



U.S. Department
of Transportation
National Highway
Traffic Safety
Administration

COPY

400 Seventh Street, S.W.
Washington, D.C. 20590

Wolf Ebel, President
Schroth Restraint Systems
Biomatik USA Corp.
P.O. Box 2119
Boulder, CO 80306

Dear Mr. Ebel:

This responds to a September 22, 1993, letter from Mr. Stephen M. Monseu of your company, asking whether the products manufactured by Schroth Restraint Systems (the Rally 3, Rally 4, and Autocontrol harness belt systems) meet the requirements of Standard No. 208, Occupant Crash Protection, and Standard No. 209, Seat Belt Assemblies. The September 22 letter stated that these are after-market belt systems, intended for installation in addition to the factory-installed occupant protection system. This also responds to a January 5, 1994, letter asking whether the Schroth restraint systems would meet the requirements of Standard No. 208 if they were installed as original equipment in a motor vehicle.

By way of background information, the National Highway Traffic Safety Administration (NHTSA) is authorized under the National Traffic and Motor Vehicle Safety Act (15 U.S.C. §1381 et seq.; Safety Act) to issue Federal motor vehicle safety standards that apply to the manufacture and sale of new motor vehicles and new items of motor vehicle equipment. Section 108(a)(1)(A) of the Safety Act (15 U.S.C. 1397(a)(1)(A)) prohibits any person from manufacturing, introducing into commerce, selling, or importing any new motor vehicle or item of motor vehicle equipment unless the vehicle or equipment item is in conformity with all applicable safety standards. NHTSA does not approve motor vehicles or motor vehicle equipment, nor do we endorse any commercial products. Instead, the Safety Act establishes a "self-certification" process under which each manufacturer is responsible for certifying that its products meet all applicable safety standards. Thus, while I cannot advise concerning whether or not the Schroth restraint systems comply with applicable safety standards, I can explain how the standards would apply to these products.

NHTSA has exercised its authority to establish four safety standards that may be relevant to the Schroth restraint systems.



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The first is Standard No. 208, Occupant Crash Protection (49 CFR §571.208), which sets forth requirements for occupant protection at the various seating positions in vehicles. The second relevant standard is Standard No. 209, Seat Belt Assemblies (49 CFR §571.209), which sets forth strength, elongation, webbing width, durability, and other requirements for seat belt assemblies. The third relevant safety standard is Standard No. 210, Seat Belt Assembly Anchorages, which establishes strength and location requirements for seat belt anchorages. The final relevant safety standard is Standard No. 302, Flammability of Interior Materials. This standard specifies burn resistance requirements for materials used in the occupant compartment of motor vehicles.

Because federal law operates differently depending on when the installation of the Schroth restraint system occurs, I will separately discuss three possible scenarios.

Installation as Original Equipment

Standards No. 208, No. 210, and No. 302 apply, with certain exceptions that are not relevant to your product, to vehicles and not directly to items of equipment. Thus, the vehicle manufacturer, and not the equipment manufacturer, would be responsible for certifying that the vehicle complies with these standards with the Schroth restraint system installed in the vehicle.

Standard No. 208 requires seat belts to be installed at all designated seating positions in many, but not all, vehicles. Different belt installation requirements apply depending on the vehicle type, seating position within the vehicle, and the gross vehicle weight rating (GVWR) of the vehicle. The belt installation requirements can be divided into three categories:

- Automatic crash protection systems which protect their occupants by means that require no action by vehicle occupants. Compliance with the automatic crash protection requirements of Standard No. 208 is determined in a dynamic crash test. That is, a vehicle must comply with specified injury criteria, as measured on a test dummy, in a 30 mph barrier crash test. The two types of automatic crash protection currently offered are automatic safety belts (which help to assure belt use) and air bags (which supplement safety belts and offer some protection even when safety belts are not used). A new Federal statutory requirement makes air bags accompanied by manual Type 2 seat belts mandatory in all passenger cars and light trucks by the late 1990's.

- Type 2 seat belt assemblies, defined in Standard No. 209, Seat Belt Assemblies, as "a combination of pelvic and upper torso restraints."
- Type 1 seat belt assemblies, defined in Standard No. 209 as "a lap belt for pelvic restraint."

The Schroth restraint systems would not be considered automatic safety belts, and therefore could not be used in place of an air bag to satisfy the requirements of Standard No. 208 for seating positions requiring automatic crash protection.

The Schroth restraint systems would be considered Type 2 seat belt assemblies. Therefore, if the Schroth restraint systems meet the requirements of Standard No. 209 (discussed later in this letter), and if the anchorages for the Schroth restraint systems meet the requirements of Standard No. 210, they could be installed to satisfy the requirements of Standard No. 208 for any seating position requiring a Type 2 seat belt assembly. This would include installation of the Schroth restraint system with an air bag. Please note, however, that the dynamic testing requirement must be met both with and without the Schroth restraint system. In addition, because Standard No. 208, like all safety standards, is a minimum standard, the Schroth restraint systems could be installed to satisfy the requirements of Standard No. 208 for any seating position requiring a Type 1 seat belt assembly. Please note however, that the Schroth restraint system does not appear to comply with certain sections of Standard No. 208, specifically:

- S7.1.1.3, which requires emergency locking retractors on the lap belt portion of safety belts in the front outboard seating positions.
- S7.1.2, which requires the intersection of the upper torso belt with the lap belt to be at least six inches from the vertical centerline of a 50th percentile adult male occupant.
- S7.2(c), which requires release at a single point.

Unlike the other three standards, Standard No. 209 applies to seat belt assemblies as separate items of motor vehicle equipment, regardless of whether the belts are installed as original equipment in a motor vehicle or sold as replacements. Standard No. 209 defines a "seat belt assembly" as "any strap, webbing, or similar device designed to secure a person in a motor vehicle in order to mitigate the results of any accident, including all necessary buckles and other fasteners, and all hardware designed for installing such seat belt assembly in a motor vehicle."

Because the Schroth restraint systems would be considered "seat belt assemblies," the systems must be certified as complying with Standard No. 209 before they can be sold.

Installation Prior to First Sale

Because your September 22 letter indicated that the Schroth restraint systems might be installed in addition to existing belt systems, I would like to also discuss such an installation prior to the vehicle's first sale. If a Schroth restraint system was added to a new vehicle prior to its first sale, e.g., by the dealer, the person who modified the vehicle would be an alterer of a previously certified motor vehicle and would be required to certify that, as altered, the vehicle continues to comply with all of the safety standards affected by the alteration. If the Schroth restraint system were installed in addition to the safety belts required by Standard No. 208, and provided that the installation did not interfere with the required safety belts, such installation would not affect the compliance of the vehicle with Standard No. 208, since the standard's requirements would be fully met by the original belts.

Installation After First Sale

After the first purchase of a vehicle for purposes other than resale, the only provision in Federal law that affects the vehicle's continuing compliance with an applicable safety standard is set forth in section 108(a)(2)(A) of the Safety Act. That section provides that:

No manufacturer, distributor, dealer, or motor vehicle repair business shall knowingly render inoperative, in whole or in part, any device or element of design installed on or in a motor vehicle ... in compliance with an applicable Federal motor vehicle safety standard.

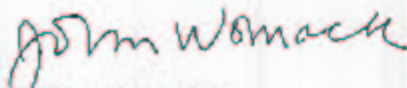
This provision would prohibit any of the named commercial entities from installing a Schroth restraint system if such installation rendered inoperative the compliance of the vehicle with any applicable safety standard. For example, if the material used in the system did not meet the burn resistance requirements of Standard No. 302, installation of the system would render inoperative compliance with that standard. Any violation of the "render inoperative" prohibition is subject to a potential civil penalty of up to \$1,000 for each violation. Please note that this provision does not prohibit owners from modifying their vehicles, even if such modification adversely affects the compliance of the vehicle with safety standards.

However, this agency encourages vehicle owners not to make any modifications which would negatively affect the occupant protection systems installed in their vehicles. Also, vehicle modifications by owners may be regulated by state law.

I have enclosed an information sheet that identifies relevant Federal statutes and NHTSA standards and regulations affecting motor vehicle and motor vehicle equipment manufacturers, and explains how to obtain copies of these materials.

I hope you find this information helpful. If you have any other questions, please contact Mary Versailles of my staff at this address or by phone at (202) 366-2992.

Sincerely,



John Womack
Acting Chief Counsel

Enclosure



U.S. Department
of Transportation

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INFORMATION FOR NEW MANUFACTURERS OF MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

Purpose

This information sheet identifies relevant Federal statutes and National Highway Traffic Safety Administration (NHTSA) standards and regulations affecting motor vehicle and motor vehicle equipment manufacturers. This information sheet merely highlights the major provisions for manufacturers; each manufacturer and its attorney should consult the specific statutes, regulations, and standards to determine its precise substantive and procedural responsibilities. A separate, attached sheet explains how manufacturers may obtain copies of these materials. All references below to NHTSA regulations are to Title 49 of the Code of Federal Regulations (CFR).

Federal Motor Vehicle Safety Standards

The National Traffic and Motor Vehicle Safety Act of 1966 (Vehicle Safety Act, 15 U.S.C. 1381 et seq.) authorizes NHTSA to issue safety standards for new motor vehicles and new motor vehicle equipment. All motor vehicles and items of motor vehicle equipment manufactured or imported for sale in the United States must comply with all applicable safety standards set forth in 49 CFR Part 571. Manufacturers of motor vehicles must certify compliance of their products in accordance with Part 567, Certification.

Persons altering a new vehicle prior to its first sale to a consumer are considered vehicle alterers under NHTSA's certification regulation. Part 567.7, Requirements for Persons who Alter Certified Vehicles, requires alterers to certify that the vehicle, as altered, complies with all applicable safety standards.

Manufacturers, distributors, dealers, or motor vehicle repair businesses modifying a new or used vehicle are prohibited by section 108(a)(2)(A) of the Vehicle Safety Act from knowingly rendering inoperative 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.



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The Vehicle Safety Act provides limited grounds for NHTSA to grant a motor vehicle manufacturer a temporary exemption from one or more of the safety standards. The procedures for a temporary exemption are found at 49 CFR Part 555. The Vehicle Safety Act does not authorize the agency to grant temporary exemptions to manufacturers of motor vehicle equipment.

Safety-Related Defects and Noncompliances

The Vehicle Safety Act requires manufacturers to notify purchasers of safety-related defects and failures to comply with the standards and to remedy such defects and noncompliances without charge. The following regulations relate to the defect and noncompliance notification and remedy campaigns: Part 556, Exemption for Inconsequential Defect or Noncompliance; Part 573, Defect and Noncompliance Reports; Part 577, Defect and Noncompliance Notification; and Part 579, Defect and Noncompliance Responsibility. Part 576, Record Retention, sets forth requirements for motor vehicle manufacturers' retention of complaints, reports and other records concerning safety-related motor vehicle malfunctions.

Violations

Violations of Safety Act provisions are punishable by civil fines of up to \$1000 per violation, with a maximum fine of \$800,000 for a related series of violation.

Tires

In addition to the motor vehicle safety standards for tires in Part 571, manufacturers of tires should also consult Part 569, Regrooved Tires, and Part 574, Tire Identification and Recordkeeping.

Vehicle Identification Number

Federal Motor Vehicle Safety Standard No. 115 requires that each motor vehicle have a vehicle identification number (VIN). The content requirements for the VIN are set forth in 49 CFR Part 565.

Manufacturer Identification

Under 49 CFR Part 566, Manufacturer Identification, a manufacturer of motor vehicles or motor vehicle equipment to which a motor vehicle safety standard applies, must submit information identifying itself and its products to NHTSA not later than 30 days after it begins manufacture.

Designation of Agent for Foreign Manufacturers

Under 49 CFR Part 551, Procedural Rules, all manufacturers headquartered outside of the United States must designate a permanent resident of the United States as the manufacturer's agent for service of all process, notices, orders and decisions. This designation should be mailed to the Chief Counsel, National Highway Traffic Safety Administration.

Bumpers

Title I of the Motor Vehicle Information and Cost Savings Act directs this agency to issue and enforce bumper standards for passenger cars to reduce the economic loss resulting from damage to cars involved in motor vehicle accidents. Part 581, Bumper Standard, sets forth the requirements for the impact resistance of passenger cars in low speed front and rear collisions.

Fuel Economy

Title V of the Motor Vehicle Information and Cost Savings Act (Cost Savings Act, 15 U.S.C. 2001 *et seq.*) requires each motor vehicle manufacturer to achieve at least a minimum Corporate Average Fuel Economy (CAFE). NHTSA has established standards for passenger cars (Part 531, Passenger Automobile Average Fuel Economy Standard), and light trucks (Part 533, Light Truck Fuel Economy Standards). Manufacturers are required to file CAFE reports under Part 537, Automotive Fuel Economy Reports.

Several regulation provide procedures under which manufacturers may apply for exemptions from or for flexibility in achieving compliance with the CAFE standards. See Part 525, Exemptions from Average Fuel Economy Standards (for low-volume manufacturers); Part 526, Petitions and Plans for Relief under the Automotive Fuel Efficiency Act of 1980; and Part 535, Three-year Carryforward and Carryback of Credits for Light Trucks. Credits may also be available for a manufacturer of passenger cars under section 502(1) of the Cost Savings Act. Manufacturers should also be aware of Part 529, Manufacturers of Multistage Automobiles.

Theft Prevention

In 1984, Congress enacted Title VI of the Cost Savings Act (15 U.S.C. 2021 *et seq.*), which requires motor vehicle manufacturers to affix anti-theft identification markings to major parts and replacement parts for certain lines of

passenger cars. NHTSA issued Part 541 to implement this requirement.

Consumer Information

Part 575, Consumer Information Regulations, requires manufacturers to make specific information available to consumers.

Request for Interpretations

Persons requesting an interpretation of NHTSA statutes, regulations, or standards should write to:

Office of the Chief Counsel
National Highway Traffic Safety Administration
Room 5219
400 Seventh Street, S.W.
Washington, D.C. 20590
(202) 366-2992

Other Regulations

For information on motor vehicle emission standards, manufacturers should contact:

Office of Mobile Sources, ANR-455
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460
(202) 260-7645

Persons interested in information on motor carrier safety and hazardous materials regulations for interstate motor carriers and drivers should contact:

Office of Motor Carrier Standards
Room 3404
400 Seventh Street, S.W.
Washington, D.C. 20590
(202) 366-1790

Manufacturers should also contact appropriate State authorities to determine what State laws may apply to their business.

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WHERE TO OBTAIN NHTSA'S SAFETY STANDARDS AND REGULATIONS

The Federal motor vehicle safety standards, and other NHTSA regulations, can be obtained in three different forms from:

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402
Phone: (202) 783-3238

A check should be made payable to "Superintendent of Documents" and mailed with the order. Prices must be obtained from the Superintendent of Documents since they are subject to periodic change.

1. Title 49 of the Code of Federal Regulations (Parts 400 to 999). The Code of Federal Regulations is the official codification of all regulation issued by all U.S. Government agencies. The volume "Title 49, Parts 400 to 999" contains the regulations of NHTSA (along with those of other DOT agencies). The CFR is only issued annually, so it must be supplemented by one of the other methods if the most current regulations are needed. The volume may be purchased from the Superintendent of Documents. It also is available in most law or general libraries.

2. The Federal Register. The Federal Register is the official daily (Monday through Friday) publication of all Federal agencies' issuances: rules, proposals, and general notices. It may be obtained from the Superintendent of Documents. It is the main source of information for all persons who must keep close watch on government regulations. Since the Register does not provide a basic set of the regulations, it should be used with one of the other publications.

3. "Federal Motor Vehicle Safety Standards and Regulations." This is a special publication that provides both a basic set of NHTSA standards and regulations and a regular updating service, in loose-leaf form. It may be purchased from the Superintendent of Documents. Initial delivery takes about two months.

In addition, several private companies now publish volumes containing the Federal Motor Vehicle Safety Standards and Regulations. Many of these publications also report regulations and activities of other Federal agencies dealing in consumer and product safety matters.

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