

REGISTERED IMPORTER NEWSLETTER No. 26
National Highway Traffic Safety Administration
Office of Vehicle Safety Compliance
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FMVSS No. 208 Occupant Crash Protection.

Effective September 1, 2006, new requirements associated with FMVSS No. 208 went into effect. Those requirements are identified below.

The Transportation Equity Act for the 21st Century (TEA 21), enacted by Congress on June 9, 1998 as Public Law 105-178, directed the National Highway Traffic Safety Administration (NHTSA) to issue new rules "...to improve occupant protection for occupants of different sizes, belted and unbelted, under Federal Motor Vehicle Safety Standard No. 208, while minimizing the risk to infants, children, and other occupants from injuries and deaths caused by air bags, by means that include advanced air bags."

NHTSA issued the new rule (referred to as "the advanced air bag rule") on December 18, 2001 (66 Fed. Reg. 65376). Under the new rule, sled testing is no longer an option to demonstrate compliance with the standard's requirements. In addition, offset, oblique, and full frontal barrier crash tests (using both rigid and deformable barriers) are stipulated for assessing the protection of both belted and unbelted occupants. Other tests are included to prove compliance with airbag low risk deployment and suppression requirements. The test speeds and injury criteria for barrier tests have been revised, and the use of an entire family of test dummies is now included. Small volume manufacturers (which NHTSA considers Registered Importers to be for FMVSS phase-in purposes), must meet the new rules for all passenger vehicles manufactured on or after September 1, 2006.

All import eligibility petitions for vehicles manufactured on or after September 1, 2006, filed under 49 CFR 593.6(a), (i.e., those specifying that the vehicle is substantially similar to a vehicle that was certified by its original manufacturer as conforming to all applicable FMVSS and is capable of being readily altered to conform to those standards), must include information showing compliance with the advanced air bag rule. Should any of the U.S.- model system components be missing, information adequate to verify that the missing U.S.- model components can be readily installed must also be furnished. This includes all applicable computer processors and sensors, and their associated software.

All import eligibility petitions for vehicles manufactured on or after September 1, 2006, filed under 49 CFR 593.6(b) (i.e., those where there is no substantially similar U.S.-certified vehicle, but the vehicle has safety features that comply with, or are capable of being altered to comply with, the FMVSS), must include information showing compliance with the advanced air bag rule. Such information should establish that the nonconforming vehicles are fitted with, or are capable of being fitted with, the systems necessary for the vehicles to conform to all applicable requirements of the advanced air bag rule. Evidence of compliance for such vehicles must include test reports documenting that advanced air bag rule requirements were met for all dummies in the belted and unbelted barrier, low-risk deployment, and automatic suppression tests.

Import eligibility petitions for covered 2006 vehicles that do not include this information will not be published for comment in the Federal Register.

If you have any questions or concerns about this request, please contact Mr. George Stevens of the Import and Certification Division at 202-366-5308.