



November 25, 2019

National Highway Traffic Safety Administration  
West Building, Ground Floor  
Room W12-140  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

**Re:** Tesla's Comments in Response to "Federal Motor Vehicle Safety Standards; Occupant Crash Protection," 84 Fed. Reg. 51076 (September 27, 2019); Docket No. NHTSA-2019-0093

To Whom It May Concern:

Tesla, Inc. ("Tesla" or the "Company"), is pleased to submit written comments to the National Highway Traffic Safety Administration ("NHTSA" or the "Agency") in response to the Agency's September 27, 2019, Advance Notice of Proposed Rulemaking ("ANPRM") to require a seatbelt use warning system for rear seats. We support the adoption of a warning system for rear seatbelt use, with a recommendation for NHTSA to harmonize their rulemaking with the Euro NCAP's or, secondarily, with ECE R16.

Tesla makes occupant detection and seatbelt reminder ("SBR") standard equipment for all seating positions in all US customer vehicles, and we intend to continue this policy in future products. Rear SBR is part of the current Euro NCAP assessment protocol, to which the 2019 Model 3 recently was awarded an overall 5 stars. The warning requirements in the protocol for rear SBR are among the most stringent and, as such, are the leading industry benchmark. We encourage NHTSA to model its rulemaking after Euro NCAP's, in part because it is a proven high mark and in part because manufacturers are already designing rear SBR to it. Smart harmony across two major markets will accelerate industry adoption and support.

If NHTSA opts not to harmonize with Euro NCAP's protocol for rear SBR, then, at a minimum, we recommend NHTSA not develop a rulemaking that materially conflicts with Euro NCAP's, such that meeting the requirements in Euro NCAP's protocol will also meet NHTSA's rulemaking.

As another alternative, though less desirable for advancing rear SBR use, NHTSA may opt to model its rulemaking after the rear SBR requirements found in ECE R16. Notably, ECE R16 allows for short- or long-term user deactivation. While we believe this allowance diminishes the safety value inherent in rear SBR, we appreciate that it may offer a workable compromise for resistant manufacturers.

Based on our experience with these systems, we recommend two considerations for pragmatism. First, with regard to child seats, NHTSA should allow for reconfiguration for a child seat mode. Because child seats are typically detected as an occupied location based on their weight, even when empty, and because most child seats are installed using an ISOfix LATCH and top tether, the reminder will report as unbuckled. These false warnings are a nuisance for drivers, and can lead to drivers ignoring genuinely important belt warnings. Tesla avoids this in our system, by enabling the driver to switch to a child seat mode that suppresses the warning.

Second, NHTSA asked whether these warnings must occur before a driver shifts a vehicle into drive. We recommend against this. While antiquated combustion engines and hydraulic transmissions can take a significant time to enable shifting into drive, a transmission-less electric vehicle can shift to drive much faster. Requiring a guarantee for the warning to occur before drive would potentially amount to a seatbelt drive interlock and potentially delay shifting into drive. This is unnecessary, could result in driver frustrations that diminish acceptance, and lead to hasty detection that increases the potential for error.

\* \* \*

Tesla appreciates this opportunity to share our comments in response to the ANPRM. If NHTSA has any questions or comments regarding this submission, please feel free to contact me at [aprescott@tesla.com](mailto:aprescott@tesla.com) or my colleague, Eric Williams, at [erwilliams@tesla.com](mailto:erwilliams@tesla.com).

Sincerely,



Al Prescott

*Deputy General Counsel and Director of Regulatory Affairs*