

February 5, 2020

National Highway Traffic Safety Administration

**Attn: Docket No. NHTSA-2019-0121**

Replica Motor Vehicles; Vehicle Identification Number (VIN)  
Requirements; Manufacturer Identification; Certification; Proposed Rule

These comments are provided by NTEA – The Association for the Work Truck Industry to NHTSA’s notice of proposed rulemaking (NPRM) as published in the January 7, 2020 Federal Register.

**NTEA**

NTEA is the nation's only trade association representing distributors and manufacturers of multi-stage produced, work related trucks, truck bodies and equipment. NTEA also represents various industry-related firms and organizations. NTEA currently has over 2,000 member companies. Many NTEA member companies are small businesses that sell on a local or regional basis.

Many NTEA members are closely held corporations or independent proprietorships, run by community-based management, operating a single facility and employing a small local work force. The average distributor member of NTEA, the companies that sell and install truck bodies and related equipment (and generally are considered as final stage manufacturers under NHTSA definitions), have been in business some 30 years and employ some 20 people. The vast majority of NTEA members that are final stage motor vehicle manufacturers (FSM’s) would qualify as small businesses for purposes of the Small Business Act and the Regulatory Flexibility Act.

Vehicles produced by NTEA member companies for commercial or vocational use include, but are not limited to, dump trucks, utility company vehicles, van-based delivery or service vehicles, aerial bucket trucks, tow trucks, beverage delivery trucks, digger derricks, snow removal vehicles, agricultural platform and stake body trucks, fire trucks, ambulances and a host of other specialized configurations.

The typical NTEA distributor member (an FSM by NHTSA definition) is capable of producing an almost endless variety of vehicle configurations. They can mount any one of numerous body types and work equipment on a chassis from any of the original equipment manufacturers (OEM). For instance, an NTEA member company may mount a utility body on a Dodge chassis one day, an aerial bucket on a Ford chassis the next day and a dump body on a Freightliner chassis the next. Items such as toolboxes, winches, liftgates and ladders might also be added before the vehicle is completed.

The NTEA’s Membership Roster and Product Directory lists some 130 separate body types. Each of these body types could be mounted to multiple truck chassis from multiple chassis (OEM)

manufacturers. In addition, multiple combinations of equipment (ladder racks, winches, snow plows, salt spreaders, light bars, towing hardware, liftgates and hundreds of other mountable components) can be added to any of the aforementioned chassis/body combinations.

An NTEA member company who is a final stage manufacturer for NHTSA purposes could be called upon to build any of these permutations.

## **NPRM**

In response to Section 24405 of the Fixing America's Surface Transportation Act (FAST Act) NHTSA proposes to exempt certain replica motor vehicles manufactured or imported by low-volume manufacturers from Federal motor vehicle safety standards (FMVSS). To implement the exemption program the Agency proposes in Part 586 new requirements for registering as a replica manufacturer, submitting annual reports, providing consumer disclosures, and labeling. NHTSA also proposes to amend Part 565, to require manufacturers to encode specific information into each replica vehicle's VIN, and Parts 566 and 567 for manufacturer identification and vehicle certification.

In general, NTEA believes the proposed requirements should not adversely affect multi-stage vehicle manufacturers. NTEA believes, however, that some separation or clarification may be beneficial to both the Agency and the regulated community.

## **Parts 586 and 567**

NTEA suggests that, if possible, it would be helpful to keep the requirements for Replica Motor Vehicles self-contained in the new Part 586 and not modify Part 567 to incorporate the accommodations for the replica vehicles manufacturers.

These accommodations are quite similar to what was created in Part 595, Subpart C—*Vehicle Modifications To Accommodate People With Disabilities*, which effectively incorporates all the requirements for the modifiers of the vehicles in that Subpart. The requirements for identification and registration with NHTSA, labeling and providing information to the end-user regarding the non-compliance of the vehicle to certain FMVSS would seem to be similar enough in nature to allow Part 586 to incorporate all these needed elements without modifying Part 567 or potentially Part 568.

The following are noted similarities in these requirements that could merit consistent treatment of the requirements for Replica Motor Vehicles to be self-contained in Part 586:

- Part 595.7(d)(1) requires modifier's label to be "permanently affixed to the vehicle", as a requirement for a "permanent label" is emphasized in the NPRM for Replica Vehicles. Also, the proposed additional section of Part 567.8 does not refer back to previous portions of 567, so that section could potentially be moved in its entirety under Part 586. This would additionally address NHTSA's comments regarding the permanent label's placement, which is self-contained in the proposed 567.8(c).

- 595.7(b) requires modifiers to “provide and retain a document of the type and in the manner described in paragraph (e) of this section”, which contains a list of the Federal motor vehicle safety standards or portions thereof specified in paragraph (c) of that section with which the vehicle may no longer be in compliance. Similarly, the Make Inoperative exclusions are for some, but not all, FMVSS or for portions of particular FMVSS, just as the Replica Motor Vehicles are excluded from the vehicle standards of the FVMSS, but not the equipment standards.
- Part 595.6 also requires the modifier to provide identifying information to NHTSA.

### **Vehicles Built in two or more stages**

NHTSA requests comments on whether the replica vehicle program should exclude vehicles manufactured in two or more stages.

NTEA agrees with NHTSA’s assertion that incomplete vehicle manufacturers are typically not low-volume manufacturers. Certainly, in the work truck/vocational truck marketplace the incomplete vehicle manufacturers are very large OEM’s and would not qualify as a low-volume manufacturer.

NTEA supports the consideration of excluding the multi-stage manufacturing process from these exemptions. Any company creating a replica vehicle based on an OEM chassis would fail to meet the requirements of a low-volume manufacturer.

Additionally, we concur with NHTSA that ensuring compliance across multiple manufacturing sources, particularly with regard to VIN’s, would be difficult.

Another concern to including multistage manufacturing in the proposed exemptions is that there is no concurrent proposal for a new version of an incomplete vehicle document to provide a compliance (or information) pathway between multiple manufacturers.

### **Other Considerations**

NHTSA could consider limiting the exemptions by vehicle type. The Agency may want to consider exemptions for replica vehicles that are passenger cars, MPV’s or motor cycles but may want to further evaluate the efficacy of a replica school bus vis a vis certain FMVSS exemptions.

Another consideration with regard to vehicle types could be tractors. A “replica tractor” might be considered in the marketplace as desirable for the potential to avoid current emissions requirements and possibly the otherwise applicable federal excise tax. Any replica vehicles that may be produced with the intention of putting them into commercial service could be problematic for similar reasons if intended to be used for the same purposes as new commercial vehicles.