

January 27, 2021

Ryan Posten
Associate Administrator, Rulemaking
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

RE: Supplemental Notice of Proposed Rulemaking (NPRM); Make Inoperative Provisions; Vehicle Modifications to Accommodate People with Disabilities, NHTSA Docket No. 2016-0031, 85 Fed. Reg. 84281 (December 28, 2020)

Dear Mr. Posten:

The Alliance for Automotive Innovation (“Auto Innovators”) provides its comments on NHTSA’s December 28, 2020, supplemental notice of proposed rulemaking (SNPRM) to amend its regulations regarding “Make Inoperative Exemptions; Vehicle Modifications to Accommodate People with Disabilities.” Auto Innovators is comprised of manufacturers producing nearly 99% of new cars and light trucks sold in the U.S. as well as original equipment suppliers, technology and other automotive-related companies, and trade associations. Our comments are limited to the proposal to permit rental car companies to make inoperative a knee bolster air bag, on a temporary basis, to permit the temporary installation of hand controls to accommodate individuals with physical disabilities seeking to rent the vehicle.

We support NHTSA’s efforts to enhance transportation opportunities for individuals with disabilities, while balancing the need to assure safety as proposed by the agency with regard to deactivation of the knee bolster airbag as requested by Enterprise to allow for installation of hand controls for persons with disabilities. Some of our member companies have experience installing so-called shunt resistors for the purpose of disabling airbags during vehicle development and testing situations. However, using this method to disable airbags in production vehicles will require the rental car company (i.e., Enterprise in this case) to confirm the proper operation of the non-disabled passive restraint system prior to implementing the proposed strategy regarding disabling knee airbags as well as assume responsibility for the field performance of their airbag system modification.

It is our understanding that the procedure proposed by Enterprise results in deactivation of the telltale associated with the deactivation of the knee bag. For all other aspects of the deployable restraint system operation, the telltale would operate normally. This approach is a reasonable one, in our view. It is true that leaving the telltale activated during all vehicle operation would serve as a reminder to the driver that the full occupant restraint system, as designed by the manufacturer, is not functioning due to the modifications made by the rental company. The activation of the telltale would also remind the rental company that the occupant protection system must be restored to its original configuration when the vehicle is no longer being used in this particular manner/configuration. However, leaving the telltale activated during all vehicle operation could confuse the driver, who as a rental car customer is not familiar with the vehicle, as to the safety of operating the vehicle. It also would not provide a warning of any malfunction of the air bag system (other than the knee bolster) during the period of the exemption. Given the limited scope of the proposed telltale deactivation (only applying to the knee bolster), the approach proposed by Enterprise is, on balance, preferable.

We also agree that the affected vehicle must be restored to its original configuration after the vehicle is no longer being rented to person(s) with a disability requiring hand controls. This will help assure that the vehicle provides its intended level of occupant protection for subsequent users. The temporary label that the rental company affixes to the vehicle should be conspicuously located and should remain in place until the vehicle modifications have been fully reversed. The rental company should maintain records regarding the modifications done to the vehicle, by make, model, and VIN and the same for when the modifications are reversed. Records should be kept until 5 years after the modifications are reversed. This would help provide some assurance that the air bag system (including the telltale) is eventually restored to its original configuration.

Auto Innovators appreciates the opportunity to provide input to NHTSA on this important topic. We look forward to any follow up with the agency to expand on these comments further.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Schmidt", with a stylized flourish at the end.

Scott Schmidt
Vice President, Safety Policy

