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January 27, 2021

***By Electronic Submission to Regulations.gov***

U.S. Department of Transportation  
1200 New Jersey Avenue SE  
West Building  
Ground Floor, Room W12-140  
Washington, DC 20590-0001

**Docket No. NHTSA-2016-0031; RIN 2127-AL67**

**RE: Make Inoperable Exemptions; Vehicle Modifications to Accommodate People with Disabilities**

Ladies and Gentlemen:

Harmar Mobility, LLC (“Harmar”) appreciates the opportunity to provide comments to the National Highway Traffic Safety Administration’s (“NHTSA’s”) supplemental notice of proposed rulemaking, which would codify in regulation a narrow exemption that increases the mobility of people with disabilities while maintaining motor vehicle safety. Harmar is a leading U.S. manufacturer of outside vehicle lifts and other accessibility solutions that attach to a hitch receiver and are designed to safely transport a power chair, scooter, or manual wheelchair on a vehicle. For more than 20 years, we have been committed to creating products such as personal mobility device (PMD) transporters that help people with disabilities maintain independence. Harmar is proud of the contribution our PMD transporters can offer underrepresented communities including Veterans, whom we are fortunate to serve through our contract with the U.S. Department of Veteran Affairs (VA).

Harmar overwhelmingly supports the additions to 49 C.F.R. 595.3 and 595.7 proposed by NHTSA. The exemption for PMD transporters is necessary so that dealers and motor vehicle repair businesses can better enable the mobility of people with disabilities in light of the rear visibility requirements in FMVSS No. 111. As proposed, the codified language (1) relates to temporary installations on a vehicle by way of trailer hitch; (2) specifies that the installation be that of a PMD transporter for the use of a person with a disability; and (3) establishes the role of dealers and motor vehicle repair businesses in PMD transporter installations. These multiple conditions ensure the practical exemption is undoubtedly as narrow as possible and consistent with motor vehicle safety.

First, the modifications permitted under the proposed exemption would be temporary in that they do not permanently affect the vehicle’s design or structure. This condition to the exemption

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would preclude entities from permanently disabling the backup camera system or making it otherwise inoperative in contexts other than when attaching a PMD transport device to the vehicle.

Second, the exemption is further narrowed by specifying that the installation be that of a PMD transporter for the use of a person with a disability. This condition would consequently limit the number of vehicles potentially modified for two reasons -- the exemption would not be widely available beyond the population of persons with disabilities and the exemption requires that the installation be that of a PMD transporter and not other types of temporary equipment.

Third, the proposed rule would be consistent with motor vehicle safety because it establishes the role of dealers and motor vehicle repair businesses in PMD transporter installations. Dealers and motor vehicle repair businesses specialize in modifications and can therefore help maintain motor vehicle safety given the installation professionals' background qualifications, and experience.

It is clear that the multiple conditions placed on the exemption narrow it to very limited circumstances and, in such circumstances, motor vehicle safety is assured through the experienced dealer and motor vehicle repair business professionals performing the installation. Without this codified exemption, the mobility of people with disabilities will be curtailed and they may be required to acquire significantly more expensive vehicles to transport their wheelchairs or mobility devices. For many persons with disabilities, this is simply not an option.

Harmar looks forward to the rule being finalized. The anticipated regulatory certainty will allow us to better serve persons with disabilities that rely on PMD transporter installation for increased independence and mobility. On behalf of Harmar and our customers, we thank NHTSA for allowing us to express our support of the narrow exemption to the rear visibility requirements in FMVSS No. 111 for dealer- or motor vehicle repair business-installed PMD transporters.

Sincerely,



Steven E. Dawson, CEO  
Harmar Mobility, LLC