

REGISTERED IMPORTER NEWSLETTER No. 40
National Highway Traffic Safety Administration
Office of Vehicle Safety Compliance
December 1, 2010

IMPORT ELIGIBILITY PETITIONS FOR RIGHT-HAND DRIVE (RHD) VEHICLES

An RI can petition NHTSA under 49 CFR 593.6(a) to decide that a nonconforming vehicle is eligible for importation if the vehicle is substantially similar to a vehicle of the same model and model year that was certified by its manufacturer as complying with all applicable Federal motor vehicle safety standards (FMVSS). If there is no substantially similar U.S.-certified vehicle, the RI must petition the agency under 49 CFR 593.6(b) and support its petition with dynamic crash test data to demonstrate that the vehicle is capable of being modified to the FMVSS for which such testing is prescribed. This is to notify you that NHTSA will no longer accept petitions filed under 49 CFR 593.6(a) for RHD versions of vehicles for which no U.S.-certified RHD model was produced. The agency does not consider these vehicles to be substantially similar to U.S. certified left-hand drive (LHD) versions. Import eligibility petitions for these vehicles must therefore be filed under 49 CFR 593.6(b) and include dynamic crash test and crash avoidance data to demonstrate compliance. The reasons for this decision are set forth below.

In our administration of the vehicle import and certification program, we have gained the understanding that only manufacturers who chose to certify an RHD version of a vehicle to all applicable FMVSS will possess the necessary incentive to conduct due care evaluations to establish the conformity of the RHD version to those standards. Very few RHD vehicle models have been certified by their manufacturer for sale in the United States during the past 25 years. When NHTSA has asked manufacturers whether crash test results for the left-hand drive (LHD) version of a specific vehicle could be extrapolated to apply to a non-U.S. certified RHD version of the same vehicle, the manufacturers have consistently informed us that they have no data to support this position because the RHD version was not intended for sale in the United States.

NHTSA has also been informed by at least one manufacturer that designing a vehicle platform for both LHD and RHD markets requires crash testing of each version separately in order to meet differing occupant protection standards. This is attributable in part to the fact that the orientation of the engine/drive train and auxiliary components in relation to the driver's seating position in an RHD vehicle is not a mirror image of that in the same model produced in an LHD configuration. The unique requirements of U.S. and other market occupant crash protection systems, including air bags, seat belt tensioners, occupant protection system control systems (including control logic), interior materials, chassis structural components, and assembly methods all effect crashworthiness and militate against the development of a single platform for both LHD and RHD markets.

We are also aware that RHD vehicles intended for markets other than the United States and manufactured on the same production line as similar LHD vehicles do not necessarily have the same features required to meet all applicable FMVSS, since those standards would not apply, or would differ from those that do apply, in the market for which the RHD model is produced. For example, unbelted occupant, side impact, and upper interior occupant protection requirements do not exist in many foreign markets or cannot be compared to US requirements. In addition, vehicle assembly tooling, component attachment points, methods of assembly and mechanical fastening may be different between LHD and RHD vehicles even when those vehicles are produced on the same assembly line.

If you have any questions, please contact George Stevens at 202-366-5308.