowley-Scher Reprographics, Inc., 1216 K Street NW., Washington, DC 20005 ((202) 628-6667). The materials are also on file in the reference library of the Office of the Federal Register, National Archives and Records Administration, Washington, DC.

(d) The structural properties of the dummy are such that the dummy conforms to this Part in every respect both before and after being used in vehicle tests specified in Standard No. 213 of this Chapter (§571.213).

[50 FR 25424, June 19, 1985]

Subpart E—Hybrid III Test Dummy

Source: 51 FR 26701, July 25, 1986, unless otherwise noted.

EFFECTIVE DATE NOTE AND OPTIONAL COMPLIANCE PROVISIONS: At 51 FR 26701, July 25, 1986, Subpart E—Hybrid III Test Dummy was added, effective October 23, 1986. As of that date, manufacturers have the option of using either the Part 572 test dummy (Subpart B) or the Hybrid III test dummy until August 31, 1991. As of September 1, 1991, the Hybrid III will replace the Part 572 test dummy (Subpart B) and be used as the exclusive means of determining a vehicle's conformance with the performance requirements of Standard No. 208 (§571.208)

§572.30 Incorporated materials.

(a) The drawings and specifications referred to in this regulation that are not set forth in full are hereby incorporated in this part by reference. The Director of the Federal Register has approved the materials incorporated by
§572.31 General description.

(a) The Hybrid III 50th percentile size dummy consists of components and assemblies specified in the Anthropomorphic Test Dummy drawing and specifications package which consists of the following six items:


3. A General Motors Drawing Package identified by GM Drawing No. 78051-218, revision R, and subordinate drawings.

4. Disassembly, Inspection, Assembly and Limbs Adjustment Procedures for the Hybrid III dummy, dated July 15, 1986,

5. Sign Convention for the signal outputs of Hybrid III dummy transducers, dated July 15, 1986,

(b) The materials incorporated by reference are available for examination in the general reference section of Docket 74-14, Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC 20590. Copies may be obtained from Rowley-Scher Reprographics, Inc., 1216 K Street, NW., Washington, DC 20005 ((202) 628-6667). The drawings and specifications are also on file in the reference library of the Office of the Federal Register, National Archives and Records Administration, Washington, D.C.


(b) The dummy is made up of the following component assemblies:

<table>
<thead>
<tr>
<th>Drawing No.</th>
<th>Revision</th>
</tr>
</thead>
<tbody>
<tr>
<td>78051-61 head assembly—complete</td>
<td>(T)</td>
</tr>
<tr>
<td>78051-90 neck assembly—complete</td>
<td>(A)</td>
</tr>
<tr>
<td>78051-89 upper torso assembly—complete</td>
<td>(K)</td>
</tr>
<tr>
<td>78051-70 lower torso assembly—without pelvic—Instrumentation assembly, drawing No. 78051-59</td>
<td>(D)</td>
</tr>
<tr>
<td>86-5001-001 leg assembly—complete (LH)</td>
<td>(E)</td>
</tr>
<tr>
<td>86-5001-002 leg assembly—complete (RH)</td>
<td>(E)</td>
</tr>
<tr>
<td>78051-123 arm assembly—complete (LH)</td>
<td>(D)</td>
</tr>
<tr>
<td>78051-124 arm assembly—complete (RH)</td>
<td>(D)</td>
</tr>
</tbody>
</table>

(c) Any specifications and requirements set forth in this part supersede those contained in General Motors Drawing No. 78051-218, revision P.

(d) Adjacent segments are joined in a manner such that throughout the range of motion and also under crash-impact conditions, there is no contact between metallic elements except for contacts that exist under static conditions.

(e) The weights, inertial properties and centers of gravity location of component assemblies shall conform to those listed in drawing 78051-338, revision S.

(f) The structural properties of the dummy are such that the dummy conforms to this part in every respect both before and after being used in vehicle test specified in Standard No. 208 of this Chapter (§571.208).

Appendix G

Docket 74-14; Notices 38, 39, 45, 47
(Excerpts)

49 CFR Parts 571 and 585

[Docket No. 74-14; Notice 38]

Federal Motor Vehicle Safety Standards for Occupant Crash Protection and Automatic Restraint Phase-In Reporting Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: On July 17, 1984, the Secretary of Transportation issued a final rule requiring automatic occupant protection in all passenger cars based on a phased-in schedule beginning on September 1, 1986, with full implementation being required by September 1, 1989, unless, before April 1, 1989, two-thirds of the population of the United States are covered by state mandatory safety belt use laws (MULs) meeting specified criteria. In that notice, the Secretary identified several issues that would likely need additional rulemaking. This notice sets forth proposals on the following issues identified in the Secretary's final rule: elimination of the oblique crash tests, application of the automatic restraint requirements to convertibles, application of the Head Injury Criteria to non-contact HIC measurements, adoption of some of the New Car Assessment Program test procedures, and express mention in Standard No. 208 of the due care defense.

In addition, this notice also addresses dynamic testing of manual belts and reporting requirements regarding compliance with the phase-in requirements.

PART 571—[AMENDED]

In consideration of the foregoing, 49 CFR 571.208 is proposed to be amended as follows:

§571.208 Standard No. 208; Occupant crash protection.

8. Section S6.2 would be revised to adopt one of the following alternatives:

Alternative One: Section S6.2 would be revised and a new section S6.5 would be added as follows:

S6.2 The resultant acceleration at the center of gravity of the head shall be such that the expression:

\[
\left[ \frac{1}{(t_2 - t_1)} \int_{t_1}^{t_2} a(t) dt \right]^{2.5} (t_2 - t_1)
\]

shall not exceed 1,000, where a is the resultant acceleration expressed as a multiple of g (the acceleration of gravity), and \( t_1 \) and \( t_2 \) are any two points in time during the crash of the vehicle when there is evidence of head contact with any part of the vehicle other than the belt system.

S6.5 If there is no evidence of head contact, then the acceleration measured at the center of gravity of the head shall not exceed either of the following:

(a) The upper limits of the curve shown in Figure 1 when measured by the accelerometer whose sensitive axis is oriented to record longitudinal fore and aft accelerations, and

(b) The upper limits of the curve shown in Figure 2 when measured by the accelerometer whose sensitive axis is oriented to record inferior-superior accelerations.

Alternative Two: Section S6.2 would be revised to read as follows:

S6.2 The resultant acceleration at the center of gravity of the head shall be such that the expression:

\[
\left[ \frac{1}{(t_2 - t_1)} \int_{t_1}^{t_2} a(t) dt \right]^{2.5} (t_2 - t_1)
\]

shall not exceed 1,000 where a is the resultant acceleration expressed as a multiple of g (the acceleration of gravity) and \( t_1 \) and \( t_2 \) are any two points in time during the crash of the vehicle which are separated by not more than a 36 millisecond time interval.

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49 CFR Parts 571 and 572

[Docket No. 74-14; Notice 39]

Anthropomorphic Test Dummies

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: In response to a petition from General Motors, this notice proposes to adopt the Hybrid III test dummy as an alternative to the Part 572 test dummy in testing done in accordance with Standard No. 208, Occupant Crash Protection. The notice proposes to amend Part 572, Anthropomorphic Test Dummies, to adopt the specifications, instrumentation, test procedures and calibration requirements for the Hybrid III test dummy. The notice also proposes to amend Standard No. 208 to provide that 45 days after publication of a final rule, manufacturers would have the option of using either the existing Part 572 test dummy or the Hybrid III test dummy.

Injury Criteria for Part 572 and Hybrid III

Equivalence of HIC Measurements

Some limited tests, conducted by Schneider, involving pendulum impacts of the foreheads of the two test dummies and cadavers indicate that the Hybrid III test dummy generates lower acceleration responses than either the Part 572 test dummy or cadaver heads. The reasons for the apparent differences, found in Schneider's tests, between the Hybrid III test dummy and cadaver responses in this regard have not yet been fully resolved or explained. Agency sponsored tests have measured the head impact response of the two test dummies in drop tests onto rigid plates and found that the Hybrid III's responses under these limited test conditions were lower than those of the Part 572 test dummies.

The agency believes, however, that in impacts into more pliable surfaces, such as found in vehicle interiors, the difference is minimized. This belief is based on the sled tests, cited earlier, and on a limited number of vehicle crash tests in which the Hybrid III and the Part 572 test dummies were used. Unfortunately, the existing data do not allow a precise, quantitative estimate of the difference in vehicle crash tests. In view of these uncertainties, the agency is conducting additional research on this question and requests other users of Hybrid III and Part 572 test dummies to provide information they have on differences in head impact responses between the two types of test dummies. The agency also solicits comments on the request of the Center for Auto Safety to set different head impact performance limits for the Hybrid III test dummy.

Elsewhere in today's Federal Register, the agency is proposing alternative methods for calculating or using the HIC. These alternatives, which would apply to the existing Part 572 test dummy and the Hybrid III test dummy, are:

1. Calculate the HIC only if head contact occurs during the crash, but substitute new injury criteria as surrogate measurements of neck injury in noncontact situations.

2. Calculate the HIC over the entire crash duration but limit the HIC time interval to a maximum of 36 milliseconds.

As discussed in that notice, the agency will adopt only one of the proposed alternatives in a final rule, if it decides to change the existing requirement. Whichever alternative is chosen would be applied to both the existing Part 572 test dummy and to the Hybrid III test dummy.

Neck

The proposed neck injury criteria for use with the Hybrid III test dummy calls for the measurement of neck bending moments and forces in the fore and aft direction and axial compression and tension loads. The availability of measurement of moments and forces in the neck will also adequately account for the inertial loads generated by the head during its free flight. Because the inertial forces of the head are transmitted and eventually dissipated through the neck, the limits on the neck forces will also effectively control the loads that the head is exposed to in noncontact events, which may permit the deletion of the HIC requirement for those crash conditions. The selected injury tolerances are based on the best known thresholds of injury and are in line with published technical and medical literature. The agency's 1982 SAE paper on crash priorities estimates that noncontact neck injuries in car accidents are experienced by approximately 160,000 car occupants, 56,000 in frontal collisions. The proposed injury criteria are designed to reduce the severity of, or eliminate, at least 35,000 noncontact neck injuries to occupants of passenger cars through the control of inertial forces on the head to subinjury levels at speeds below 30 mph. The agency requests comments and data on the proposed neck injury criteria.

Facial Lacerations

The present head injury reduction criterion used in Standard No. 208 does not address facial injuries, such as cuts and lacerations, due to impacts into windshields and other vehicle surfaces. The agency estimates that approximately 155,000 facial laceration injuries occur each year due to windshield impacts. While facial lacerations may not always be life threatening, they can result in serious physical and psychological injuries. Standard No. 208 has not included a facial laceration reduction criterion because it was assumed that use of air cushions or
automatic belts would prevent occupants from impacting the windshield. However, as new technology, such as passive vehicle interiors, which rely on padding rather than belts or air bags, are adopted and to the extent automatic belts will be disconnected, the potential for facial lacerations can be high. It is estimated that approximately 77,000 windshield related facial lacerations can be eliminated if vehicle designs will protect occupants from these types of injuries in impacts up to 30 mph. The agency is therefore proposing to add a new facial laceration reduction criterion to Standard No. 208; the criterion would not go into effect until September 1, 1989.

The agency agrees with GM that a three inch deflection limit is appropriate for distributed loading restraint systems, such as air bags, which usually contact the occupant's torso with symmetric loading and spread the impact forces fairly evenly over the torso area. For these reasons, the agency is proposing a three inch deflection limit only for systems that symmetrically load the torso and a two inch limit for all other protection systems.

Comments and data are requested on the value and utility of the proposed supplemental deflection measure of the sternum. Since the thorax is one of the major load paths for the dissipation of the occupant impact energy, it is important that the proposed deflection measurement can adequately and properly address and interpret the dynamic interactions with a variety of vehicle surfaces. Since the sternum deflection sensor can best record the displacements when its sensitive axis is in line with the impacting surface, commenters are being asked to address the need for and utility of using additional deflection gauges to assure that potentially injurious displacement of other thorax areas are not overlooked. Data are also sought on the practicability and the consistency of the proposed measurement in the vehicle impact environment and its usefulness for the development of automatic and active restraint systems as well as steering column systems.

The agency is also aware of the apparent low sensitivity of the Hybrid III test dummy thorax response to changes in impact speeds and changes in impacted mass as reported by J.D. Horsch (Docket No. 74-14, No. 32, Entry 1666B). Horsch tested the Hybrid III test dummy and Part 572 test dummy in steering systems impacts at 14 and 22 feet per second with standard and increased steering column masses. In addition, some columns had provision for distributed loading on the thorax, while others did not. Test results indicate low and in some instances inconsequential changes in both the acceleration and deflection parameters in spite of changes in impact speeds and steering system masses. GM argues that these insensitivities are more a reflection of excellent steering column properties rather than insensitivities of the Hybrid III test dummy. However, the agency notes that such insensitivities are less apparent in Part 572 test dummies tested under the same conditions. The agency solicits comments and data on this issue.

Femurs

The agency proposes to set an injury prevention criterion for the Hybrid III test dummy which would limit femur loads to 2250 pounds, which is the same limit used for the existing Part 572 test dummy. NHTSA requests comment on the appropriateness of this value.

Knee and Tibia

The agency proposes adding the GM developed knee shear and tibia bending and compression fracture criteria when the Hybrid III dummy is used as the exclusive Standard No. 208
compliance test device beginning on September 1, 1991. The knee shear criterion limits translation of the tibia relative to the femur to not more than 0.6 in. The proposed tibia criteria limit the compression forces to 1800 lbs and establish limits on injuries due to combined bending moments and compression forces. They are described in more detail below.

Knee/tibia tolerances are important because of the anticipated increased use of knee restraints. The knee restraint is used to dissipate the impact energy of the lower portion of an occupant body and limbs when the occupant's knees and/or tibias impact the knee restraint. Testing by GM has shown that the orientation, size and impact characteristics of a knee bolster are crucial for minimizing knee joint and tibia-fibula injury in an impact. A wide variability in car occupants' statures and seating postures means that the knee bolster could load the flexed leg either through the knee (acting directly through the femur) or through the tibia (acting through the knee joint). Potential injuries associated with these types of impacts could vary considerably and those associated with tibia impacts can result in either tibia/fibula fractures and/or knee joint ligament tears.

The lower extremity injuries of passenger car occupants in frontal collisions, reported by the agency in the report "A Search for Priorities in Crash Protection", amount to approximately 3.1% of all crash-related harm, which translates into approximately 79,000 injured persons annually. Approximately 16,000 of these persons incur serious injuries (AIS 3 and above). It is not known at the present time how many of these are made up of femur fractures, tibia fractures and/or knee shear injuries. Most of the injuries (except for amputation) are of low risk to life, but in many instances are associated with relatively longer term impairment and pain than other body areas injured at comparable severity levels. The introduction of knee restraints into vehicle design and the intention to contain the lower part of the occupant's body through knee and tibia impacts has the potential of increasing the number and the severity of lower leg injuries by a considerable amount unless the knee bolster is specifically designed to prevent these injuries.

The agency believes that the knee joint shear criterion (displacement of the tibia relative to the femur cannot exceed 0.6 inch) developed and used by GM is in line with published research. The proposed displacement limit is intended to prevent tears of critical ligaments and also avoid injuries leading to future debilitation of the knee joint. The GM developed injury threshold, limiting the compression forces to 900 pounds on each side of the tibia clevis at the knee is also in line with the published research.

The agency also proposes to adopt the GM-developed injury threshold index for tibia compression-bending which is computed from the following expression:

\[
\frac{M}{M_c} + \frac{P}{P_c} < 1
\]

where \(M_c = 168\) lbs-ft and \(P_c = 7,950\) lbs and \(M\) and \(P\) are actually measured moments and compression forces, respectively. If the sum of the ratio of the bending moments, either at the knee or at the ankle end of the tibia, and the compression force does not exceed the value of 1, fractures of the tibia and fibula shafts of the lower legs are unlikely to occur.

The high average crash accelerations of small cars, the use of knee cushions to control the deceleration of the lower torso part of the occupant, and the potential entrapment of the lower legs by the intrusion of the floor board pose a significant potential for lower leg injuries in frontal crashes. For this reason, the agency believes that the inclusion of the compression/bending moment criterion into FMVSS 208 injury requirements is needed if tibia and ankle fractures are to be prevented.

The proposed tibia-knee injury assessment methodology is relatively new and to the best of our knowledge has not been employed by anyone else outside of GM. Comments and data are solicited on the need and value of the measurements for the control of knee pad designs and on the practicability of the proposed measurement package. In view of the substantial set of tibia measurements proposed (14 total), commenters are asked to review their usefulness for predicting the injury potential and to provide views and data on the possible consolidation, or simplification of the criteria. Data are also solicited on the repeatability of the Hybrid III leg injury measurements.

**Hybrid III Positioning Procedure**

Based on the differences in the anthropomorphic characteristics of the Hybrid III and Part 572 test dummies, the agency is proposing to set different test dummy positioning procedures for the Hybrid III test dummy. The proposed changes affect the positioning of the pelvic bone, upper torso and head to ensure a consistent and realistic posture for the Hybrid III.

The proposed test procedure is based upon the positioning procedure developed by GM. The major change from the GM procedure is that the GM procedure provides that the test dummy's H-Point is positioned in reference to the seating reference, specified in the manufacturer's design drawing for that vehicle. The agency has found in its own testing that the Hybrid III test dummy can be more easily installed and adjusted by using a modified procedure. Under the proposed procedure the dummy would initially be placed in the vehicle seat set at its mid-track position, as required by Standard No. 208, and the location of the H-point of the seated dummy determined. After all of the remaining positioning requirements have been met, the H-point location of the test dummy would be remeasured and adjusted so that it is...
within ±0.2 inch of its original position. Based on the limited testing the agency has done with the Hybrid III test dummy, we believe that the proposed positioning procedure will be easy to use and produce repeatable results. The agency is particularly interested in learning of positioning procedures followed by other Hybrid III users which would promote the repeatability of the test results.

PART 571—[AMENDED]

2. Section S5 of Standard No. 208 (49 CFR 571.208) would be amended by revising S5.1 to read as follows:

§571.208 [Amended]

S5. Occupant crash protection requirements.

S5.1 Vehicles manufactured before September 1, 1989, shall comply with either, at the manufacturer’s option, 5.1(a)(1) or (b)(1). Vehicles manufactured on or after September 1, 1989, shall comply with 5.1(a)(2) or 5.1(b)(2). Vehicles manufactured on or after September 1, 1991, shall comply with 5.1(b)(3).

(a) Impact a vehicle traveling longitudinally forward at any speed, up to and including 30 mph, into a fixed collision barrier that is perpendicular to the line of travel of the vehicle, or at any angle up to 30° in either direction from the perpendicular to the line of travel of the vehicle under the applicable conditions of S8.

(1) For vehicles manufactured before September 1, 1989, the anthropomorphic test devices specified in S8.1.8.1 placed at each front outboard designated seating position shall meet the injury criteria of S6.1.1, 6.1.2, 6.1.3, and 6.1.4.

(2) For vehicles manufactured on or after September 1, 1989, the anthropomorphic test devices specified in S8.1.8.1 placed at each front outboard designated seating position shall meet the injury criteria of S6.1.1, 6.1.2, 6.1.3, 6.1.4 and 6.1.5.

(b) Impact a vehicle traveling longitudinally forward at any speed, up to and including 30 mph, into a fixed collision barrier that is perpendicular to the line of travel of the vehicle, or at any angle up to 30° in either direction from the perpendicular to the line of travel of the vehicle, under the applicable conditions of S8.

(1) For vehicles manufactured before September 1, 1989, the anthropomorphic test devices specified in S8.1.8.2 placed at each front outboard designated seating position shall meet the injury criteria of S6.2.1, 6.2.2, 6.2.3, 6.2.4, 6.2.5, 6.2.6, 6.2.7, 6.2.8, and 6.2.9.

(2) For vehicles manufactured on or after September 1, 1989, the anthropomorphic test devices specified in S8.1.8.2 placed at each front outboard designated seating position shall meet the injury criteria of S6.2.1, 6.2.2, 6.2.3, 6.2.4, 6.2.5, 6.2.6, 6.2.7, 6.2.8, and 6.2.9.

(3) For vehicles manufactured on or after September 1, 1991, the anthropomorphic test devices specified in S8.1.8.2 placed at each front outboard designated seating position shall meet all of the injury criteria of S6.2.

3. Section S5.3 of Standard No. 208 would be revised to read as follows:

S5.2 Lateral moving barrier crash.

S5.2.1 Vehicles manufactured before September 1, 1991, shall comply with either, at the manufacturer’s option, 5.2.1(a) or (b). Vehicles manufactured on or after September 1, 1991, shall comply with 5.2.1(b).

(a) When the vehicle is impacted laterally under the applicable condition on either side by a barrier moving at 20 mph, with a test device specified in S8.1.8.1, which is seated at the front outboard designated seating position adjacent to the impacted side, it shall meet the injury criteria of S6.1.2, and S6.1.3.

(b) When the vehicle is impacted laterally under the applicable conditions of S8, on either side by a barrier moving at 20 mph, with a test device specified in S8.1.8.2, which is seated at the front outboard designated seating position adjacent to the impacted side, it shall meet the injury criteria of S6.2.2, and S6.2.7.

4. Section S5.3 of Standard No. 208 would be revised to read as follows:

S5.3 Rollover.

S5.3.1 When the vehicle is subjected to a rollover test under the applicable conditions of S8, in either lateral direction at 30 mph with either, at the manufacturer’s option, a test device specified in S8.1.8.1 or S8.1.8.2, which is seated in the front outboard designated seating position on its lower side as mounted on the test platform, it shall meet the injury criteria of either S6.1.1 or S6.2.1.
5. Section S6 of Standard No. 208 would be revised to read as follows:

**S6. Injury criteria.**


S6.1.1 All portions of the test device shall be contained within the outer surfaces of the vehicle passenger compartment throughout the test.

S6.1.2 [One of the following two alternatives would be adopted].

*Alternative One:* S6.1.2 would be revised to read as follows and a new section S6.1.6 would be added.

S6.1.2. The resultant acceleration at the center of gravity of the head shall be such that the expression:

\[
\left[ \frac{1}{(t_2 - t_1)} \int_{t_1}^{t_2} a dt \right]^{2.5} (t_2 - t_1)
\]

shall not exceed 1,000, where \(a\) is the resultant acceleration expressed as a multiple of acceleration (the acceleration of gravity), and \(t_1\) and \(t_2\) are any two points in time during the crash of the vehicle when there is evidence of head contact with any part of the vehicle other than the belt system.

S6.1.6 If there is no evidence of head contact, then the acceleration measured at the center of gravity of the head shall not exceed either of the following:

(a) The upper limits of the curve shown in Figure 1 when measured by the accelerometer whose sensitive axis is oriented to record longitudinal fore and aft accelerations, and

(b) The upper limits of the curve shown in Figure 2 when measured by the accelerometer whose sensitive axis is oriented to record inferior-superior accelerations.

*Alternative Two:* Section S6.1.2 would be revised to read as follows:

S6.1.2 The resultant acceleration at the center of gravity of the head shall be such that the expression:

\[
\left[ \frac{1}{(t_2 - t_1)} \int_{t_1}^{t_2} a dt \right]^{2.5} (t_2 - t_1)
\]

shall not exceed 1,000 where \(a\) is the resultant acceleration expressed as a multiple of \(g\) (the acceleration of gravity) and \(t_1\), and \(t_2\) are any two points in time during the crash of the vehicle which are separated by not more than a 36 millisecond time interval.

S6.1.3 The resultant acceleration at the center of gravity of the upper thorax shall not exceed 60 \(g\)'s, except for intervals whose cumulative duration is not more than 3 milliseconds.

S6.1.4 The compressive force transmitted axially through each upper leg shall not exceed 2,250 pounds.

S6.1.5 The inner layer of the chamois skin covering the face of the anthropomorphic test dummy shall have not any cuts, tears, or lacerations. The presence of any cuts, tears, or lacerations shall be determined by spreading the inner layer of the chamois skin over a flat translucent surface and examining it to see whether any light is transmitted through the skin.
S6.2 Injury Criteria for the Part 572, Subpart E, Hybrid III Dummy.

S6.2.1 All portions of the test device shall be contained within the outer surfaces of the vehicle passenger compartment throughout the test.

S6.2.2 [One of the following two alternatives would be adopted].

**Alternative One:** S6.2.2 would be revised to read as follows:

S6.2.2 The resultant acceleration at the center of gravity of the head shall be such that the expression:

\[
\left( \frac{1}{(t_2 - t_1)} \int_{t_1}^{t_2} a \, dt \right)^{2.5} (t_2 - t_1)
\]

shall not exceed 1,000, where \( a \) is the resultant acceleration expressed as a multiple of acceleration (the acceleration of gravity), and \( t_1 \) and \( t_2 \) are any two points in time during the crash of the vehicle when there is evidence of head contact with any part of the vehicle other than the belt system.

**Alternative Two:** Section S6.2.2 would be revised to read as follows:

S6.2.2 The resultant acceleration at the center of gravity of the head shall be such that the expression:

\[
\left( \frac{1}{(t_2 - t_1)} \int_{t_1}^{t_2} a \, dt \right)^{2.5} (t_2 - t_1)
\]

shall not exceed 1,000 where \( a \) is the resultant acceleration expressed as a multiple of \( g \) (the acceleration of gravity) and \( t_1 \) and \( t_2 \) are any two points in time during the crash of the vehicle which are separated by not more than a 36 millisecond time interval.

S6.2.3 At any time during the crash, the resultant moment (RM) in the neck shall not exceed 140 lbs-ft in flexion (-My) and 42 lbs-ft in extension (+My) when calculated using the expression:

\[
RM = My(\text{lbs-ft}) + [.0287(\text{ft}) \times Fx(\text{lbs})]
\]

(My (bending moment) and Fx (force) are determined from measurements using the equipment specified in drawing 78051-300 incorporated by reference in Part 572, Subpart E of this Chapter.)

S6.2.4 Axial neck compression loads (+z direction) shall not exceed the loading boundaries of the curve shown in Figure 3.

S6.2.5 Axial neck tension forces (-z direction) shall not exceed the loading boundaries of the curve shown in Figure 4.

S6.2.6 Neck shear forces (x direction) shall not exceed the loading boundaries of the curve shown in Figure 5.
S6.2.7 The resultant acceleration calculated from the thoracic instrumentation shown in drawing 78051-218 incorporated by reference in Part 572, Subpart E of this Chapter shall not exceed 60 g's, except for intervals whose cumulative duration is not more than 3 milliseconds.

S6.2.8 Compression deflection of the sternum relative to spine, as determined by instrumentation shown in drawing 78051-317 incorporated by reference in Part 572, Subpart E of this Chapter, shall not exceed 2 inches for loadings applied through any impact surface except for those systems which symmetrically load the torso during a crash. For systems which symmetrically load the torso, the thorax deflection shall not exceed 3 inches.

S6.2.9 The force transmitted axially through each femur shall not exceed 2250 pounds.

S6.2.10 The inner layer of the chamois skin covering the face of the anthropomorphic test dummy shall have not any cuts, tears, or lacerations. The presence of any cuts, tears, or lacerations shall be determined by spreading the inner layer of the chamois skin over a flat translucent surface and examining it to see whether any light is transmitted through the skin.

S6.2.11 Relative translation of femur and tibia at the knee joint measured using the knee shear module assembly specified in drawing 79051-16 incorporated by reference in Part 572, Subpart E of this Chapter shall not exceed 0.6 inch.

S6.2.12 When measured using the equipment and instrumentation specified in drawing 83-5003-001 incorporated by reference in Part 572, Subpart E of this Chapter, the compressive forces on the inside and outside (medial and lateral) legs of the knee clevis shall not exceed 900 lbs on each leg of the clevis.

S6.2.13 Combined bending and compressive loading of the lower leg, when measured using the equipment and instrumentation specified in drawing 83-5003-001 and 83-5005-001 incorporated by reference in Part 572, Subpart E of this Chapter, shall not exceed a value of 1 when calculated using the expression:

\[
\frac{M}{M_c} + \frac{P}{P_c} < 1
\]

Where \(M\) is the resultant bending moment and \(P\) is the corresponding axial compression force when measured either at the knee or at the ankle using the tibia specified in drawing 85-5003-001 incorporated by reference in Part 572, Subpart E of this Chapter and

\[M_c = 168 \text{ lbs-ft and } P_c = 7,920 \text{ lbs.}\]

S6.2.14 Compressive forces on the inside and outside (medial and lateral) ankle clevis shall not exceed 900 lbs on each leg of the clevis.

6. Section S8.1.8 of Standard No. 208 would be revised to read as follows:

S8.1.8 Anthropomorphic test devices.

S8.1.8.1 Anthropomorphic test devices used for the evaluation of occupant protection systems manufactured pursuant to applicable portions of paragraphs S4.1.2, S4.1.3, and S4.1.4 shall conform to the requirements of Subpart B of Part 572 of this Chapter for a 50th percentile male dummy.

S8.1.8.2 Anthropomorphic test devices used for the evaluation of occupant protection systems manufactured pursuant to applicable portions of paragraphs S4.1.2, S4.1.3, and S4.1.4 shall conform to the requirements of Subpart E of Part 572 of this Chapter for a Hybrid III male dummy.

7. Section S8.1.9 of Standard No. 208 would be revised to read as follows:

S8.1.9 Clothing.

S8.1.9.1 Each Part 572, Subpart B test dummy specified in S8.1.8.1 is clothed in formfitting cotton stretch garments with short sleeves and midcalf length pants. Each foot of the dummy is equipped with a size 1EE shoe which meets the configuration, size, sole, and heel thickness specifications of MIL-S-13192 and weighs 1.25 ± 0.2 pounds.
S8.1.9.2 Each Part 572, Subpart E test dummy specified in S8.1.8.2 is clothed in formfitting cotton stretch garments with short sleeves and midcalf length pants specified in drawings 78051-292 and -293 incorporated by reference in Part 572, Subpart E of this Chapter, respectively, or their equivalents. Each foot of the dummy is equipped with a size 11EE shoe specified in drawings 78051-294 (left) and 78051-295 (right) or their equivalents.

S8.1.9.3 The head of the Part 572 Subpart B and E test dummy shall be covered with two layers, an inner and an outer, of chamois skin (Napa goat-dry). The total thickness of the pair of chamois skins at the center shall be 1.5 ± 0.1 mm (0.06 ± 0.004 in.) and each chamois skin shall be 0.8 ± 0.2 mm (0.03 ± 0.008 in.) thick at its center. The average thickness of each chamois skin, computed from four representative measurements including one at the center, shall also be 0.8 ± 0.2 mm (0.03 ± 0.008 in). The chamois skin with the smaller center thickness shall be used as the outer layer. The two chamois skins shall be taut over the skull cap and secured so that they will maintain their position on the headform during the test. The method of securing shall not interfere with possible laceration to the chamois skins.

8. Section S8.1.13 of Standard No. 208 would be revised to read as follows:

S8.1.13 Temperature of the test environment.

S8.1.13.1 The stabilized temperature of the test instrument specified by S8.1.8.1 is at any level between 66°F and 78°F.

S8.1.13.2 The stabilized temperature of the test instrument specified by S8.1.8.2 is at any level between 69°F and 72°F.

9. A new second sentence would be added to the introductory text of section S10 to read as follows:

***Unless specified otherwise, the positioning procedures specified in this section apply to both the Part 572 Subpart B and Subpart E test dummies.

10. Section S10.4.3.1 would be added to read as follows:

S10.4.3.1 Initial pelvic bone adjustment for Part 572 Subpart E test dummy.

S10.4.3.1.1 H point location. Remove the 50 pound force and record the H point location of the test dummy with respect to vehicle reference surfaces vertically and horizontally.

11. Section S10.6 would be revised to read as follows:

S10.6 Head adjustment.

S10.6.1 Part 572, Subpart B test dummy.

S10.6.1.1 Without inducing torso movement, adjust the head so that the surface of the transverse instrumentation mounting platform in the head is horizontal and the head's midsagittal plane coincides with the longitudinal-vertical plane of the vehicle.

S10.6.2 Part 572, Subpart E test dummy.

S10.6.2.1 H point final adjustment. If needed, adjust the H point location to within ±0.2 in of the horizontal and vertical dimensions established in section S10.4.3.1.1.

S10.6.2.2 H point final orientation. Insert into the gaging hole of the pelvic bone the gaging tool (GM drawing 78051-532) and measure the inclination of the centerline of the gaging tool. If the inclination of the gaging tool exceeds ±1/2 degree, adjust the pelvic bone assembly by lightly rocking it either clockwise or counterclockwise in the transverse plane without moving the upper part of the torso and without affecting the tolerances of the H point location specified in S10.6.2.1 until the 1/2 degree is attained. Remove the gage.

S10.6.2.3 Head adjustment. If necessary, adjust the upper torso by rocking it manually and lightly only in the direction which will produce a horizontal orientation ±1/2 degree of the transverse instrumentation platform of the head and the midsagittal plane coincides with the longitudinal-vertical plane of the vehicle.

Issued: April 8, 1985.

Barry Felrice,
Associate Administrator for Rulemaking.

[FR Doc. 85-8671 Filed 4-8-85; 3:14 pm]
49 CFR Parts 571 and 572
[Docket No. 74-14; Notice 45]

Anthropomorphic Test Dummies; Hybrid III Test Dummy

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This notice adopts the Hybrid III test dummy as an alternative to the Part 572 test dummy in testing done in accordance with Standard No. 208, Occupant Crash Protection. The notice sets forth the specifications, instrumentation, calibration test procedures, and calibration performance criteria for the Hybrid III test dummy. The notice also amends Standard No. 208 so that effective October 23, 1986, manufacturers have the option of using either the existing Part 572 test dummy or the Hybrid III test dummy.

The notice also establishes a new performance criterion for the chest of the Hybrid III test dummy which will limit chest deflection. The new chest deflection limit applies only to the Hybrid III since only that test dummy has the capability to measure chest deflection.

These amendments enhance vehicle safety by permitting the use of a more advanced test dummy which is more human-like in response than the current test dummy. In addition, the Hybrid III test dummy is capable of making many additional sophisticated measurements of the potential for human injury in a frontal crash.

DATES: The notice adds a new Subpart E to Part 572 effective on October 23, 1986. This notice also amends Standard No. 208 of §571.208 so that effective October 23, 1986, manufacturers have the option of using either the existing Part 572 test dummy or the Hybrid III test dummy.

5. In §571.208 S6 of Standard No. 208 is revised to read as follows:

S6. Injury criteria.

S6.1 Injury criteria for the Part 572, Subpart B, 50th percentile Male Dummy.

S6.1.1 All portions of the test dummy shall be contained within the outer surfaces of the vehicle passenger compartment throughout the test.

S6.2 In Part 572, Subpart E, Hybrid III Dummy.

S6.2.1 All portions of the test dummy shall be contained within the outer surfaces of the vehicle passenger compartment throughout the test.

S6.2.2 The resultant acceleration at the center of gravity of the head shall be such that the expression:

\[ \left[ \frac{1}{(t_2 - t_1)} \int_{t_1}^{t_2} \text{accel} \right]^{2.5} \]

shall not exceed 1,000, where \( \text{accel} \) is the resultant acceleration expressed as a multiple of g (the acceleration of gravity), and \( t_1 \) and \( t_2 \) are any two points during the crash.

S6.2.3 The resultant acceleration calculated from the thoracic instrumentation shown in drawing 78051-218, revision L incorporated by reference in Part 572, Subpart E of this Chapter shall not exceed 60 g's, except for intervals whose cumulative duration is not more than 3 milliseconds.

S6.2.4 Compression deflection of the sternum relative to spine, as determined by instrumentation shown in drawing 78051-317, revision A incorporated by reference in Part 572, Subpart E of this Chapter, shall not exceed 2 inches for loadings applied through any impact surfaces except for those systems which are gas inflated and provide distributed loading to the torso during a crash. For gas inflated systems which provide distributed loading to the torso the thoracic deflection shall not exceed 3 inches.
6. In §571.208, S8.1.8 of Standard No. 208 is revised to read as follows:

S8.1.8 Anthropomorphic test dummies.

6.2.5 The force transmitted axially through each upper leg shall not exceed 2250 pounds.

S8.1.8.1 The anthropomorphic test dummies used for evaluation of occupant protection systems manufactured pursuant to applicable portions of paragraphs S4.1.2, 4.1.3, and S4.1.4 shall conform to the requirements of Subpart B of Part 572 of this Chapter.

S8.1.8.2 Anthropomorphic test devices used for the evaluation of occupant protection systems manufactured pursuant to applicable portions of paragraphs S4.1.2, S4.1.3, and S4.1.4 shall conform to the requirements of Subpart E of Part 572 of this Chapter.

APPENDIX G

49 CFR Parts 571 and 585

[Docket No. 74-14; Notice 47]

Occupant Crash Protection and Automatic Restraint Phase-In Reporting

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

C. Adoption of 36 Millisecond HIC Limit

As discussed earlier in this notice, the agency proposed a time limit for the HIC calculation because the current method can produce an artificially high HIC for a crash which has relatively low acceleration level, but a long time duration. To evaluate the effects of the proposal, NHTSA took the NCAP results and recalculated the HIC using the proposed 36 millisecond limit. That analysis shows that the 36 millisecond limit would have only a minor effect on HIC scores recorded in the NCAP tests. As discussed above, using the current HIC calculation, the average HIC for the 291 tests was 1107 and the percentage of HIC’s that exceeded 1000 was 46 percent. Using a 36 millisecond limit, the average HIC dropped slightly to 1061, and the percentage of HIC values that exceeded 1000 dropped to 41 percent. Thus, the results show that in the NCAP tests, which are conducted at 35 mph, the average HIC value would be only four percent lower when calculated with the 36 millisecond limit. In addition, the results showed that of the 291 NCAP tests only 38 tests had both a HIC value which exceeded 1000 and a HIC duration exceeding 36 milliseconds. Of this group of 38 tests, there are only 15 instances in which the 36 millisecond limit results in a new HIC value less than 1,000. Since the NCAP tests at 35 mph involve 36 percent greater energy than the 30 mph tests used in Standard No. 208 compliance testing, the number of HIC values possibly changing from above 1000 to below 1000 because of the 36 millisecond limit should be even less in the Standard No. 208 compliance tests.

The agency further examined these 15 instances of HIC’s greater than 1000 being recalculated to be less than 1000. In 12 of these 15 cases, the original HIC (i.e., without a time limitation) was between 1000 and 1074. Again at 30 mph, with 36 percent less energy involved, it is doubtful if any of these vehicles would have had occupant HIC’s greater than 1000. Thus, in only three cases (one percent of the total involved) would a “fail” have potentially become a “pass”, using the 208 criteria. If this same value is associated with 30 mph barrier tests, the risks to safety associated with having a HIC calculation which is founded on a sounder basis than the current calculation are not significant.

To further evaluate the effects of a 36 millisecond limit, the agency specifically examined the potential impact of the new HIC calculation on whether a vehicle will pass or fail the HIC of 1000 limit set in Standard No. 208. NATSA recalculated the HICs recorded in a wide variety of 30 mph crash tests, which is the compliance test speed used in Standard No. 208. The tests included vehicles using the following different types of restraint systems: manual lap/shoulder belts, automatic belts, air bags only and air bag with lap and lap/shoulder belts. In addition, the agency recalculated the HIC values recorded in 30 mph tests with unrestrained occupants, which would simulate the types of HIC values that could be recorded in vehicles with built-in safety features. (The results of those tests are discussed in Chapter III of the Final Regulatory Evaluation on HIC.) The agency’s analysis shows that in all the 30 mph tests, the 36 millisecond limit does not change a “failing” HIC into a “passing” HIC. Thus, a vehicle which currently does not comply with the HIC requirement of Standard No. 208 using the prior HIC calculation method also will not comply using the 36 millisecond limit.

6. S6.2 of §571.208 is revised to read as follows:

S6.2 The resultant acceleration at the center of gravity of the head shall be such that the expression:

\[
\frac{1}{(t_2 - t_1)} \int_{t_1}^{t_2} a dt \leq 2.5^{2.5} (t_2 - t_1)
\]

shall not exceed 1,000 where a is the resultant acceleration expressed as a multiple of g (the acceleration of gravity), \(t_1\) and \(t_2\) are any two points in time during the crash of the vehicle which are separated by not more than a 36 millisecond time interval.
Appendix H
U.S. Court of Appeals (1972)
(Excerpts)

The Automobile Safety Act of 1966 (15 U.S.C. §§1381-1431) which empowers the Agency to set minimum performance standards for newly manufactured automobiles, provides that all standards "shall be practicable, shall meet the need for motor vehicle safety, and shall be stated in objective terms." 15 U.S.C. §1392(a). In addition, the Agency must consider relevant available motor vehicle safety data; (15 U.S.C. §1392(f)(1)), and must consider "whether any such proposed standard is reasonable, practicable and appropriate for the particular type of motor vehicle . . . for which it is prescribed." 15 U.S.C. §1392(f)(3). These factors represent the statutory minimum substantive criteria against which each automobile safety standard must be tested.

In summary, the function of this Court is to test the "validity" of Standard 208. Although we are not empowered to substitute our judgment as to discretionary decisions made by the Agency, we will look to the underlying record to determine whether a factual basis exists for the Agency's decisions and to determine whether the statutorily required concise general statement of the Agency's purpose is properly supported. In order to be valid, Standard 208 must meet all statutorily prescribed criteria, and the Agency must have complied with all applicable procedural requirements.

We conclude that Paragraph S8.1.8 of Standard 208 which requires the use of the anthropomorphic test device as defined in SAE Recommended Practice J963 to be invalid; the remaining portions of the standard which do not depend for their effectiveness upon Paragraph S8.1.8 are valid and remain in effect. 49 C.F.R. §571.9. The proceeding is remanded to the Agency with instructions that any further specifications for test devices be made in objective terms which will assure comparable results among testing agencies, and that the effective date for the implementation of passive restraints be delayed until a reasonable time after such test specifications are issued.
Appendix I

Part 501 (NHTSA Organization) & Part 553 (Rulemaking Procedures)
(Excerpts)

PART 501—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

§501.1 Purpose.

This part describes the organization of the National Highway Traffic Safety Administration (NHTSA) through Associate Administrator and Staff Office Director levels and provides for the performance of duties imposed on, and the exercise of powers vested in the Administrator of the NHTSA (hereafter referred to as the "Administrator").

§501.2 General.

The Administrator is delegated authority by the Secretary of Transportation (49 CFR 1.50) to:

(a) Carry out the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1381 et seq.).

(b) Carry out the Highway Safety Act of 1966, as amended (23 U.S.C. 401 et seq.) except for highway safety programs, research, and development relating to highway design, construction and maintenance, traffic control devices, identification, and highway-related aspects of pedestrian and bicycle safety.

(c) Exercise the authority vested in the Secretary by section 210(2) of the Clean Air Act, as amended (42 U.S.C. 7546(b)).

(d) Exercise the authority vested in the Secretary by section 204(b) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 433(b)) with respect to the laws administered by the National Highway Traffic Safety Administration pertaining to highway, traffic, and motor vehicle safety.


(f) Carry out the functions vested in the Secretary by the Motor Vehicle Information and Cost Savings Act, as amended (15 U.S.C. 1901 et seq.) except section 512.

(g) Administer the following sections of Title 23, U.S.C., with the concurrence of the Federal Highway Administrator:

(1) 141, as it relates to certification of the enforcement of speed limits; and

(2) 154 (a), (b), (d), (e), (f), (g) and (h); and

(3) 158.

(h) Carry out the functions vested in the Secretary by section 1(a) of Executive Order 11912.

PART 553—RULEMAKING PROCEDURES

Subpart A—General


§553.1 Applicability.

This part prescribes rulemaking procedures that apply to the issuance, amendment, and revocation of rules pursuant to the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act.


[38 FR 20086, July 27, 1973]
§553.3 Definitions.


"Administrator" means the Administrator of the National Highway Traffic Safety Administration or a person to whom he has delegated final authority in the matter concerned.

"Rule" includes any order, regulation, or Federal motor vehicle safety standard issued under the Acts.


§553.5 Regulatory docket.

(a) Information and data deemed relevant by the Administrator relating to rulemaking actions, including notices of proposed rulemaking; comments received in response to notices; petitions for rulemaking and reconsideration; denials of petitions for rulemaking and reconsideration; records of additional rulemaking proceedings under §553.25; and final rules are maintained in the Docket Room, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C., 20590.

(b) Any person may examine any docketed material at the Docket Room at any time during regular business hours after the docket is established, except material ordered withheld from the public under applicable provisions of the Acts and section 552(b) of title 5 of the U.S.C., and may obtain a copy of it upon payment of a fee.


§553.7 Records.

Records of the National Highway Traffic Safety Administration relating to rulemaking proceedings are available for inspection as provided in section 552(b) of title 5 of the U.S.C. and Part 7 of the regulations of the Secretary of Transportation (Part 7 of this title).

[36 FR 1147, Jan. 23, 1971]

Subpart B—Procedures for Adoption of Rules


§553.11 Initiation of rulemaking.

The Administrator may initiate rulemaking either on his own motion or on petition by any interested person after a determination in accordance with Part 552 of this title that grant of the petition is advisable. The Administrator may, in his discretion, also consider the recommendations of other agencies of the United States.

[40 FR 42015, Sept. 10, 1975]

§553.13 Notice of proposed rulemaking.

Unless the Administrator, for good cause, finds that notice is impracticable, unnecessary, or contrary to the public interest, and incorporates that finding and a brief statement of the reasons for it in the rule, a notice of proposed rulemaking is issued and interested persons are invited to participate in the rulemaking proceedings under applicable provisions of the Acts.

[40 FR 42015, Sept. 10, 1975]

§553.15 Contents of notices of proposed rulemaking.

(a) Each notice of proposed rulemaking is published in the Federal Register, unless all persons subject to it are named and are personally served with a copy of it.

(b) Each notice, whether published in the Federal Register or personally served, includes—

(1) A statement of the time, place, and nature of the proposed rulemaking proceeding;

(2) A reference to the authority under which it is issued;

(3) A description of the subject and issues involved or the substance and terms of the proposed rule;

(4) A statement of the time within which written comments must be submitted; and

(5) A statement of how and to what extent interested persons may participate in the proceeding.

§553.17 Participation of interested persons.

(a) Any interested person may participate in rulemaking proceedings by submitting comments in writing containing information, views or arguments.
(b) In his discretion, the Administrator may invite any interested person to participate in the rulemaking procedures described in §553.25.

§553.19 Petitions for extension of time to comment.

A petition for extension of the time to submit comments must be received not later than 10 days before expiration of the time stated in the notice. The petition must be submitted to: Administrator, National Highway Traffic Safety Administration, U.S. Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590. It is requested, but not required, that 10 copies be submitted. The filing of the petition does not automatically extend the time for petitioner’s comments. Such a petition is granted only if the petitioner shows good cause for the extension, and if the extension is consistent with the public interest. If an extension is granted, it is granted to all persons, and it is published in the Federal Register.


§553.21 Contents of written comments.

All written comments shall be in English. Unless otherwise specified in a notice requesting comments, comments may not exceed 15 pages in length, but necessary attachments may be appended to the submission without regard to the 15-page limit. Any interested person shall submit as a part of his written comments all material that he considers relevant to any statement of fact made by him. Incorporation by reference should be avoided. However, if incorporation by reference is necessary, the incorporated material shall be identified with respect to document and page. It is requested, but not required, that 10 copies of the comments and attachments, if any, be submitted.


§553.23 Consideration of comments received.

All timely comments are considered before final action is taken on a rulemaking proposal. Late filed comments may be considered as far as practicable.

§553.25 Additional rulemaking proceedings.

The Administrator may initiate any further rulemaking proceedings that he finds necessary or desirable. For example, interested persons may be invited to make oral arguments, to participate in conferences between the Administrator or his representative and interested persons at which minutes of the conference are kept, to appear at informal hearings presided over by officials designated by the Administrator at which a transcript or minutes are kept, or participate in any other proceeding to assure informed administrative action and to protect the public interest.

§553.27 Hearings.

(a) Sections 556 and 557 of title 5, United States Code, do not apply to hearings held under this part. Unless otherwise specified, hearings held under this part are informal, nonadversary, fact-finding proceedings, at which there are no formal pleadings or adverse parties. Any rule issued in a case in which an informal hearing is held is not necessarily based exclusively on the record of the hearing.

(b) The Administrator designates a representative to conduct any hearing held under this part. The Chief Counsel designates a member of his staff to serve as legal officer at the hearing.

§553.29 Adoption of final rules.

Final rules are prepared by representatives of the office concerned and the Office of the Chief Counsel. The rule is then submitted to the Administrator for its consideration. If the Administrator adopts the rule, it is published in the Federal Register, unless all persons subject to it are named and are personally served with a copy of it.

§§553.31-553.33 [Reserved]

§553.35 Petitions for reconsideration.

(a) Any interested person may petition the Administrator for reconsideration of any rule issued under this part. The petition shall be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. It is requested, but not required, that 10 copies be submitted. The petition must be received not later than 30 days after publication of the rule in the Federal Register. Petitions filed after that time will be considered as petitions filed under Part 552 of this chapter. The petition must contain a brief statement of the complaint and an explanation as to why compliance with the rule is not practicable, is unreasonable, or is not in the public interest. Unless otherwise specified in the final rule, the statement and explanation together may not exceed 15 pages in length, but necessary attachments may be appended to the submission without regard to the 15-page limit.

(b) If the petitioner requests the consideration of additional facts, he must state the reason they were not presented to the Administrator within the prescribed time.
(c) The Administrator does not consider repetitious petitions.

(d) Unless the Administrator otherwise provides, the filing of a petition under this section does not stay the effectiveness of the rule.


[42 FR 58949, Nov. 14, 1977]

§553.37 Proceedings on petitions for reconsideration.

The Administrator may grant or deny, in whole or in part, any petition for reconsideration without further proceedings. In the event he determines to reconsider any rule, he may issue a final decision on reconsideration without further proceedings, or he may provide such opportunity to submit comment or information and data as he deems appropriate. Whenever the Administrator determines that a petition should be granted or denied, he prepares a notice of the grant or denial of a petition for reconsideration, for issuance to the petitioner, and issues it to the petitioner. The Administrator may consolidate petitions relating to the same rule.

§553.39 Effect of petition for reconsideration on time for seeking judicial review.

The filing of a timely petition for reconsideration of any rule issued under this part postpones the expiration of the 60-day period in which to seek judicial review of that rule, as to every person adversely affected by the rule. Such a person may file a petition for judicial review at any time from the issuance of the rule in question until 60 days after publication in the Federal Register of the Administrator’s disposition of any timely petitions for reconsideration.

[35 FR 19268, Dec. 19, 1970]

APPENDIX—STATEMENT OF POLICY: ACTION ON PETITIONS FOR RECONSIDERATION.

It is the policy of the National Highway Traffic Safety Administration to issue notice of the action taken on a petition for reconsideration within 90 days after the closing date for receipt of such petitions, unless it is found impracticable to take action within that time. In cases where it is so found and the delay beyond that period is expected to be substantial, notice of that fact, and the date by which it is expected that action will be taken, will be published in the Federal Register.

[39 FR 14593, Apr. 25, 1974]
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Jeffrey A. Pike has fifteen years of professional experience in biomechanics, human tolerance, and regulatory test procedures, devices and criteria. His educational background includes studies at the Polytechnic Institute of New York, New York University and the University of Michigan. He is a member of the American Association of Clinical Anatomists, the Association for the Advancement of Automotive Medicine, the New York Academy of Science, the IEEE Engineering Management, and Engineering in Medicine and Biology Groups, and the Society of Automotive Engineers' Subcommittees on Mechanical Human Simulation, Human Mechanical Response and Injury Criteria. He has extensive experience in presenting technical information and guest lectures at various medical schools, including the University of Michigan and Harvard. Pike is currently a Senior Research Engineer, Automotive Safety Office, Ford Motor Company.