Section Number and Title:
90.242 Travelers' information stations.
Brief Description: Section 90.250 describes how meteor burst communications may be authorized for the use of private radio stations.
Need: This rule furthers the Commission's interests in promoting the use of the radio spectrum by setting forth the frequency bands, technical requirements, and geographic use area for this particular type of radio communication.
Legal Basis: 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7), 1401–1473.
Section Number and Title:
90.250 Meteor burst communications.

Subpart N—Operating Requirements

Brief Description: The part 90 rules govern private land mobile radio services. Subpart N sets forth operating requirements. Section 90.425 requires stations licensed under this part to transmit identification in accordance with the listed procedures.
Need: Section 90.425(f) was added to provide special provisions for stations licensed under this part that are not classified as commercial mobile radio service providers under part 20 of this chapter, and the rule is needed on an ongoing basis.
Legal Basis: 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7), 1401–1473.
Section Number and Title:
90.425 Station identification.

Subpart R—Regulations Governing the Licensing and Use of Frequencies in the 763–775 and 793–805 MHz Bands

Brief Description: These rules primarily address technical issues associated with the 758–769/788–799 MHz band, which is licensed to the First Responder Network Authority (FirstNet) on a nationwide basis.
Need: To set forth the regulations governing the licensing and operations of all systems operating in the 758–775 MHz and 788–805 MHz frequency bands, including eligibility, operational, planning and licensing requirements and technical standards for stations licensed in these bands.
Legal Basis: 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7), 1401–1473.
Section Number and Title:
90.523 Eligibility.
90.533 Transmitting sites near the U.S./Canada or U.S./Mexico border.
90.542 Broadband transmitting power limits.
90.543 Emission limitations.
90.549 Transmitter certification.
90.555 Information exchange.

PART 101—FIXED MICROWAVE SERVICES

Subpart C—Technical Standards

Brief Description: Section 101.129 describes what a radio station applicant must determine with respect to technical considerations applicable to transmitter locations prior to filing its license application.
Need: This rule furthers the Commission's interest in managing the use of the radiofrequency spectrum as well as its statutory requirement to determine the location of individual stations.
Legal Basis: 47 U.S.C. 154, 303.
Section Number and Title:
101.129 Transmitter location.

[FR Doc. 2024–21111 Filed 9–16–24; 8:45 am]
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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 595

[Docket No. NHTSA–2024–0046]

RIN 2127–AL64

Make Inoperative Exemptions; Retrofit Air Bag On-Off Switches and Air Bag Deactivations

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This Notice of Proposed Rulemaking proposes amendments to the requirements and processes for individuals to request that the agency permit them to have an air bag on-off switch installed in their vehicle. The proposed amendments would eliminate the sunset date, and would also narrow the population of people eligible to have an on-off switch installed. Furthermore, the agency also proposes amendments to several appendices, and proposes the addition of a new appendix. Lastly, this NPRM proposes that NHTSA codify its process for reviewing requests for air bag deactivations, which are currently granted or denied through the agency's enforcement discretion. In this document, NHTSA solicits feedback from the public to better inform the agency's decision-making on the proposed amendments.

DATES: You should submit your comments early enough to be received not later than November 18, 2024.

Proposed effective date: We propose that the effective date for the amendments in this rulemaking action would be immediately after the date of publication of the final rule in the **Federal Register**.

ADDRESSES: You may submit comments to the docket number identified in the heading of this document by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, between 9 a.m. and 5 p.m. EST, Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

Instructions: All submissions must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. (For more details, please see the Privacy Act discussion below.) We will consider all comments received before the close of business on the comment closing date indicated above. To the extent possible, we will also consider comments filed after the closing date.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* at any time or to 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. Telephone: (202) 366–9826.

Privacy Act: Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, (Volume 65, Number 70; Pages 19477–78) or you may visit *https://www.dot.gov/privacy.html.*

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential

business information, to the Chief Counsel, NHTSA, at the address given under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation (49 CFR part 512).

FOR FURTHER INFORMATION CONTACT: For technical issues, you may contact Ms. Carla Rush, Office of Crashworthiness Standards, Telephone: (202) 366–4583, Facsimile: (202) 493–2739. For legal issues, you may contact Mr. Matthew Filpi, Office of the Chief Counsel, Telephone: (202) 366–2992, Facsimile: (202) 366–3820. The mailing address of these officials is: National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

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I. Executive Summary

Since the late 1990s, NHTSA has permitted, under certain circumstances, both manufacturers and repair shops to install switches in motor vehicles that allow the occupant to turn on and off the vehicle's air bag system. This installation would typically be a violation of the ''make inoperative'' provision of the National Traffic and Motor Vehicle Safety Act, but NHTSA added an express exemption to that provision for air bags because of the threat of injury that early air bag systems posed to children and smaller statured occupants. This exemption—49 CFR part 595 subpart B—outlines the process by which an individual can petition the agency for an air bag on-off switch to be installed in their vehicle.

NHTSA has stated repeatedly since creating part 595 subpart B that the solution to the dangers posed by early air bag systems was advanced air bag systems that could adapt or suppress their deployment based on the vehicle occupant. Accordingly, NHTSA has repeatedly put a sunset date on the on-off switch provision, with the most recent sunset date in 2015. Since then, NHTSA has continued to use its enforcement discretion to grant requests for air bag on-off switches. The agency has also used its enforcement discretion to grant air bag system deactivation in special circumstances, even though the Federal Motor Vehicle Safety Standards (FMVSS) do not currently provide a formal process for requesting deactivation. This NPRM proposes several updates to part 595 to take into account the continued development and effectiveness of advanced air bag systems. Additionally, the NPRM proposes codifying the process by which individuals may petition the agency for air bag deactivation in special circumstances. The agency seeks public comment on the proposals listed below.

II. Background

A. Regulatory History of Air Bag On-Off Switches and Deactivation

To prevent or mitigate the risk of injuries or fatalities in frontal crashes, FMVSS No. 208, Occupant Crash Protection,[1] requires that passenger vehicles be equipped with seat belts and frontal air bags. Although FMVSS No. 208 did not require frontal air bags on passenger cars until model year (MY) 1998 and on multipurpose passenger vehicles and light trucks until MY 1999, air bags were already in widespread use by the early 1990s. These early-generation air bags were highly effective in protecting occupants in frontal crashes, but caused a number of fatalities to certain occupants who were especially vulnerable to air bag-related risks.

NHTSA has long maintained that the long-term solution to the problem of air bag-related injuries to these at-risk populations was the development and widespread implementation of advanced air bag systems, which could sense the kind of occupant seated and adjust deployment to protect at-risk passengers. However, during the 1990s, when air bag-related injuries and fatalities emerged as a safety problem, advanced air bags were still a nascent technology.[2] To provide time for the development and dissemination of advanced air bag systems into new vehicle production, and to address safety concerns posed by pre-advanced air bags in vehicles already on the road, NHTSA implemented an array of interim measures designed to protect those passengers most susceptible to air bag-related injuries. These measures focused both on behavioral changes (*e.g.,* consumer education on the importance of seat belts and on putting children in rear seating positions) and relatively modest technological changes (*e.g.,* amending FMVSS No. 208 to temporarily allow for depowered air bags and permitting installation of on/off switches).

Consumer Education Efforts

A particular focus of these measures was efforts to protect children from air bag related injuries and fatalities. Early data indicated that children were at a significant risk of harm from air bags. The data indicated that children who were either seated in child restraint systems (CRS) [3] or seated without CRSs were at risk of serious injury or death when seated in a position with a frontal air bag. Because of the agency's significant concern for the safety of children, NHTSA took multiple actions throughout the 1990s to protect children from potential harm from air bags.

First, the agency began providing CRS recommendations informing caretakers how and where they should equip child restraints in a vehicle. NHTSA's recommendation has always been to install CRSs in the back seat of vehicles.

[1] 49 CFR 571.208.

[2] An advanced air bag senses or responds to differences in crash severity, occupant size or the position of the occupant relative to the air bag at the time of a crash. NHTSA amended FMVSS No. 208 in 2000 to require advanced air bags at the front outboard seats in new passenger vehicles and light trucks, implementing the requirement on a two-stage phase-in schedule (May 12, 2000 final rule, 65 FR 30679). Per FMVSS No. 208, currently all new passenger vehicles and light trucks sold in the United States must meet the advanced air bag requirements.

[3] Child Restraint Systems refers to devices such as rear-facing child seats, forward-facing child seats, and booster seats.

Furthermore, there are different CRSs for children of different ages. NHTSA recommends that from birth to 12-months old a child should be secured in a rear-facing CRS. From 1 year old to 3 years old NHTSA recommends keeping a child in a rear facing seat for as long as possible—the child's height and weight will determine when they should be moved to a forward-facing CRS. From 4 years old to 7 years old NHTSA recommends keeping a child in a forward-facing CRS until they exceed the weight and height maximums for the respective seat. Once a child outgrows the forward-facing seat NHTSA recommends children be belted using the traditional seat belt, but with the use to a booster seat; children should remain in a booster seat until they are tall enough to fit in a seat belt properly without the assistance of a booster seat. NHTSA recommends that the child be belted in the back seat of a vehicle for all of these different stages.

Second, the agency made several recommendations and took several actions to ensure children seated in the front were protected from air bags.[4] Early on, the agency primarily encouraged behavioral changes from owners of vehicles with air bags. For example, in the early 1990s, agency testing showed that using a rear-facing child restraint in the front seat of a vehicle where frontal air bags were active presented a significant risk to child occupants. In December 1991 the agency issued a Consumer Advisory warning owners of rear-facing child restraints to not use such devices in the front seat of a vehicle equipped with a passenger air bag. Throughout the 1990s, NHTSA released several additional News Releases on this issue. NHTSA also took regulatory action on this issue in 1993, when it issued a final rule which, in part, required that vehicles equipped with air bags include labels on sun visors providing specific cautions, including a statement not to install rearward-facing child seats in front passenger positions. The agency took further regulatory action in 1994, when it required rear-facing child restraints manufactured on or after August 15, 1994, to include a warning against using the restraint in any vehicle seating position equipped with an air bag.

Third, the agency took a number of other communication-based actions to improve safety outcomes relating to children and air bags. On October 27, 1995, after several fatalities to children seated in air bag-equipped seating positions, NHTSA issued a warning in a press release, ''SAFETY AGENCY ISSUES WARNING ON AIR BAG DANGER TO CHILDREN.'' In the press release, the agency warned that children sitting in air bag-equipped seating positions not restrained by a seat belt could be seriously injured or killed by an air bag. The release also stated in very strong terms that parents should ensure their children are belted in the back seat of a vehicle whenever possible. During the late 1990s, the agency also published several articles in widely circulated journals and periodicals on the dangers air bags pose to children. NHTSA has continued this education campaign by publishing information on the NHTSA website on the dangers air bags pose to children.

In addition to these efforts to protect children, NHTSA also considered that certain adult passengers were at risk from air bag systems. As described in the paragraphs above, many of the agency's attempts to both educate the public and improve vehicle technology countermeasures to increase the safety outcomes of early air bag systems were focused on children. The agency has also acknowledged in both informal guidance as well as previous rulemakings that certain adults may also be at risk of serious injury from air bag systems. For example, certain smaller-statured individuals may have to sit closer to the steering wheel to reach the foot pedals, which may put them at increased risk of injury if an air bag were to deploy. NHTSA's website recommends that individuals sit at least 10 inches away from the steering wheel to reduce the risk of injury from air bag deployment.[5] Accordingly, individuals who must sit closer than 10 inches to the steering wheel to reach the pedals may need to have an air bag on-off switch installed. The 1997 final rule that allowed for air bag on-off switches to be installed (discussed below) explicitly discussed specific situations where adult passengers (including adult drivers) may need an on-off switch installed.

Vehicle Technology Countermeasures

Although NHTSA recommended (and continues to recommend) that children be placed in a rear seating position and that adults sit 10 inches or more away from the steering wheel, the agency recognized early on that there were instances where this guidance would not be helpful. For example, certain vehicles don't have rear seats and certain adults can't sit more than 10 inches from the steering wheel without their feet reaching the foot pedals. When the agency first considered taking action to improve vehicle technology countermeasures in the mid-1990s to ensure children and shorter statured adults were protected from potential harm from air bags, advanced air bag systems were still a nascent technology. Starting in 1995, NHTSA began facilitating a few different types of vehicle technology countermeasures: original equipment on-off switches, retrofit on-off switches, and air bag deactivations.

Original Equipment On-Off Switches. In 1995, NHTSA for the first time promulgated a final rule that allowed manufacturers the option of installing a manual device that motorists could use to deactivate the front passenger-side air bag in vehicles in which infant restraints could only be used in the front seat. This final rule was the first instance in which the agency allowed an original equipment manufacturer (OEM) to install an air bag on-off switch, but the scenario in which the OEM on-off switch could be installed was very narrow and left up to the discretion of the OEM.[6] Because on-off switches were intended only as a temporary measure, the agency sunset this provision. The provision sunset on September 1, 2012.[7]

Retrofit on-off switches. In 1997, NHTSA published another final rule addressing air bag on-off switches.[8] This rule broadened the 1995 final rule that had been extended in 1997, and focused on more than just children needing protections from on-off switches.

Under National Traffic and Motor Vehicle Safety Act (Safety Act), 49 U.S.C. 30122, no manufacturer, distributor, dealer, rental company, or motor vehicle repair business may knowingly make inoperative any part of a device or element of design installed or in a motor vehicle or motor vehicle equipment in compliance with an applicable motor vehicle safety standard. This provision is commonly referred to as the ''make inoperative'' provision of the Safety Act. Because of this provision, unless NHTSA explicitly exempts a manufacturer, distributor, dealer, rental company, or motor vehicle repair business from this requirement, those entities cannot knowingly make a compliant motor vehicle or motor vehicle part inoperative. In other words,

[4] For a detailed history of all actions NHTSA took before the 1997 final rule allowing for retrofit air bag on-off switches, see 61 FR 40784, 40787–88, *Federal Motor Vehicle Safety Standards; Occupant Crash Protection* (July 26, 1996).

[5] *https://www.nhtsa.gov/older-drivers/driving-safely-while-aging-gracefully#:~:text=Sit%20at%20least%20ten%20inches,to%20always%20wear%20your%20seatbelt.*

[6] FMVSS 208 S4.5.4.

[7] *See id.*

[8] 62 FR 62406.

without an explicit exemption from this requirement, the entities listed above could not knowingly make air bags inoperative, because they would be making a FMVSS No. 208 compliant motor vehicle part inoperative.

Among additional details discussed below, the most notable action the 1997 final rule [9] took was creating an explicit exemption for motor vehicle dealers and repair businesses from the make inoperative provision of the Safety Act. This exemption permitted on-off switches to be installed not just in new vehicles but also to be retrofitted into vehicles that had already been sold. It also meant that an additional entity—motor vehicle repair businesses—could now install on-off switches. Thus, NHTSA's regulations, at that point, allowed for two different types of on-off switches: (1) original equipment air bag switches, installed as original equipment on a vehicle before the vehicle was sold other than for resale; and (2) retrofit air bag switches, installed after the vehicle had been produced and sold to the consumer. Because retrofit air bag switches are installed after purchase of a vehicle, the onus is on the vehicle owner to decide if they would like an on-off switch installed. However, as discussed below, air bags generally improve safety outcomes significantly for most individuals involved in crashes. So instead of leaving the decision up to the individual whether an on-off switch would produce a beneficial safety outcome for a specific individual, the 1997 final rule created a process by which individuals could submit a request to NHTSA for an air bag on-off switch, and if approved, the individual could then have one installed. That process is discussed in more detail in Section II.C. As with original equipment on-off switches, the part 595 exemption for retrofit on-off switches was subject to a sunset provision; this exemption expired on September 1, 2015.[10]

Air bag deactivations. Although air bag on-off switches were an effective solution to protect individuals who may be vulnerable to air bag systems, there are certain scenarios where on-off switches cannot be installed in a vehicle. In situations where an on-off switch cannot be installed, the 1997 final rule outlined that NHTSA would continue to use its enforcement discretion to allow air bag deactivation. The key distinction between an air bag switch and air bag deactivation is that the vehicle operator can turn the air bag system on or off with a switch, whereas once a repair shop or manufacturer deactivates an air bag system, the vehicle operator cannot turn the system back on. NHTSA has not codified a process for individuals to request an air bag system deactivation.

B. Background on Advanced Air Bag Systems

As discussed in the section above, early air bag technology presented several safety risks to both children and smaller-statured individuals. The agency has repeatedly expressed that the solution to the dangers from early air bag technology was to develop advanced air bag technology. This belief is also reflected in the sunset dates for air bag on-off switches. FMVSS No. 208, Occupant crash protection, requires that all new passenger vehicles and light trucks sold in the United States meet certain minimum performance criteria for protecting vehicle occupants during and after a collision. ''Advanced air bag requirements'' is a term used to refer collectively to a subset of these requirements that was added to FMVSS No. 208 as part of a May 12, 2000, final rule to protect children and other at-risk occupants from air bag-related injury. The advanced air bag requirements became fully phased-in on September 1, 2010.

Under the advanced air bag requirements, both the driver-side and passenger-side frontal air bag system must pass several barrier crash tests using 50th percentile adult male and 5th percentile adult female dummies in both belted and unbelted conditions (the tests require various test speeds, test conditions, and dummy placement).[11] These tests must be performed at both the driver and right front passenger seating positions. In addition to barrier tests (which are designed to protect the adult-sized population at-large), passenger-side advanced air bag systems must also meet several requirements that are intended to protect children. Specifically, passenger-side frontal air bag systems must alter their deployment in the presence of three child-sized test dummies—representing a 12-month-old, a 3-year-old, and a 6-year-old—in multiple positions, both with and without the child restraints specified in Appendix A–1 of FMVSS No. 208. Unlike the barrier tests described above, the tests for deployment in the presence of children are static tests conducted in a stationary setting.

The requirements and static tests related to child and smaller-statured occupants may be met using one of three strategies: suppression, low risk deployment (LRD), or a dynamic automatic suppression system (DASS). Suppression-based advanced air bag systems will suppress (*i.e.,* not deploy) the passenger air bag in a crash if the system senses a child in a rear-facing CRS, a child in a forward-facing CRS, or a child not in a CRS but who is below a certain size or is out of position in the passenger seat. LRD-based advanced air bag systems will deploy the passenger air bag in all of these situations, but will do so in a low-risk manner that does not exceed certain injury assessment reference values for children.[12] DASS-based advanced air bag systems dynamically suppress air bag deployment during a crash by sensing and interpreting the occupant characteristics and/or locations of occupants in relation to the air bag.[13]

Manufacturers are not required to use the same option for all three child dummy sizes. Currently, all vehicles equipped with advanced air bags use either ''conventional'' (*i.e.,* non-DASS) suppression or LRD to meet advanced air bag requirements, with the vast majority of manufacturers choosing suppression.[14] For the remainder of the discussion, unless indicated otherwise, ''suppression'' systems are conventional, non-DASS systems.

Data collected by NHTSA indicate that advanced air bags substantially reduce the risk of air bag-related injuries to children and smaller statured adults. In 1997, when air bag-related fatalities peaked in the era before advanced air bags were introduced, there were 52 air bag-related fatalities, 31 of which were children. Since the introduction of advanced air bags, air bag-related fatalities have declined significantly, and in fact there have been no confirmed air bag-related fatalities among children in vehicles equipped with certified advanced air bags.[15]

[9] 62 FR 62406.

[10] 49 CFR 595.5.

[11] S5.1.1(b)(2), S5.1.2(b), S14.5.2, S15.1, S14.5.1(b), S16.1(b), S17.

[12] Compare S19.2, S21.1, & S23.2 with S19.3, S21.4, & S23.4.

[13] Unlike suppression and LRD, FMVSS No. 208 contains no predefined test procedure associated with the DASS option. A manufacturer wishing to use DASS must petition the agency for an expedited rulemaking under subpart B of part 552. No manufacturer has ever successfully petitioned the agency for this option.

[14] Based on model year 2023 compliance data, the agency estimates that 5 percent of the fleet chooses the LRD option for all required performance tests with child-sized dummies. The remaining vehicles use conventional suppression for all required performance tests with child-sized dummies or a combination of suppression and LRD.

[15] ''Counts of Frontal Air Bag Related Fatalities and Seriously Injured Persons,'' Special Crash Investigations, DOT HS 811 104, January 2009. The agency continues to monitor this issue and has not identified any new cases of air bag-related fatalities in advanced air bag compliant vehicles.

Although it is likely that much of this reduction can be attributed to child safety initiatives (*i.e.,* air bag warning label requirements, changes to State laws, greater enforcement of those laws, and publicity campaigns) that have encouraged parents and caregivers to move children 12 and younger from the front seat to the rear seat of vehicles, the agency nonetheless believes that the complete absence of air bag-related fatalities in children over the last several years demonstrates that advanced air bags provide a crucial safety countermeasure backstop for situations in which children are placed in the front passenger seat.

C. Current Part 595 Subpart B Requirements and Procedures for Obtaining Exemptions for Retrofit On-Off Switches

The 1997 final rule created part 595 subpart B. Subpart B sets out several requirements for vehicle owners who want to request a retrofit on-off switch. Specifically, it identifies five situations in which the agency will authorize on-off switches:

- *Medical condition:* The driver has a medical condition and a doctor indicates that an air bag would pose a special risk of harm to that person and the risk of harm outweighs the risk of the passenger hitting the steering wheel or windshield in a crash;
- *Distance from driver air bag:* Despite taking all reasonable steps to move back from the driver air bag, the driver is not able to maintain a 10-inch distance from the center of his or her breastbone to the center of the driver air bag cover;
- *Infant:* An infant (less than 1 year old) must ride in the front seat because the vehicle has no rear seat, the vehicle's rear seat is too small to accommodate a rear-facing infant seat, or the infant has a medical condition that makes it necessary for the infant to ride in the front seat so the driver can monitor the infant;
- *Child Age 1 to 12:* A child age 1 to 12 must ride in the front seat because the vehicle has no rear seat, children ages 1 to 12 must ride in the front seat of the vehicle because no space is available in the rear seat, or the child has a medical condition that makes it necessary for the child to ride in the front seat so the driver can monitor the child.

These criteria were consistent with the general rationale of the 1997 final rule, as advanced air bag technology was still in the early stages of development. As discussed previously, the agency created the part 595 petition as a temporary measure to ensure vulnerable passengers were protected from potential harm from air bag systems. It was intended to be a temporary measure as advanced air bag technologies developed. Accordingly, the provision sunset in 2015.

Subpart B of part 595 sets out the specific steps that a vehicle owner/installation technician must follow to obtain an exemption for an on-off switch.[16]

If an individual wants an on-off switch installed in their vehicle, they must fill out the request form that can be found in appendix B to part 595. The first portion of this form provides instructions to individuals seeking the installation of an on-off switch, and part of these instructions directs the vehicle owner or lessee to read NHTSA's information brochure on air bag on-off switches, which can be found in appendix A to part 595. After reviewing the brochure, if the vehicle owner/lessee is still interested in having an air bag on-off switch installed, the vehicle owner/lessee then fills the request form out, including an indication of which air bags (passenger or driver) they would like the on-off switch for. The request form includes a list of the eligibility criteria NHTSA deemed acceptable for a retrofit on-off switch in the 1997 final rule with a check box next to each justification. A list of these eligibility criteria is also included in the safety brochure (appendix A to part 595). The applicant must check which justification they are requesting an on-off switch under as part of completing the request form. After completing the request form, the owner/lessee mails the form to NHTSA. NHTSA then reviews the request form and determines whether the owner/lessee should be granted their request to have an on-off switch installed. If NHTSA determines the information provided in the request is sufficient, the agency notifies the individual if the request is granted or denied in writing. If the request is missing information, the agency will request the necessary information from the requestor. In addition to the signed form, NHTSA also sends the installation form (appendix C to part 595) (to be filled out by the manufacturer or repair shop).

The manufacturer or repair shop has several obligations that it must also comply with under part 595. These include ensuring a telltale light is installed and operating that indicates when the air bag switch is in the ''off'' mode and providing the owner/lessee of the vehicle with an insert for the vehicle owner's manual that describes the operation of the switch, explains the at-risk groups set forth in Appendix B, and indicates that the on-off switch should only be used in the ''off'' mode if one of the at-risk groups is present in the relevant seat. The manufacturer or repair shop must also fill out the installation form that can be found in appendix C to part 595 and return it to NHTSA within seven (7) days of installation.

D. Air Bag Deactivations

As noted earlier, while part 595 does not provide for air bag deactivations, NHTSA has been considering requests for air bag deactivations on a case-by-case basis using its enforcement discretion. Under the existing process, vehicle owners who would like to have their air bag system (or part of the system) deactivated must submit their request in a letter to NHTSA with a detailed explanation for why deactivation is necessary. This letter must include information such as the subject vehicle's make, model, and vehicle identification number. In addition, requests based on certain medical conditions other than those for which the National Conference on Medical Indications for Air Bag Deactivation has recommended air bag deactivation must be accompanied by a physician statement.[17] This statement must indicate the particular medical condition of the patient, as well as the physician's judgment that the condition causes air bags to pose a special risk to that person, and that the condition makes the potential harm to the person from contacting an air bag in a crash greater than the potential harm from turning off the air bag.

[16] 49 CFR 595.5, Appendix A *Information Brochure,* Appendix B *Request Form,* Appendix C *Installation of Air Bag On-Off Switches.*

[17] At the request of the National Highway Traffic Safety Administration, the Ronald Reagan Institute of Emergency Medicine, with the assistance of the National Crash Analysis Center (NCAC), both of The George Washington University (GW), convened an expert panel of physicians to formulate recommendations on specific medical indications for air bag deactivation.

Once NHTSA reviews the deactivation request letter, it notifies the requestor in writing of its decision to either grant or deny the request. If NHTSA denies the request, it explains the basis for the denial; if the reason for the denial was a lack of information, the request may be resubmitted with the necessary information. If NHTSA grants the request, it provides the requestor with an authorization letter, a copy of the information brochure contained in appendix A to part 595, labels to be attached to the vehicle interior for alerting vehicle users about the deactivated air bag(s), and a form to be filled out and mailed back to the agency regarding the deactivation. The recipient can then take the authorization letter to a car dealer or a motor vehicle repair business to have their vehicle's air bag deactivated.

III. Proposed Amendments

The changes proposed in this document would revise NHTSA's policies and procedures regarding retrofit on-off switches and deactivations to account for the benefits of advanced air bags. Over the last two and a half decades, NHTSA has repeatedly stated in multiple rulemaking notices that its regulations permitting air bag on-off switches and deactivations were intended to be temporary. During the 1990s, NHTSA's primary reason for allowing air bag on-off switches and deactivations was to provide time for manufacturers to develop advanced air bag technology. NHTSA also continued allowing air bag on-off switches and deactivations even after the phase-in of advanced air bag requirements to promote public acceptance of the technology and to give the agency time to study advanced air bags in real-world situations before making long-term policy decisions regarding the continued need for air bag on-off switches and deactivations.

This rulemaking would complete NHTSA's evaluation of current advanced air bag efficacy and the need for on-off switches and deactivations. Unlike our previous rulemakings in this area, the changes proposed in this document are not intended to be interim solutions. Rather, they represent NHTSA's conclusions regarding the need for air bag switches and deactivations as it exists for the foreseeable future. NHTSA considered several factors in crafting the proposed amendments in this NPRM, including the interest in and need for retrofit air bag on-off switches and air bag deactivations, the degree to which advanced air bags mitigate the risk of air bag-related injuries, and the safety benefits of advanced air bags relative to retrofit on-off switches and deactivations.

Furthermore, the changes proposed in the following sections will improve motor vehicle safety. As discussed above, data indicate that advanced air bag systems significantly improve safety outcomes for most vehicle occupants. NHTSA acknowledges that certain individuals have the potential to be harmed by air bags, primarily because of their stature; however, advancements in air bag suppression technology have resulted in most air bag suppression systems protecting smaller stature occupants without needing an air bag on-off switch. Retrofit on-off switches can be misused by consumers because they may forget to set the switch to the position appropriate for the passenger occupying the seat. By narrowing the eligibility criteria for obtaining an air bag on-off switch to only include groups that are at heightened risk of air bag-related injuries even with advanced air bag systems, the proposed rule would result in fewer installations of unnecessary retrofit switches. By eliminating the sunset date provision, the proposed rule would increase NHTSA's regulatory flexibility to allow the installation of retrofit air bag on-off switches to serve at-risk groups, regardless of when their vehicles were manufactured. In addition, the proposed rule improves overall agency transparency and public accountability by articulating and codifying NHTSA's processes for approving requests for retrofit air bag on-off switches and, if necessary, for air bag deactivation, when warranted by a safety need.

As the 1997 final rule indicates, the part 595 petition process has always focused on weighing the safety benefits that air bags provide vis-à-vis the potential harm that air bag systems can do to at-risk populations.[18] The development and widespread use of advanced air bag systems has significantly altered this calculus, which is why the agency is proposing changes to part 595's substantive requirements as part of this NPRM.

A. Removal of the Sunset Date Provision for Retrofit Air Bag On-Off Switches

This rulemaking would remove from part 595 subpart B the language limiting the installation of retrofit air bag on-off switches to vehicles manufactured before September 1, 2015. As noted above, when NHTSA authorized air bag on-off switches in past rulemakings, the agency imposed a sunset date for their availability because it believed that advanced air bags would largely obviate the need for manual air bag on-off switches. NHTSA tried to set these sunset dates far enough in the future to provide sufficient time both for manufacturers to develop advanced air bags and for the agency to assess advanced air bags' effect on safety.

NHTSA has determined that, even with advanced air bags, there is and will be a continuing need for retrofit air bag on-off switches for the foreseeable future for at least some at-risk segments of the population. There is a small segment of the vehicle occupant population (*e.g.,* those that meet our new eligibility criteria to obtain a retrofit air bag on-off switch, which are discussed below) to whom current frontal air bags pose a risk that outweighs a safety benefit, and whose risk characteristics are such that they cannot necessarily be detected or mitigated by current advanced air bag technology. Because the risks to this population are not addressed by advanced air bags, we tentatively believe that it would be safer in some instances for air bags to be suppressed by a manually operated air bag on-off switch than to deploy as designed. This population will likely need the continued availability of retrofit air bag on-off switches for the indefinite future, so NHTSA proposes to remove the sunset date of September 1, 2015, and to continue allowing retrofit air bag on-off switches for certain at-risk populations until further notice.

Comments are requested on this proposal.

B. Adjustment of Criteria for At-Risk Occupants To Obtain a Retrofit Air Bag On-Off Switch for Vehicles Equipped With Advanced Air Bags

This rulemaking proposes to amend the eligibility criteria for owners and users of vehicles equipped with advanced air bags to obtain a retrofit air bag on-off switch under part 595 subpart B. We believe that advanced air bags have sufficiently addressed the safety concerns of some of the groups that were previously deemed at-risk for air bag-related injuries at the time that Part 595 subpart B was established. This rulemaking would narrow the eligibility requirements for obtaining a retrofit air bag on-off switch under part 595 subpart B such that these groups would not all qualify for an air bag on-off switch on vehicles equipped with advanced air bags. The proposed amendments specifically relate to the categories concerning infants in rear-facing CRSs and children ages 1 to 12 who must be transported in the front passenger seat. Below we discuss each in turn.

[18] 62 FR 62406.

i. Exemptions for Infants in Rear-Facing Child Restraint Systems Who Must Be Transported in the Front Passenger Seat

1. Vehicles Certified to the Suppression-Based Compliance Option Would No Longer Be Eligible for an Exemption

This NPRM distinguishes between vehicles meeting the advanced air bag requirements by way of suppression versus via a low-risk deployment option. Under this NPRM, vehicles certified to meet the advanced air bag requirements for children in rear-facing CRSs in the front seat using suppression would not be eligible for a retrofit air bag on-off switch. This proposal reflects our tentative conclusion, based on over two and a half decades of field data, that air bag suppression is an extremely effective tool for protecting children in rear-facing CRSs from air bag-related injuries. Based on these data, NHTSA tentatively believes there is no longer a safety need to permit the installation of retrofit air bag on-off switches in these circumstances.

Like on-off switches, suppression-based advanced air bags mitigate the risk to children in rear-facing CRSs by eliminating the possibility of air bag/CRS interaction entirely. Moreover, the automatic operation of suppression-based advanced air bags makes the suppression systems safer overall as compared to retrofit air bag on-off switches, which do not operate automatically and are susceptible to misuse. Thus, NHTSA tentatively believes there is no longer a safety need to permit the installation of retrofit air bag on-off switches in vehicles equipped with suppression-based advanced air bags for the transport of children in rear-facing CRSs in the front passenger seat. NHTSA tentatively believes that this proposal would benefit safety by reducing the number of unneeded retrofit air bag on-off switches that would be present in the fleet that could potentially be misused.

2. Vehicles Certified to the Low-Risk Deployment Compliance Option Would Still Be Eligible for an Exemption

Under the proposed rule, vehicles certified to meet advanced air bag requirements for children in rear-facing CRSs in the front seat using low risk deployment (LRD) would continue to be eligible for a make inoperative exemption for a retrofit air bag on-off switch.

The agency has decided to differentiate between suppression-based and LRD-based advanced air bag systems for children in rear-facing CRSs because, although NHTSA has confidence in both suppression and LRD technologies, LRD systems are not as prevalent in the fleet and have not had the same degree of field experience confirming their effectiveness as have suppression systems.

There are several safety considerations specific to rear-facing CRSs interacting with LRD-based advanced air bags that NHTSA believes justify the agency's cautious approach here. First, children in rear-facing CRSs are typically younger and more vulnerable than other at-risk groups. Second, children in rear-facing seats are always exceedingly close to a front-mounted air bag, especially compared to other categories of at-risk occupants. This proximity matters because the primary factor that determines a child's risk of air bag-related injury is the child's proximity to the air bag at the time of deployment. Given that children in rear-facing CRSs are especially at risk for air bag-related injuries because of their constant close proximity to the air bag risk zone as compared to other at-risk groups, NHTSA has determined that it would be prudent at this time to allow vehicle owners with LRD advanced air bag systems to have the option of an on-off switch if they must seat a child in the front seat of their vehicle.

ii. Exemptions for Children Ages 1 to 12 Who Must Be Transported in the Front Passenger Seat

Under the proposed rule, vehicles meeting the advanced air bag requirements that are used to transport children ages 1 to 12 in the front passenger seat (including children secured in a forward-facing CRS) would not be eligible for a make inoperative exemption for a retrofit air bag on-off switch. This change would apply regardless of whether the vehicle is equipped with suppression-based or LRD-based advanced air bags.

NHTSA originally designated children ages 1 to 12 an ''at-risk'' group for purposes of determining eligibility for an exemption under part 595, to address the dangers that early (non-advanced) air bags posed to unrestrained older children. Identifying this risk group required NHTSA to establish an objective, practicable way of determining both when a child is large enough that the air bags deploying would not pose a significant safety risk, and when a child was behaviorally mature enough that the child was not likely to be out of position at the time an air bag deploys. NHTSA chose age as a proxy for making these determinations, because age normally correlates to a child's size and level of maturity, and it is a simple and objective way to determine eligibility. However, a child's age is, at best, an imperfect measure of whether the child is at risk for air bag-related injuries because age is an imperfect proxy for size or maturity.

Advanced air bag systems do not rely on age as a proxy for a child's size or likely position at the time of air bag deployment. Rather, they use sensors to detect a child's size and use either sensors or other design features to safely account for children who are out of position at the time of a crash. Because a child's size and position are the two most important indicators of whether it is safe to deploy the air bag (or whether to deploy it in a low-risk manner), advanced air bags can use that data to either suppress the air bag or tailor the air bag's deployment to the child (as opposed to early generation air bags, which would always deploy the air bag at full force in a triggering crash, regardless of the size or position of the occupant). The agency is unaware of a single reported crash fatality of a child aged 1 to 12 (or a child in a forward-facing CRS) that has been attributed to a certified advanced air bag since the technology was introduced. Based on available evidence, the agency believes there is no longer a safety need that justifies permitting the installation of retrofit air bag on-off switches for children ages 1 to 12 (or children in forward-facing CRSs) in vehicles equipped with advanced air bags solely on the basis of age. The agency would continue to approve requests for retrofit on-off switches for children ages 1 to 12 (or children in forward-facing CRSs) in vehicles equipped with non-advanced air bags.

Notwithstanding the agency's tentative conclusion that children ages 1 to 12 (or children in forward-facing CRSs) are not an at-risk group under part 595, subpart B in vehicles equipped with advanced air bags, NHTSA acknowledges that there is a remote possibility an air bag on-off switch may be permissible for these children under certain circumstances, such as if a specific child in that age range has unique characteristics that a vehicle's advanced air bag system has difficulty detecting. Similarly, given the variety of forward-facing and rear-facing CRSs that exist, the agency acknowledges that there is a remote possibility that some advanced air bag systems may not be designed to detect certain models of forward-facing CRSs that have unusual footprints. To address these sorts of edge cases, the agency foresees using its enforcement discretion to permit the installation of retrofit on-off switches in these rare situations.

Comments are requested on the above issues.

C. Requests for Air Bag Deactivations (General Public)

NHTSA proposes to codify the process by which vehicle owners request a ''make inoperative'' exemption so that they may have their vehicles' air bags deactivated. This informal process for requesting deactivations was initially intended to be used in a limited number of circumstances where the requestor was eligible for an exemption to install an air bag on-off switch, but an air bag on-off switch was not available from the manufacturer of the requestor's vehicle. The agency believes it can improve on the deactivation request process with the proposals described in detail below.

NHTSA's proposal to codify the deactivation request process would improve transparency while keeping the process largely unchanged aside from a few slight modifications. First, NHTSA would require that deactivation requestors certify that they have read the information brochure contained in appendix A, since the safety justification underlying that requirement (*e.g.,* ensuring the requestor is aware of the risks associated with switching off the air bag) applies to deactivations as well as on-off switches. Second, consistent with the requirements for on-off switch exemptions based on a medical need, we would no longer require a physician statement if the deactivation is for a medical purpose. Lastly, we would require that requestors specifically explain why an air bag on-off switch is insufficient for their needs. The reason for this requirement is that NHTSA considers deactivations to be a greater potential risk to overall vehicle safety than on-off switches. A deactivated air bag deprives all vehicle occupants of the safety benefits of air bags regardless of whether they are at-risk of air bag-related injuries, whereas an on-off switch enables occupants who are not at-risk to keep the air bag activated.

NHTSA will continue to evaluate deactivation requests on a case-by-case basis, and will only grant them if the agency believes that doing so is consistent with the Safety Act and is in the interest of motor vehicle safety.

Comments are requested on the codification of the deactivation request process.

D. Exemptions for Law Enforcement and Emergency Vehicles On-Off Switches

NHTSA proposes amending part 595 subpart B to add a process that specifically applies to air bag on-off switch requests for law enforcement and emergency vehicles, along with a corresponding request form. The form would be codified as appendix D to part 595.

For a number of years, NHTSA has granted requests from law enforcement and emergency service officials to install air bag on-off switches through the exercise of the agency's enforcement discretion. In the 2012 final rule, the agency explained that one reason for extending the sunset date under part 595 subpart B was to ''consider other topics that have arisen over the years such as our continued use of our enforcement discretion for circumstances not covered by part 595 (*e.g.,* the application of retrofit switches for emergency and law enforcement vehicles).'' The agency's primary safety concern with air bags in law enforcement and emergency vehicles is that these vehicles are necessarily outfitted with job-related equipment that could pose a danger to occupants should the air bag deploy. This danger is not necessarily addressed by advanced air bags, since FMVSS No. 208 does not require that advanced air bags be tested in the presence of this job-related equipment, nor would such a requirement be reasonably practicable at this time. Given this concern, we have used our enforcement discretion to permit the installation of retrofit on-off switches and air bag deactivations on law enforcement and emergency vehicles through a process similar to the process used to evaluate deactivation requests from the general public.

In the interest of transparency of agency processes, NHTSA seeks to formalize the process by which law enforcement and emergency service providers obtain make inoperative exemptions for retrofit on-off switch installations. To this end, this NPRM proposes to add a new section to part 595 subpart B specifically for ''Emergency Vehicles'' along with a corresponding new form contained in appendix D. This new section would contain the procedures that emergency service providers must follow to obtain a make inoperative exemption for their law enforcement or emergency vehicles. The accompanying form would require that a requesting entity certify that the vehicle on which the air bag on-off switch will be installed is intended to be used for law enforcement, fire response, or medical response.

Comments are requested on this proposal.

ii. Deactivations

As with exemption requests from the general public, if a retrofit air bag on-off switch is unavailable or inadequate for an emergency or law enforcement vehicle, officials may request approval for an air bag deactivation. The process for requesting an air bag deactivation for a law enforcement vehicle or an emergency vehicle would be the same as the process for the general public.

Comments are requested on the above issues. A copy of the law enforcement and emergency response request form can be found in the docket for this NPRM.

E. Update of Information Brochure

NHTSA proposes to revise the Information Brochure contained in appendix A to part 595. Appendix A contains the Information Brochure that air bag on-off switch requestors must read as part of the application process for obtaining an exemption for a retrofit air bag on-off switch under subpart B. The purpose of the Information Brochure is to provide requestors with relevant information about the safety benefits and potential risks of air bags, so that they can make an informed decision whether to request an exemption under part 595 subpart B.

NHTSA codified the Information Brochure as appendix A to part 595 as part of the same November 1997 final rule that established part 595 subpart B. In the more than two decades that have passed since then, air bag technology has evolved substantially. Given these changes, the Information Brochure currently found in appendix A to part 595 is no longer complete or accurate.

To address this problem, this NPRM proposes major revisions to the Information Brochure. The updated brochure would provide more complete and accurate information about current air bag technology to better ensure consumers will make an informed decision regarding whether to request an exemption under part 595 subpart B. The agency has also included stylistic changes, such as formatting changes that make the material more engaging and easier to read, and a 10-inch ruler printed on the outer cover so that drivers can measure their distance to the steering wheel. A copy of our proposed revised Information Brochure for at-risk passengers has been placed in the docket to this NPRM.

The agency seeks comment on our proposed revisions to the Information Brochure contained in Appendix A to part 595.

IV. Estimates of Benefits and Costs

NHTSA performed an economic analysis for the proposed rule, and has determined that the proposed rule would be net beneficial. The agency

found that there would be significant cost savings as a result of the proposed rule. A summary of the economic analysis is below, and the full economic analysis can be found in the docket for this NPRM.

Methodology. To determine the costs and safety impacts of this NPRM, NHTSA considered two baselines in its analysis. The first baseline is what the agency refers to as the Enforcement Discretion Baseline. This baseline considers the status quo, where NHTSA uses its enforcement discretion to grant air bag on-off switch requests since the last sunset for the on-off program for MY 2015 vehicles. This baseline assumes that there is potential for all vehicles (not just MY 2015 and earlier vehicles) to receive exemptions. In other words, this baseline includes analysis of all MY vehicles, rather than incorporating only MY 2015 and earlier vehicles not impacted by the 2015 sunset.

The second baseline is what the agency refers to as the Enforcement Non-Discretion Baseline. This baseline considers a scenario under which the sunset provision is strictly enforced. Under this baseline, the proposed rule has a smaller net effect because enforcing just the sunset provision would yield the same procedural changes as the proposed rule for all MY 2016 and later vehicles. Thus, the net effect under the Enforcement Non-Discretion Baseline would be limited to pre-MY 2016 vehicles with advanced air bags.

Air Bag On-Off Switch Cost Impacts. For this analysis, NHTSA assumed that the volume of annual exemption requests for air bag on-off switches will be equal to the annual average from 2015–2017 (the most recent available data), or 58 requests per year under the *Enforcement Discretion baseline.* For the *Enforcement Non-Discretion baseline,* NHTSA assumed that the number of annual requests will be equal to the estimated share of all vehicles with advanced air bags comprised of pre-MY 2016 vehicles, multiplied by 58. The share of all vehicles with advanced air bags comprised of pre-MY 2016 vehicles is estimated as the sum of surviving MY 2004 (*i.e.,* the first year with mandatory advanced air bags) through MY 2015 vehicles, divided by the projected sum of MY 2004 through MY 2021 vehicles at the end of 2021. The resulting estimate of the relevant share comprised of pre-MY 2016 vehicles is approximately 59 percent, yielding an estimate of 34.2 requests per year under the *Enforcement Non-Discretion baseline.*

The total annual cost impact for the subset of on-off switch exemption requests that would be eliminated under the proposed rule compared to the costs under the *Enforcement Discretion* baseline is summarized in Table 1 (See the docketed economic analysis for this proposed rule for details):

TABLE 1—ESTIMATED ANNUAL COST IMPACTS IN CASES WHERE THE ON-OFF SWITCH EXEMPTION IS ELIMINATED

[2022 Dollars, Enforcement Discretion Baseline]

Cost item (entity)	Status quo cost	Cost under proposed rule	Net cost impact
Requests (Applicants)	$686.14	$0.00	−$686.14
On-Off Switch Installation (Applicants)	8,186.32	0.00	−8,186.32
Data Processing and Storage (Government)	61.39	0.00	−61.39
Documentation and Reporting (Industry)	87.58	0.00	−87.58
Total	9,021.43	0.00	−9,021.43

The corresponding annual cost impact under the *Enforcement Non-Discretion* baseline is summarized in Table 2:

TABLE 2—ESTIMATED ANNUAL COST IMPACTS IN CASES WHERE THE ON-OFF SWITCH EXEMPTION IS ELIMINATED

[2022 Dollars, Enforcement Non-Discretion Baseline]

Cost item (entity)	Status quo cost	Cost under proposed rule	Net cost impact
Requests (Applicants)	$404.06	$0.00	−$404.06
On-Off Switch Installation (Applicants)	4,820.80	0.00	−4,820.80
Data Processing and Storage (Government)	36.15	0.00	−36.15
Documentation and Reporting (Industry)	51.58	0.00	−51.58
Total	5,312.60	0.00	−5,312.60

The total annual cost impact is estimated to be −$9,021.43 under the *Enforcement Discretion* baseline and −$5,312.60 under the *Enforcement Non-Discretion* baseline.

Air Bag On-Off Switch Safety Impacts. Safety effects of the proposed rule in this category are assumed to be limited to the reduction in risk for front-seat passengers 13 years of age or older in vehicles with no on-off switch. NHTSA assumed that advanced air bags are estimated to be equally safe with or without an on-off switch for passengers 12 years of age or younger, because advanced air bags are designed either not to deploy or to deploy in a low-risk manner when small children are present (*i.e.,* the switch does not offer any benefit or detriment for small children). For passengers 13 years of age or older, reducing on-off switch exemption requests would improve safety by mitigating the risk of traveling while an on-off switch is in the off position, removing the protective effect of the air bag.

The safety benefit per vehicle in this category is estimated as the reduction in fatality risk per mile for front-seat passengers 13 years of age or older, multiplied by the vehicle miles traveled (VMT) where such passengers are present and the monetized value of a unit reduction in fatality risk. Analyses of 2017–2021 Crash Reporting Sampling System data and Fatality Analysis Reporting System data indicate that the front seat of light-duty vehicles was occupied by a passenger 13 years of age or older approximately 12 percent of the time in non-fatal crashes and 14 percent of the time in fatal crashes. Studies have estimated an overall light-duty vehicle occupant fatality rate of 0.82 fatality per 100 million VMT,[19] which represents approximately 73 percent of the average overall fatality rate from 2009 through 2012. The agency applied this ratio to the most recent overall fatality rate of 1.34 fatalities per 100 million VMT to identify an estimated light-duty vehicle fatality rate of 0.98 fatalities per 100 million VMT. Multiplying this fatality rate by 14 percent yields an estimated fatality rate for front-seat occupants 13 years of age or older of 0.14 fatality per 100 million VMT.

Studies indicate the effectiveness of frontal air bags in reducing fatalities for front-seat occupants to be 12 percent for passenger cars and 14 percent for light trucks and vans (LTVs).[20] Thus, traveling with an inactivated frontal air bag is estimated to be 1/(1–0.12), or 13.6 percent, riskier in passenger cars (1/(1–0.14), or 16.3 percent, riskier in LTVs). Assuming a light-duty vehicle sales split of one-third passenger cars and two-thirds LTVs for the vehicles affected by the proposed rule (which reflects recent vehicle sales splits), the average increase of risk of traveling in the front seat with an improperly deactivated frontal air bag is estimated to be 15.4 percent. NHTSA assumed a 10.3 percent misuse rate for air bag on-off switches when adults travel in the front passenger seat. Multiplying this misuse rate by the estimated 15.4 percent increase in risk when on-off switches are misused yields an estimate of incremental risk of 1.6 percent for front-seat passengers 13 years of age or older in the presence of air bag on-off switches. In turn, multiplying the estimated incremental risk by the fatality rate for front-seat passengers 13 years of age or older (0.14 fatality per 100 million VMT) yields an estimate of incremental fatality risk for these passengers in the presence of an air bag on-off switch equal to 0.0022 fatality per 100 million VMT.

For the *Enforcement Discretion baseline,* the agency estimated expected per-vehicle annual VMT (*i.e.,* expected VMT taking scrappage into account) by multiplying the average of the passenger car and LTV VMT schedules used in the analysis supporting the Corporate Average Fuel Economy Rulemaking by their corresponding vehicle survival schedules. Applying three-percent- and seven-percent discount rates yields estimates of discounted lifetime vehicle VMT equal to 13.0 times and 9.7 times the first-year VMT.

TABLE 3—VMT SCHEDULE AND ESTIMATED DISCOUNTED VEHICLE VMT (FOR SELECTED VEHICLE AGES)

Vehicle age	Annual VMT for surviving vehicles	Survival rate × 3% discount factor	Survival rate × 7% discount factor	Annual exposure (3% discount rate)	Annual exposure (7% discount rate)
1	17,040	1.000	1.000	17,040	17,040
5	14,641	0.853	0.732	14,535	12,480
10	12,310	0.636	0.452	10,843	7,696
15	10,546	0.377	0.221	6,421	3,766
20	9,165	0.178	0.086	3,036	1,472
25	7,981	0.087	0.035	1,477	592
30	6,805	0.049	0.016	831	275
35	5,454	0.017	0.005	294	81
Total/Year 1	.....	.....	.....	13.0	9.7

The monetized (undiscounted) value of the per-vehicle safety benefit in the first year of vehicle use in this category is estimated to be $13.12 (0.0022 mitigated fatality per 100 million VMT × 17,040/100 million VMT × $35.4 million per mitigated fatality [21]). Thus, at a three-percent discount rate, the estimated lifetime per-vehicle safety benefit is estimated to be approximately $171 ($13.12 × 13.0 = $170.58) under the *Enforcement Discretion* baseline. At a seven-percent discount rate, the estimated lifetime per-vehicle safety benefit is estimated to be approximately $127 ($13.12 × 9.7 = $127.28) under the *Enforcement Discretion* baseline.

For the *Enforcement Non-Discretion* baseline, the above approach is used, with one key change: per-vehicle safety benefits are estimated as the above per-vehicle safety benefits multiplied by the share of total lifetime discounted VMT comprised of pre-MY 2016 vehicles. In turn, the share of total lifetime discounted VMT comprised of pre-MY 2016 vehicles is estimated as the sum of estimated discounted lifetime VMT for MY 2004 through 2015 vehicles, divided by the sum of estimated discounted lifetime VMT for MY 2004 through MY 2021 vehicles. Using this approach, the estimated per-vehicle safety benefits are 67 percent lower than in the other baseline at a three-percent discount rate (0.33 × $170.58, or $56.29). The corresponding estimate at a seven-percent rate is 72 percent lower than in the other baseline (0.28 × $170.58, or $34.37).

The total annual safety benefit in this category under the proposed rule is equal to the per-vehicle safety benefit multiplied by the number of affected vehicles. Thus, at a three-percent discount rate, the total annual safety benefit is estimated to be $9,893.80

[19] Kahane, C. J. (2015, January). Lives saved by vehicle safety technologies and associated Federal Motor Vehicle Safety Standards, 1960 to 2012—Passenger cars and LTVs—With reviews of 26 FMVSS and the effectiveness of their associated safety technologies in reducing fatalities, injuries, and crashes. (Report No. DOT HS 812 069). Washington, DC: National Highway Traffic Safety Administration.

[20] Ibid.

[21] The total estimated safety value per mitigated fatality is equal to a base value per fatality ($12.8 million in 2022 dollars) adjusted by factors accounting for: (1) the share of comprehensive economic costs of crashes comprised of fatalities; and (2) the relative rate of front right seat occupation in non-fatal versus fatal crashes. This calculation is presented in more detail in the docketed accompanying economic analysis.

under the *Enforcement Discretion* baseline ($170.58 per request × 58 requests per year). At a seven-percent discount rate, the total annual safety benefit is estimated to be $7,382.30 under the *Enforcement Discretion* baseline ($127.58 per request × 58 requests per year). The total annual safety benefit under the *Enforcement Non-Discretion* baseline is $1,925.20 at a three-percent discount rate ($56.29 × 34.2 = $1,925.20) and $1,175.31 at a seven-percent discount rate ($34.37 × 34.2 = $1,175.31).

Air Bag Deactivation. The proposed rule will formalize and modify the process by which vehicle owners or users can obtain an exemption from the ''make inoperative'' provision for an air bag deactivation. The proposed rule will have a cost impact for requestors of air bag deactivation exemptions and business entities that deactivate air bags. For this analysis, the agency assumed that annual deactivation requests will be equal to the 2015–2017 annual average of deactivation requests under the proposed rule (seven per year). The agency felt there was no need to run a two-pronged analysis like it did for the on-off switch analysis because there was no change in the way the agency processed air bag deactivation requests; there has never been a formal process for requesting deactivation, and NHTSA has used its enforcement discretion to grant deactivations since the agency started doing so in the mid-1990s. Furthermore, because the agency is simply formalizing a process that is unlikely to result in a noticeable impact on the number of deactivation requests received, granted, or denied, NHTSA does not believe there will be a safety impact for this part of the proposed rule.

Individuals requesting air bag deactivation exemptions under the status quo incur costs associated with preparing the request letter, acquiring supporting documentation, and having the deactivation performed. Under the status quo, a deactivation requestor must write a letter to NHTSA that includes information about the requestor's vehicle and the requestor's reason for requesting an air bag deactivation.

The cost of deactivating an air bag system is unaffected by the proposed rule, meaning the proposed rule would have no impact on the costs associated with deactivation. Furthermore, the proposed rule does not include any additional requirements for businesses performing air bag deactivations, meaning the proposed rule would also have no impact on the costs businesses incur by performing deactivations.

Table 4 below estimates the costs associated with the proposed amendments to the air bag deactivation process (see the docketed economic analysis for this proposed rule for details).

TABLE 4—ESTIMATED ANNUAL COST IMPACTS FOR AIR BAG DEACTIVATION REQUESTS

[2022 Dollars]

Cost item (entity)	Status quo cost	Cost under proposed rule	Net cost impact
Requests (Applicants)	$160.72	$186.69	$25.97
Deactivation (Applicants)	542.50	542.50	0.00
Distributing Forms and Labels, and Data Processing (Government)	61.81	61.81	0.00
Return Form and Labels (Industry)	18.90	18.90	0.00
Safety (Occupants)	N/A	N/A	0.00
Total	722.12	748.09	25.97

V. Proposed Effective Date

We propose that the amendments in this rulemaking become effective immediately after publication of a final rule in the **Federal Register**. The proposed amendments would not markedly impact the current process or requestors' ability to get approval for an air bag on-off switch or deactivation except regarding forward-facing children ages 1 to 12, children in forward-facing CRSs, and children in rear-facing CRSs in vehicles equipped with suppression-based advanced air bag systems. Because this final rule would have no impact on the public and only changes NHTSA processes, the agency does not believe that any lead time is necessary for this potential final rule. Comments are requested on this proposed effective date.

VI. Regulatory Notices and Analyses

Executive Order 12866, Executive Order 14904, Executive Order 13563, and DOT Regulatory Policies and Procedures

NHTSA has considered the potential impact of this proposed rule under Executive Order 12866, Executive Order 14094, Executive Order 13563, DOT Order 2100.6A and the Department of Transportation's regulatory policies and procedures. This NPRM is not considered to be significant under the Department of Transportation's regulatory policies and procedures.[22]

This document proposes several changes to part 595 subpart B but does not impose any new costs. It proposes the elimination of the sunset date of an existing exemption for retrofit on-off switches for frontal air bags, slight narrowing of the eligibility requirement for obtaining that exemption going forward, and the codification of existing processes for obtaining retrofit air bag on-off switches for emergency vehicles and air bag deactivations for all vehicles. It also proposes changes to the information brochure contained in appendix A. The agency notes that part 595 subpart B does not require a motor vehicle manufacturer, dealer, or repair business to take any action or bear any costs except in instances in which a dealer or repair business voluntarily agrees to deactivate or install an air bag on-off switch for an air bag. For consumers, the purchase and installation of a retrofit air bag on-off switch or the deactivation a vehicle's frontal air bag is permissive, not prescriptive.

When an eligible consumer obtains the agency's authorization for the installation of a retrofit air bag on-off switch or air bag deactivation and enlists a dealer or repair business to modify their vehicle accordingly, there will be costs associated with that action. However, these are costs that the consumer chooses to bear if they want an air bag on-off switch or air bag

[22] 44 FR 11034 (Feb. 26, 1979).

deactivation, they are not costs prescribed by NHTSA's regulation.

Moreover, the agency notes that the amendments to part 595 that are proposed here would either only slightly amend existing processes for vehicle owners to request a make inoperative exemption or would codify longstanding procedures relating to requests for deactivations. Given that these proposed changes would not substantially change the process by which vehicle owners currently obtain make inoperative exemptions for retrofit air bag on-off switches and deactivations, and the fact that these changes will affect a relatively small number of vehicles, there are virtually no new costs imposed by this rulemaking. A detailed description of the costs and benefits can be found above. Furthermore, the agency prepared an economic analysis for this proposed rule, which can be found in the docket for this NPRM.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever an agency is required to publish a notice of proposed rulemaking, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations, and small governmental jurisdictions) unless the head of an agency certifies the proposal will not have a significant economic impact on a substantial number of small entities. The Small Business Administration's regulations at 13 CFR part 121 define a small business, in part, as a business entity ''which operates primarily within the United States.'' 13 CFR part 121.105(a). SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a proposal will not have a significant economic impact on a substantial number of small entities.

I certify that the changes proposed in this NPRM would not have a significant economic impact on a substantial number of small entities. The amendments proposed in this NPRM eliminate the sunset provision in Subpart B of part 595, make some relatively minor changes to on-off switch eligibly that only affect a small number of vehicles, and codify existing agency practices regarding treatment of law enforcement and emergency vehicles and air bag deactivations.

This NPRM does not propose any changes that would significantly affect small entities. Small organizations and small governmental units would not be significantly affected by the proposed amendments of this NPRM since the potential cost impacts associated with this action are negligible.

Executive Order 13132 (Federalism)

NHTSA has examined this proposed rule pursuant to Executive Order (E.O.) 13132 (64 FR 43255, August 10, 1999) and concluded that no additional consultation with States, local governments or their representatives is mandated beyond the rulemaking process. The agency has concluded that the rulemaking would not have sufficient federalism implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. This proposed rule would not have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

NHTSA rules can have preemptive effect in two ways. First, the National Traffic and Motor Vehicle Safety Act contains an express preemption provision stating that, if NHTSA has established a standard for an aspect motor vehicle or motor vehicle equipment performance a State may only prescribe or continue in effect a standard for that same aspect of performance if the State standard is identical to the Federal standard. 49 U.S.C. 30103(b)(1). It is this statutory command by Congress that preempts any non-identical State legislative and administrative law addressing the same aspect of performance.

The express preemption provision described above is subject to a savings clause under which ''[c]ompliance with a motor vehicle safety standard prescribed under this chapter does not exempt a person from liability at common law.'' 49 U.S.C. 30103(e). Pursuant to this provision, State common law tort causes of action against motor vehicle manufacturers that might otherwise be preempted by the express preemption provision are generally preserved.

NHTSA rules can also preempt State law if complying with the FMVSS would render the motor vehicle manufacturers liable under State tort law. Because most NHTSA standards established by an FMVSS are minimum standards, a State common law tort cause of action that seeks to impose a higher standard on motor vehicle manufacturers will generally not be preempted. However, if and when such a conflict does exist—for example, when the standard at issue is both a minimum and a maximum standard—the State common law tort cause of action is impliedly preempted. See *Geier* v. *American Honda Motor Co.,* 529 U.S. 861 (2000).

Pursuant to E.O. 13132, NHTSA has considered whether this proposed rule could or should preempt State common law causes of action. The agency's ability to announce its conclusion regarding the preemptive effect of one of its rules reduces the likelihood that preemption will be an issue in any subsequent tort litigation. To this end, the agency has examined the nature (*e.g.,* the language and structure of the regulatory text) and objectives of this proposed rule and finds that this NPRM, like many NHTSA rules, prescribes only a minimum safety standard.

Accordingly, NHTSA does not intend that this proposed rule preempt state tort law that would effectively impose a higher standard on motor vehicle manufacturers than that established by this proposed rule. Establishment of a higher standard by means of State tort law would not conflict with the minimum standard finalized in this document. Without any conflict, there could not be any implied preemption of a State common law tort cause of action.

Paperwork Reduction Act

Under the procedures established by the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations, and a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. This proposed rulemaking proposes changes to the existing information collection requirements under 49 CFR part 595.5, ''Retrofit On-Off Switches for Air Bags.''

In compliance with the requirements of the PRA, NHTSA intends to request approval for a reinstatement with modification of a previously approved information collection request. Specifically, NHTSA is requesting reinstatement of the information collection request (ICR) with OMB Control No. 2127–0588. This ICR corresponds to appendix B to part 595, which is a form that any owner or lessee of a motor vehicle seeking the installation of an air bag on-off switch must complete and submit to NHTSA before NHTSA will grant or deny

approval for an on-off switch to be installed. Additionally, NHTSA plans to request that the previously approved ICR be modified in accordance with the proposals discussed in this NPRM. As discussed in the sections above, this NPRM proposes to amend several of the appendices in part 595, and proposes adding an additional appendix to part 595, which means the burden on the public may be different from the originally approved ICR.

As part of seeking approval to reinstate the ICR with OMB, NHTSA will separately publish a notice giving the public the opportunity to comment on the reinstatement and modification of the ICR. Those notices will provide significant detail on the ICR reinstatement, and on how the ICR will be modified based on the proposals discussed in this proposed rule.

National Environmental Policy Act (NEPA)

NHTSA has analyzed this NPRM for the purposes of the National Environmental Policy Act (NEPA). The agency has determined that implementation of this action will not have any significant impact on the quality of the human environment.

Unfunded Mandates Reform Act (UMRA)

The Unfunded Mandates Reform Act of 1995 (UMRA) requires Federal agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually (adjusted annually for inflation, with base year of 1995). UMRA also requires an agency issuing an NPRM or final rule subject to the Act to select the ''least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule.'' This NPRM would not result in a Federal mandate that will likely result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually (adjusted annually for inflation, with base year of 1995).

Executive Order 12778 (Civil Justice Reform)

When promulgating a regulation, agencies are required under E.O. 12988 to make every reasonable effort to ensure that the regulation, as appropriate: (1) specifies in clear language the preemptive effect; (2) specifies in clear language the effect on existing Federal law or regulation, including all provisions repealed, circumscribed, displaced, impaired, or modified; (3) provides a clear legal standard for affected conduct rather than a general standard, while promoting simplification and burden reduction; (4) specifies in clear language the retroactive effect; (5) specifies whether administrative proceedings are to be required before parties may file suit in court; (6) explicitly or implicitly defines key terms; and (7) addresses other important issues affecting clarity and general draftsmanship of regulations.

Pursuant to this Order, NHTSA notes as follows. The preemptive effect of this NPRM is discussed above. NHTSA notes further that there is no requirement that an individual submit a petition for reconsideration or pursue other administrative proceedings before they may file suit in court.

National Technology Transfer and Advancement Act

Under the National Technology Transfer and Advancement Act of 1995 (NTTAA) (Pub. L. 104–113), all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies, such as the International Organization for Standardization and the Society of Automotive Engineers. The NTTAA directs us to provide Congress, through OMB, explanations when we decide not to use available and applicable voluntary consensus standards. There are no voluntary consensus standards developed by voluntary consensus standards bodies pertaining to this proposed rule.

Plain Language Requirement

E.O. 12866 requires each agency to write all rules in plain language. Application of the principles of plain language includes consideration of the following questions:

- Have we organized the material to suit the public's needs?
- Are the requirements in the rule clearly stated?
- Does the rule contain technical language or jargon that isn't clear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand?
- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the rule easier to understand?

NHTSA has considered these questions and attempted to use plain language in promulgating this proposed rule. If readers have suggestions on how we can improve our use of plain language, please write us.

Regulation Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading at the beginning of this notice may be used to find this action in the Unified Agenda.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its decision-making process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

VII. Public Participation

How do I prepare and submit comments?

- To ensure that your comments are correctly filed in the Docket, please include the Docket Number in your comments.
- Your comments must not be more than 15 pages long. NHTSA established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments, and there is no limit on the length of the attachments.
- If you are submitting comments electronically as a PDF (Adobe) file,

NHTSA asks that the documents be submitted using the Optical Character Recognition process, thus allowing NHTSA to search and copy certain portions of your submissions.

• Please note that pursuant to the Data Quality Act, for substantive data to be relied on and used by NHTSA, it must meet the information quality standards set forth in the OMB and DOT Data Quality Act guidelines. Accordingly, NHTSA encourages you to consult the guidelines in preparing your comments. DOT's guidelines may be accessed at *https://www.transportation.gov/regulations/dot-information-dissemination-quality-guidelines.*

Tips for Preparing Your Comments

When submitting comments, please remember to:

• Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).

• Explain why you agree or disagree, suggest alternatives, and substitute language for your requested changes.

• Describe any assumptions you make and provide any technical information and/or data that you used.

• If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

• Provide specific examples to illustrate your concerns, and suggest alternatives.

• Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

• To ensure that your comments are considered by the agency, make sure to submit them by the comment period deadline identified in the **DATES** section above.

• For additional guidance on submitting effective comments, see *https://www.regulations.gov/docs/Tips_For_Submitting_Effective_Comments.pdf.*

How can I be sure that my comments were received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How do I submit confidential business information?

If you wish to submit any information under a claim of confidentiality, you should submit your complete submission, including the information you claim to be confidential business information (CBI), to the NHTSA Chief Counsel. When you send a comment containing CBI, you should include a cover letter setting forth the information specified in our CBI regulation (49 CFR part 572). In addition, you should submit a copy from which you have deleted the claimed CBI to the Docket by one of the methods set forth above.

To facilitate social distancing due to COVID–19, NHTSA is treating electronic submission as an acceptable method for submitting CBI to the Agency under 49 CFR part 512. Any CBI submissions sent via email should be sent to an attorney in the Office of Chief Counsel at the address given above under **FOR FURTHER INFORMATION CONTACT**.

Will the agency consider late comments?

We will consider all comments received before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that the docket receives after that date. If the docket receives a comment too late for us to consider in developing a final rule (assuming that one is issued), we will consider that comment as an informal suggestion for future rulemaking action.

How can I read the comments submitted by other people?

You may read the comments received by the docket at the address given above under **ADDRESSES**. The hours of the docket are indicated above in the same location. You may also see the comments on the internet. To read the comments on the internet, go to *https://www.regulations.gov.* Follow the online instructions for accessing the dockets.

Please note that even after the comment closing date, we will continue to file relevant information in the docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the docket for new material. You can arrange with the docket to be notified when others file comments in the docket. See *www.regulations.gov* for more information.

If you have any questions about CBI or the procedures for claiming CBI, please consult the person(s) identified in the **FOR FURTHER INFORMATION CONTACT** section.

List of Subjects in 49 CFR Part 595

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, NHTSA is proposing to amend 49 CFR part 595 as follows:

PART 595—MAKE INOPERATIVE EXEMPTIONS

■ 1. The authority citation for part 595 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, 30122 and 30166; delegation of authority at 49 CFR 1.95.

■ 2. Amend § 595.4 by adding in alphabetical order definitions for ''Deactivation'', ''Emergency vehicle'', and ''On-off switch'' to read as follows:

§ 595.4 Definitions.

* * * * *

Deactivation means that a dealer or motor vehicle repair business disables an air bag system in a motor vehicle.

* * * * *

Emergency vehicle means law enforcement vehicles, as that term is defined in S7 of § 571.208 of this chapter, firefighting vehicles, and ambulances, as that term is defined in S3 of § 571.201 of this chapter.

* * * * *

On-off switch means a switch that allows an occupant to turn an air bag in the vehicle on or off.

* * * * *

■ 3. Revise the heading to Subpart B to read as follows:

Subpart B—Retrofit On-Off Switches for Air Bags and Air Bag Deactivations

■ 4. Revise § 595.5 to read as follows:

§ 595.5 Requirements.

(a) *Overview of general conditions for a vehicle owner or lessee to obtain approval to install a retrofit air bag on-off switch.* For installing a retrofit air bag on-off switch on vehicles other than an emergency vehicle, prior to the installation of the retrofit air bag on-off switch either the owner or lessee of the motor vehicle reads the information brochure in appendix A to this part and submits the completed form in appendix B to this part to the National Highway Traffic Safety Administration (NHTSA) in accordance with the instructions on the form. For emergency vehicles, the authorized representative of the owner or lessee of the emergency vehicle submits the completed form in appendix D to this part to NHTSA in accordance with the instructions on the form. NHTSA will consider whether the request is consistent with motor vehicle safety and the purpose and policies of the National Traffic and Motor Vehicle Safety Act. If NHTSA agrees to the request, NHTSA sends a letter to the

requestor authorizing the installation of an on-off switch in that vehicle for that air bag.

(b) *Requirements for dealer or motor vehicle repair businesses when installing retrofit on-off switches for air bags.* A dealer or motor vehicle repair business may modify a motor vehicle by installing an on-off switch subject to the conditions in paragraphs (b)(1) through (5) of this section.

(1) The dealer or motor vehicle repair business receives from the owner or lessee of the motor vehicle a letter from the National Highway Traffic Safety Administration that authorizes the installation of an on-off switch in that vehicle for that air bag.

(2) The dealer or motor vehicle repair business installs the on-off switch in accordance with the instructions of the manufacturer of the switch.

(3) The on-off switch meets all of the conditions specified in paragraphs (b)(3)(i) and (ii) of this section.

(i) The on-off switch is operable solely by a key or a key-like object. The on-off switch shall be separate from the ignition switch for the vehicle, so that the driver must take some action other than inserting the ignition key or turning the ignition key in the ignition switch to turn off the air bag. Once turned off, the air bag shall remain off until it is turned back on by means of the device. If a single on-off switch is installed for more than one air bag in the vehicle, the on-off switch shall allow each air bag to be turned off without turning off the other air bag(s). The readiness indicator required by S4.5.2 of § 571.208 of this chapter shall continue to monitor the readiness of the air bags even when one or more air bags have been turned off. The readiness indicator light shall not be illuminated solely because an air bag has been deactivated by means of an on-off switch.

(ii) A telltale light in the interior of the vehicle shall be illuminated whenever an air bag is turned off by means of the on-off switch. The telltale for a driver air bag shall be clearly visible to an occupant of the driver's seating position. The telltale for a front passenger air bag shall be clearly visible to occupants of all front seating positions. The telltale for an air bag:

(A) Shall be yellow;

(B) Shall have the identifying words ''DRIVER AIR BAG OFF'', ''PASSENGER AIR BAG OFF'', or ''PASS AIR BAG OFF'', as appropriate, on the telltale or within 25 millimeters of the telltale;

(C) Shall remain illuminated for the entire time that the air bag is ''off'';

(D) Shall not be illuminated at any time when the air bag is ''on''; and,

(E) Shall not be combined with the readiness indicator required by S4.5.2 of § 571.208 of this chapter.

(4) The dealer or motor vehicle repair business provides the owner or lessee with an insert for the vehicle owner's manual that—

(i) Describes the operation of the on-off switch;

(ii) Lists the risk groups on the request form set forth in appendix B to this part;

(iii) States that an on-off switch should only be used to turn off an air bag for a member of one of those risk groups; and

(iv) States the safety consequences of using the on-off switch to turn off an air bag for persons who are not members of any of those risk groups. The description of those consequences includes information, specific to the make, model, and model year of the affected vehicle, about any seat belt energy managing features, *e.g.,* load limiters, that will affect seat belt performance when the air bag is turned off.

(5) In the form included in the agency authorization letter specified in paragraph (b)(1) of this section, Appendix C of this part, the dealer or motor vehicle repair business fills in information describing itself and the on-off switch installation(s) it makes in the motor vehicle. The dealer or motor vehicle repair business then sends the form to the National Highway Traffic Safety Administration within 7 working days after the completion of the described installations.

(c) *Overview of general conditions for a vehicle owner or lessee to obtain approval to deactivate an air bag.* (1) For air bag deactivations, prior to the deactivation of the air bag the owner or lessee of the vehicle submits a written request to NHTSA with the following information:

(i) The name and address of the vehicle owner or lessee;

(ii) A request that an air bag be deactivated and whether the request applies to the driver air bag, front passenger air bag, or both;

(iii) A certification that the owner or lessee has read the information brochure in appendix A to this part;

(iv) A detailed justification why deactivation is necessary and why the installation of an on-off switch is not a viable option; and

(v) Any documentation that supports the stated justification; and a certification that if the deactivation is no longer justified or if they sell the vehicle, the owner or lessee would have the air bag reactivated or would inform the buyer that the air bag has been deactivated prior to the sale.

(2) The owner or lessee mails the request to the National Highway Traffic Safety Administration, Attention: Air Bag Deactivation Requests, 1200 New Jersey Avenue SE, Washington, DC 20590 or faxes the request to 202–493–2833. NHTSA will consider whether the request is consistent with motor vehicle safety and the purpose and policy of the National Traffic and Motor Vehicle Safety Act. If NHTSA agrees to the request, NHTSA sends a letter to the requestor authorizing the deactivation of the specified air bag in the vehicle, with labels to be affixed by the dealer or motor vehicle repair business to both sides of the sun visor at each seating position with a deactivated air bag, alerting vehicle users about the deactivated air bag(s).

(d) *Requirements for dealers or motor vehicle repair businesses when performing air bag deactivations.* A dealer or motor vehicle repair business may modify a motor vehicle by deactivating an air bag subject to the conditions in paragraphs (d)(1) through (3) of this section.

(1) Prior to the deactivation of the air bag, the dealer or motor vehicle repair business receives from the owner or lessee of the motor vehicle a letter from NHTSA that authorizes the deactivation of the specified air bag in the vehicle and labels to be affixed by the dealer or motor vehicle repair business to both sides of the sun visor at each seating position with a deactivated air bag, alerting vehicle users about the deactivated air bag(s).

(2) The dealer or motor vehicle repair business affixes the labels to both sides of the sun visor at each seating position with a deactivated air bag.

(3) If a deactivated air bag gets reactivated the dealer or motor vehicle repair business shall remove the labels indicating the air bag was deactivated.

■ 5. Revise Appendices A through C to read as follows:

BILLING CODE 4910–59–P

Appendix A to Part 595—Advanced Frontal Air Bags and Air Bag On-Off Switch Information Brochure

ADVANCED FRONTAL AIR BAGS AND AIR BAG ON-OFF SWITCH INFORMATION

U.S. Department of Transportation,

National Highway Traffic Safety Administration

INTRODUCTION

Consumers who are in certain risk groups have the option to have a frontal air bag on-off switch installed in their vehicle by a vehicle dealer or repair business. This brochure provides the facts you need to know about air bags and retrofit air bag on-off switches so you can make an informed decision about whether installing a switch is the correct choice for you.

NHTSA has studied the effectiveness of advanced frontal air bags and determined that they can significantly reduce the risk of crash-related injury and death for average-size and larger adults, and have also eliminated these risks to child passengers and small adults posed by earlier generation air bags.

When an advanced frontal air bag deploys in a crash, the most common airbag- related injuries include minor cuts, bruises, or abrasions. There have been no confirmed air-bag-related fatalities in vehicles equipped with advanced air bags, which began their introduction to the market with 2004 model year vehicles. Although advanced air bags give better protection to a wider range of occupants, NHTSA still recommends that front seat occupants maintain a 10-inch minimum distance between the frontal air bag cover or dashboard and their breastbone, and fasten their seat belts. Air bags are supplemental restraints and are designed to work best in combination with seat belts.

Most people can minimize the risk of serious air bag injury by making simple changes in behavior. Front seat adult passengers can sit a safe distance from the air bag. Shorter drivers can adjust their seating position to achieve a safe distance from the air bag. Infants and children under 13 years old should sit in the back seat whenever possible. And everyone can be properly restrained.

Those who may not be able to follow these recommendations may face an increased risk of serious air bag injury. The limited categories of at-risk people who may benefit from having the option to turn off their air bags include:

- Drivers who cannot maintain the recommended distance from the air bag cover;
- Drivers with a medical condition that increases the risk of a serious air bag injury;

- Individuals who must transport a child in a rear-facing car seat in the front seat with an active air bag;
- Individuals who must transport a forward-facing child in the front seat in a vehicle without advanced air bags; and
- Individuals who must transport a passenger who has a medical condition that a physician agrees increases the risk of a serious air bag injury in the front seat.

HOW AIR BAGS WORK

When there is a moderate to severe crash, a signal is sent from the air bag system's electronic control unit to the inflator within the air bag module. An igniter in the inflator starts a chemical reaction that produces a harmless gas, which inflates the air bag within the blink of an eye – or less than 1/20th of a second. Air bags have vents, so they deflate immediately after cushioning you. They cannot smother you and they don't restrict your movement.

Are all air bags the same?

No. Air bags differ in design and performance. Differences exist in the crash speeds that trigger air bag deployment, the speed and force of deployment, the size and shape of air bags, and the manner in which they unfold and inflate. That is why you should contact your vehicle manufacturer if you want specific information about the air bags in your car or truck.

ADVANCED FRONTAL AIR BAGS

What are advanced frontal air bags?

In advanced frontal air bag systems, the electronic control unit utilizes additional data input to determine with what level of power, or even if, the driver frontal air bag or passenger frontal air bag will inflate. Advanced air bag deployment determinations are based on the system's design and sensor inputs, which typically include: size or weight of an occupant, whether the occupant is wearing a seat belt, how far back the occupant's seat track is set, and the severity of the crash.

Why do we need advanced frontal air bags?

Advanced frontal air bags were designed primarily to minimize the risk of air-bag-related injury or death to children and small-stature adults. In crashes where higher-powered air bag deployment would not be necessary and/or could cause injury, such as in a low-speed crash or in a crash where the occupant is leaning out of position, the system reduces the risk of an air bag injury by either: (1) shutting off (suppressing) the frontal air bag, or (2) deploying the frontal air bag in a low-risk manner (less than 100% of full force deployment).

Do all new vehicles come with advanced frontal air bags?

Yes. All passenger cars and light trucks (including pickup trucks, SUVs and vans) with a gross vehicle weight rating (GVWR) of 8,500 pounds or less, and an unloaded vehicle weight of 5,500 pounds or less, produced after September 1, 2006, have advanced frontal air bags. The GVWR is the weight of the empty vehicle plus the maximum weight of cargo and passengers that can be safely loaded in the vehicle, as specified by the manufacturer. Some vehicles produced between September 1, 2003, and September 1, 2006, will also have advanced frontal air bags. You will know if your vehicle has advanced frontal air bags if the air bag warning label on the sun visor begins with the phrase "EVEN WITH ADVANCED AIR BAGS."

How does sensor technology classify the type of occupant?

Most occupant classification systems in use today classify the occupant based upon weight, which is typically determined using pressure sensors in the seat cushion. Other technologies utilize pattern recognition of the pressure profile on the seat bottom. Still more sophisticated systems could potentially be utilized, such as optical, infrared, ultrasonic or electric field sensors to classify the occupant type. You can check your owner's manual or contact your vehicle's manufacturer to determine what type of occupant classification technology you may have in your vehicle.

Have advanced air bag systems been tested on child-size dummies?

Yes. Federal Motor Vehicle Safety Standard (FMVSS) No. 208, which specifies the requirements for advanced air bag systems, requires that all light vehicles (passenger cars and light duty trucks) must meet specific safety performance criteria for dummies representing 12-month-old infants, 3-year-old toddlers, 6-year-old children, and small-stature females. For those manufacturers electing to provide a lower-powered air bag deployment to a child or small female occupant in certain low-speed crashes, the advanced frontal air bag must meet specific safety injury criteria as set forth in FMVSS No. 208. For those manufacturers electing to suppress (not deploy) a passenger air bag for an infant or child occupant in all crashes, their advanced frontal air bag systems must detect child-size dummies, representing infants in car seats and small children in and out of car seats, and be suppressed when tested with those dummies.

How do I know if my child in a rear-facing car seat is in front of an active air bag? (Note: NHTSA recommends against placing a child in a rear-facing car seat in front of an active passenger air bag.)

Parents and caregivers should verify the air bag status for every child and rear-facing car seat combination. If your vehicle is equipped with advanced frontal air bags (the vehicle has a warning label on the sun visor with the phrase "EVEN WITH ADVANCED AIR BAGS") and if the vehicle uses an automatic air bag suppression system, then it will suppress the air bag for infants and/or children and provide a light that indicates the air bag is off. For a vehicle with a suppression system, if your child in a rear-facing car seat does not activate the light indicating

the air bag is off, then the air bag is active. If the vehicle is equipped with advanced frontal air bags, but does not have a light indicating the air bag suppression status, then the air bag is active, but it is designed to deploy in a low risk manner in low-to-moderate speed crashes for children. If your vehicle is not equipped with advanced frontal air bags (the vehicle does not have a warning label on the sun visor with the phrase "EVEN WITH ADVANCED AIR BAGS"), and a child in a rear-facing car seat is placed in the front passenger seat, the air bag will be active and the child will be at risk from the full force of the air bag deployment. Parents or caregivers may benefit from having a retrofit switch installed to turn off the air bag if the child in a rear-facing car seat must be transported in the front passenger seat in front of an active air bag.

I just bought a vehicle with advanced frontal air bags. Does this mean I can start putting my kids in the front seat again?

No. Please keep in mind that placing a child in the front seat, no matter what the circumstances, comes with increased risk. NHTSA recommends that all children under 13 years old ride in the rear seat in the right car seat. Select a car seat based on your child's age and size, and choose a seat that fits in your vehicle and use it every time.

Do I still need to maintain 10 inches between the air bag cover and my breastbone?

Yes. To minimize the potential of any air-bag-related injury, NHTSA still recommends maintaining a 10-inch minimum distance between the frontal air bag cover and the driver's breastbone. This can be done by keeping a proper seating position and by moving the seat as far back as possible.

AIR BAG ON-OFF SWITCHES

What does an air bag on-off switch do?

When an on-off switch is turned to the off position, it deactivates the air bag system and the air bag will not deploy in a crash of any severity. When an on-off switch is turned on, the system will function normally, i.e., it may deploy in a crash depending on the crash severity. For vehicles with advanced frontal air bags, a switch turned on will allow the system to activate its advanced functions, which could mean shutting off the air bag for smaller passengers (see Advanced Frontal Air Bag section below). The on-off switch can be installed for the driver, passenger, or both. To limit misuse, a key must be used to operate the on-off switch. When the air bag is turned off, a light comes on. There is a message on or near the light saying "DRIVER AIR BAG OFF," "PASSENGER AIR BAG OFF," or "PASS AIR BAG OFF." The air bag will remain off until the key is used to turn it back on. For vehicles with advanced frontal air bags, there may be another air bag status light. This status light will operate independently of the air bag switch status, based on input from the occupant detection technology in that seat. Drivers should rely on the air bag switch status to determine if the air bag has been switched off.

What steps can you take to reduce air bag risk without buying an on-off switch?

- Children in rear-facing car seats should never ride in front of an active passenger air bag.
- Transport children under 13 years old in the back seat and use the correct restraint for their weight and height.
- Always buckle your seat belt.
- Keep 10 inches between the center of the frontal air bag cover or dashboard, and your breastbone.

The majority of people don't need an on-off switch. Almost everyone is safer with air bags than without them. In fact, in advanced air bag vehicles, all people (including children 1 to 12 years old) who are properly restrained and who can sit far enough back from their advanced frontal air bag are safer. Ideally, you should sit with at least 10 inches between the center of your breastbone and the cover of your air bag or dashboard. The farther back you can move, the lower your risk of being injured by the deploying air bag.

REDUCING THE RISK

What is the safest way to ride in front of a frontal air bag?

First, move the seat as far back as possible and buckle up – every trip, every time. The lap belt needs to fit over your hips – not your abdomen, and the shoulder belt should lie on your chest and over your shoulder, not across the neck or face. Remove any slack from the belt. In a crash, seat belts stretch and slow down your movement toward the steering wheel or dashboard. Moving back and properly using seat belts give the frontal air bag a chance to inflate in a crash before you make contact with the air bag.

How do I best protect children in my vehicle?

NHTSA recommends that all children under 13 years old ride in the rear seat in the appropriate child restraint system. Children are safer in the rear seat. However, when children must sit in the front, because the vehicle has no rear seat, there are too many children for all to ride in back, or a child has a medical condition that requires monitoring, they should use the seat belt and/or car seat appropriate for their age, weight and height (see the recommendations at the end of this brochure) and avoid leaning forward. The vehicle seat should be moved as far back from the air bag as practical. Make sure the child's shoulder belt is positioned properly or the car seat harness is properly adjusted. If adult seat belts do not fit properly, use a booster seat. NHTSA also recommends consulting your vehicle's owner's manual for their recommendations on transporting children in the front passenger seat. Also, children should never ride on the laps of others or share a seat belt with another person.

What should teenagers and adults do to be safest on the passenger side?

Always wear seat belts. This reduces the distance that they can move forward during a crash. Move the seat back as far as practical. The distance between a passenger's chest and the dashboard where the air bag is stored is usually more than 10 inches, even with the passenger seat all the way forward.

Who should consider installing an on-off switch?

- People who must transport children riding in rear-facing car seats in the front passenger seat of a vehicle with an active frontal air bag due to a medical condition or the lack of an available rear seat
- People who must transport forward-facing children (under 13 years old) in the front passenger seat due to a medical condition or the lack of an available rear seat in a vehicle without advanced frontal air bags
- Drivers who cannot change their customary driving position and keep 10 inches between the air bag cover and the center of their breastbone
- People (including children) who must ride in the driver or front passenger seat and whose doctors say that, due to their medical condition, the air bag poses a special risk that outweighs the risk of hitting their head, neck or chest in a crash if the frontal air bag is turned off

If you cannot certify that you or any user of your vehicle is in one of these groups, you are not eligible for an on-off switch. If you are not in one of these groups, turning off your air bag will increase the risk of striking the steering wheel or dashboard in a moderate to severe crash. Keep in mind that for some vehicles with advanced air bags, the air bag will automatically turn off for some children and small stature adults, and a light indicating that the air bag is suppressed will illuminate. Check to see if this is the case since this could eliminate your need for a manual on-off switch.

THE ON-OFF SWITCH DECISION

Vehicle owners and lessees can obtain an on-off switch for one or both frontal air bags only if they can certify that they or a user of their vehicle are in one of the risk groups listed below.

- **Children in rear-facing car seats who must be transported in the front seat in front of an active air bag**. A rear-facing car seat should never be placed in the path of an active front passenger air bag; therefore, in a vehicle without advanced air bags, parents and caregivers of children in rear-facing car seats that must be transported in the front passenger seat can opt to have a retrofit on-off switch installed. For a front passenger advanced air bag that provides a telltale light indicating the air bag suppression status, if your child in a rear-facing car seat does not activate the light indicating the air bag is off, then the air bag is active. If the advanced front passenger air bag does not provide a light indicating the air bag suppression status, then the air bag is active, but it is

designed to deploy in a low-risk manner. These parents and caregivers that must transport children in rear-facing car seats in front of active advanced air bags can also opt to have a retrofit on-off switch installed to turn off the front passenger air bag.

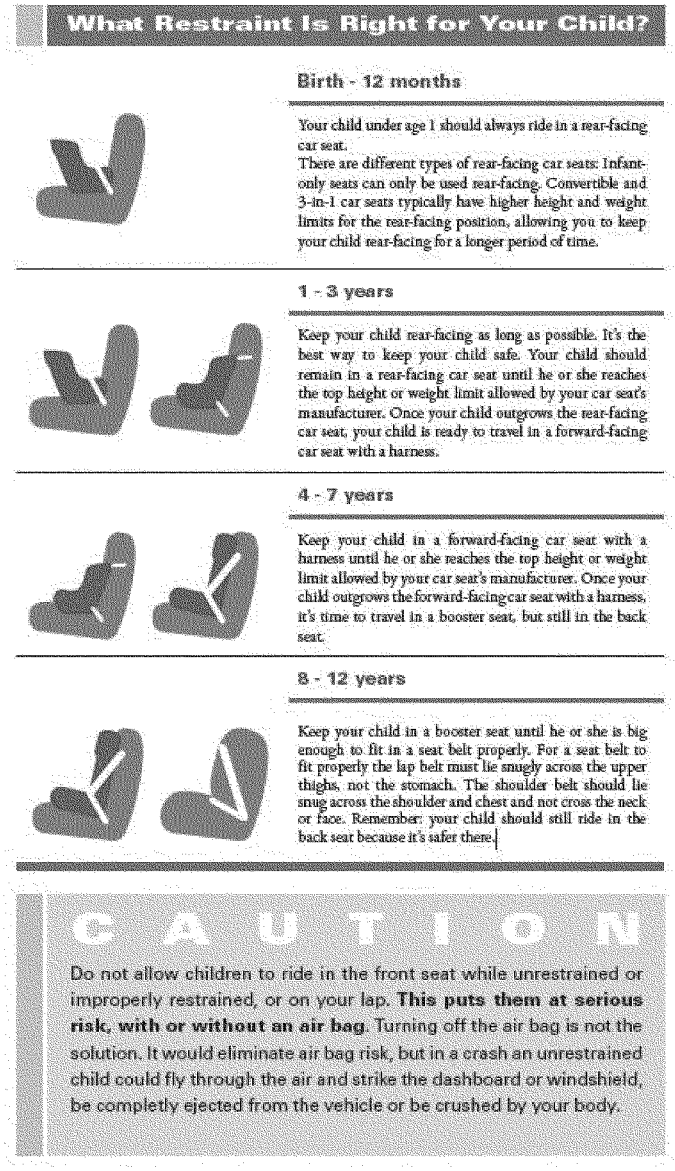
- **Drivers who cannot sit 10 inches away from the air bag**. If, despite your best efforts, you cannot sit 10 inches from the air bag, you may wish to consult your dealer or vehicle manufacturer for advice or modifications to help you move back or consider requesting an on-off switch.
- **Drivers or passengers with certain medical conditions**. These are people (including child front passengers) who have been advised by a physician that, due to a medical condition, they may benefit from turning off their air bag because an air bag deployment poses greater injury risk to them than that of hitting their head, neck or chest in a crash if the frontal air bag is turned off. Without an air bag, even a belted occupant could hit their head, neck or chest in a crash.
    - A national conference of physicians considered all medical conditions commonly cited as possible justifications for turning off air bags. The physicians did NOT recommend turning off air bags for people with pacemakers, supplemental oxygen, eyeglasses, median sternotomy, angina, chronic obstructive pulmonary disease, emphysema, asthma, breast reconstruction, mastectomy, scoliosis (if the person can be positioned properly), previous back or neck surgery, previous facial reconstructive surgery or facial injury, hyperacusis, tinnitus, advanced age, osteogenesis imperfecta, osteoporosis and arthritis (if the person can sit a safe distance from the frontal air bag), previous ophthalmologic surgery, Down syndrome and atlantoaxial instability (if the person can reliably sit properly aligned), or pregnancy.
    - The physicians recommended turning off an air bag if a safe sitting distance or position cannot be maintained by a driver because of scoliosis or achondroplasia, or by a passenger because of scoliosis or Down syndrome and atlantoaxial instability. The physicians also noted that a passenger frontal air bag might have to be turned off if an infant or child has a medical condition and must ride in front so that he or she can be monitored. To obtain a copy of the recommendations, call the NHTSA Vehicle Safety Hotline (888-327-4236) or visit the NHTSA website: www.nhtsa.gov/equipment/air-bags#the-topic-on-off-switch.
- **Forward-facing children who must be transported in the front passenger seat in a vehicle without advanced air bags**. Children under 13 years old should be transported in the back seat whenever possible. Children under 13 years old who must be transported in the front passenger seat should be properly restrained with the seat moved as far back as possible, and they should not lean forward. The vast majority of all fatally injured children in a vehicle without advanced air bags were completely unrestrained. If children sit or lean forward, they may slip out of their shoulder belts, which puts them at risk. If a vehicle owner or lessee must transport a child in the front seat of a vehicle

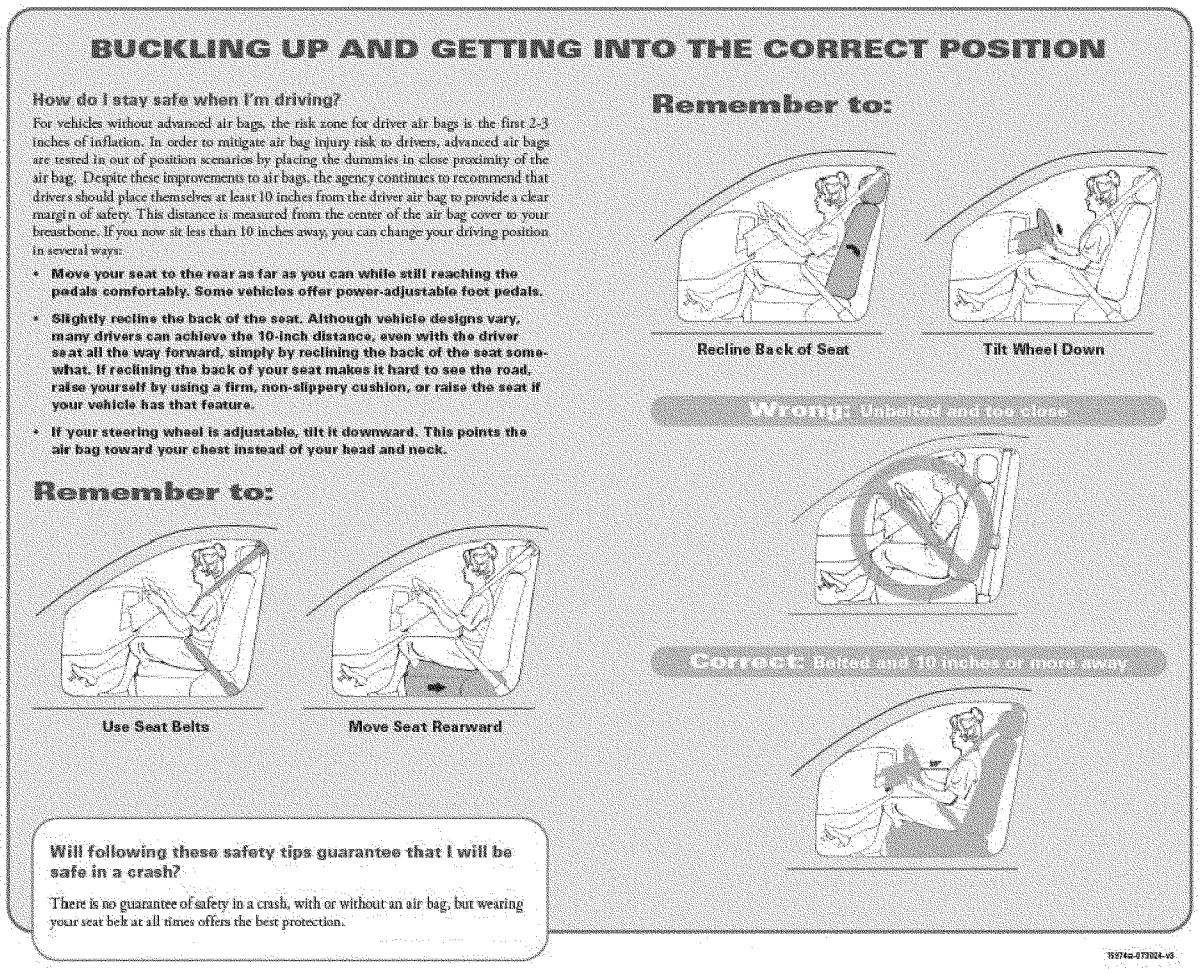
Since the air bag will not automatically turn itself back on after you turn it off with an on-off switch, you must remember to turn it on when someone who is not at risk is sitting in that seat. Every on-off switch has a light to remind you when the air bag is turned off.

If I turn off my air bag, will my seat belts provide enough protection?

Air bags increase the protection provided by seat belts alone. If the air bag is turned off, you lose this extra protection.

In some newer vehicles, turning off your air bag may have additional consequences. These vehicles have seat belts that were specially designed to work together with air bags. If the crash forces become too great, these seat belts have pretensioners and load limiters that are designed to make seat belts more effective. Pretensioners retract the seat belt to remove excess slack almost instantly upon sensing the vehicle has crashed. Load limiters allow the belt to "give" or yield when forces on the belt rise above a safe level. Most, if not all, new cars and light trucks sold in the United States have been equipped with pretensioners and load limiters in the driver's and right-front passenger's seats. The air bag prevents you from moving too far forward after the seat belts yield. Without the air bag to cushion this forward movement, the chance of the occupant hitting the vehicle interior is increased.





Appendix B to Part 595—Request Form for Frontal Air Bag On-Off Switch

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

Appendix B to Part 595 Request for Frontal Air Bag On-Off Switch

OMB No. 2127-0588

Vehicle Owner or Lessee Instructions: Read the National Highway Traffic Safety Administration (NHTSA) information brochure, *Advanced Frontal Air Bags & Air Bag On-Off Switch Information.* If you want authorization for your driver air bag, passenger air bag, or both, fill out Parts A, B, E, and F completely; fill out Parts C and D as appropriate, and send this form to:

National Highway Traffic Safety Administration
Attention: Derrick Lewis (NIO-120)
1200 New Jersey Avenue SE
Washington, DC 20590-1000

For faster response, fax to 202-493-2833 or email derrick.lewis@dot.gov.

- Please print.
- Incomplete forms will be returned to the owner or lessee.
- If you need a copy of the brochure or have any questions about how to fill out this form, call the NHTSA Hotline at 888-327-4236.

Part A. Name and Contact Information	Email	Phone
First	Middle	Last

Street Address (Residence)	City	State	ZIP Code

Part B. I own or lease the following vehicle (owners of multiple vehicles should consult the additional instructions at the end of this form):

Make	Model and Trim	Vehicle Identification Number (located on driver's side of dashboard near windshield and on certification label on driver's door frame)
Model Year	Date of Mfr.	

Part C. Switch for Driver Air Bag

I request authorization for the installation of an on-off switch for the driver air bag in my vehicle. I certify that I or another driver of my vehicle meets the criteria for the risk group checked below. (At least one box must be checked.)

☐ **Medical condition.** The driver has a medical condition which, according to his or her physician:

- Causes the driver air bag to pose a special risk for the driver; and
- Makes the potential harm from the driver air bag in a crash greater than the potential harm from turning off that air bag and allowing the driver, even if belted, to hit the steering wheel, dashboard, or windshield in a crash.

☐ **Distance from driver air bag.** Despite taking all reasonable steps to move back from the driver air bag, the driver is not able to maintain a 10-inch distance from the center of his or her breastbone to the center of the driver air bag cover.

continued →

Part D. Switch for Passenger Air Bag

I request authorization for the installation of an on-off switch for the passenger air bag in my vehicle. I certify that I or another passenger in my vehicle meets the criteria for the risk group checked below. (At least one box must be checked.)

☐	**Child in rear-facing car seat.** I transport a child in a rear-facing car seat who must ride in the front seat in front of an active air bag (refer to the information brochure) because: • My vehicle has no rear seat; • My vehicle has a rear seat too small to accommodate a rear-facing car seat; or • The child has a medical condition which, according to the infant's physician, makes it necessary for the child to ride in the front seat so that the driver can constantly monitor the child's condition.
☐	**Forward-facing child.** A forward-facing child under 13 years old must ride in the front seat in a pre-advanced air bag vehicle (refer to the information brochure) because: • My vehicle has no rear seat; • Although children ages 1 to 12 ride in the rear seat(s) whenever possible, children ages 1 to 12 sometimes must ride in the front because no space is available in the rear seat(s) of my vehicle; or • The child has a medical condition which, according to the child's physician, makes it necessary for the child to ride in the front seat so that the driver can constantly monitor the child's condition.
☐	**Medical condition.** A passenger (including children ages 1 to 12) has a medical condition which, according to his or her physician: • Causes the passenger air bag to pose a special risk for the passenger; and • Makes the potential harm from the passenger air bag in a crash greater than the potential harm from turning off that air bag and allowing the passenger, even if belted, to hit the dashboard, or wind shield in a crash.

Part E. I make this request based on the following understandings

(check each box below after reading carefully):

☐	**Information brochure.** I certify that I have read the NHTSA information brochure, *Advanced Frontal Air Bags & On-Off Switch Information.* I understand that air bags should be turned off only for people at risk and turned back on for people not at risk.
☐	**Loss of air bag protection.** I understand that turning off an air bag may have serious safety consequences. When an air bag is off, even belted people may hit their head, neck, or chest on the steering wheel, dashboard, or windshield in a moderate to serious crash. That possibility may be increased in some newer vehicles with seat belts that are specially designed to work with the air bag. Those belts, which are designed to reduce the concentration of crash forces on any single part of the body, typically allow the occupant to move farther forward in a crash than older belts. Without the air bag to cushion this forward movement, the chance of the occupant hitting the vehicle interior is increased.
☐	**Waiver.** I understand that motor vehicle dealers and repair businesses may require me to sign a waiver of liability before they install an on-off switch.

continued →

Part F. Certification

I certify to the U.S. Department of Transportation that the information, certifications, and understandings given or indicated by me on this form are truthful, correct, and complete to the best of my knowledge and belief. I recognize that the statements I have made on this form concern a matter within the jurisdiction of a department of the United States and that making a false, fictitious, or fraudulent statement may render me subject to criminal prosecution under Title 18, United States Code, Section 1001.

Date	Signature of owner/lessee

Additional instructions and information for vehicle owners and lessees: An owner or lessee of multiple vehicles (e.g., a fleet owner) who wants an on-off switch for the same air bag (e.g., just the passenger air bag) in more than one vehicle and for the same reason does not need to submit a separate form for each vehicle. Instead, the owner or lessee may list the make, model, model year, and vehicle identification number for each of those vehicles and attach the list to a copy of this form. Each page of the list must be signed and dated by the owner or lessee. A list may also be attached to a single copy of this form if the owner or lessee wishes to request authorization for on-off switches for both air bags in multiple vehicles.

HS Form 603 15974b-071723-v4

NRM-240718-001

Appendix C to Part 595—Installation of Air Bag On-Off Switches

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

Appendix C to Part 595 Installation of Air Bag On-Off Switches

OMB No. 2127-0588

The form and instructions below will be included in agency letters sent to vehicle owners or lessees authorizing the installation of air bag on-off switches. Each letter will identify the owner or lessee and the vehicle for which installation is authorized.

The vehicle dealer or repair business identified below made the following on-off switch installation(s) for the air bag(s) in the motor vehicle identified above:

Name of motor vehicle dealer or repair business

Street Address (Residence)	City	State	ZIP Code

On-off switch(es) were installed for the air bag(s) checked on this form:

☐ Driver air bag

☐ Passenger air bag

Date of installation	Signature of authorized representative of dealer or repair business

Instructions for vehicle dealers and repair businesses: Within 7 days of your installation of an on-off switch in the vehicle identified above, you must complete this form and send it to:

National Highway Traffic Safety Administration
Attention: Derrick Lewis (NIO-120)
1200 New Jersey Avenue SE
Washington, DC 20590-1000

For faster response, fax to 202-493-2833 or email derrick.lewis@dot.gov.

Note: An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. That number appears above.

HS Form 603
NRM-240718-001

159746-071223-v2a

■ 6. Add Appendix D to read as follows:

Appendix D to Part 595—Request Form for Air Bag On-Off Switch for Emergency Vehicles

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

Appendix D to Part 595 Request for Air Bag On-Off Switch For Emergency Vehicles

OMB No. 2127-0588

If an Emergency Services Department or Organization wants authorization for front passenger air bag on-off switches for its emergency vehicles, the organization must fill out this form completely and send it to:

National Highway Traffic Safety Administration
Attention: Derrick Lewis (NIO-120)
1200 New Jersey Avenue SE
Washington, DC 20590-1000

For faster response, fax to 202-493-2833
or email derrick.lewis@dot.gov.

- Please print.
- Please note: Incomplete forms will not be processed and the requester may be contacted.
- If you need a copy of the brochure or have any questions about how to fill out this form, call the NHTSA Hotline at 888-327-4236.

Please note that a Federal agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the form for such collection of information displays a currently valid OMB control number, such as the number that appears at the top of this form.

Part A. Name and Contact Information	Email	Phone
Name of Organization	Name of Applicant	
Street Address	City	State / ZIP Code

Part B. My department or company owns or leases the following vehicle(s) (for multiple vehicles, please attach this identifying information for all vehicles on a separate piece of paper):

Intended use of vehicle: ☐ Law enforcement ☐ Fire response ☐ Medical response	
Make	Vehicle Identification Number (17 numbers/letters located on the driver's side of the dashboard near the windshield, and on the certification label on the driver side door frame)
Model / Model year	

Part C. Switch for Front Passenger Air Bag

☐	I request authorization for the installation of an on-off switch for the front passenger air bag in my department's or company's emergency vehicle(s) to deactivate the front passenger air bag(s) in the vehicle(s) to protect our personnel, computers and related equipment from a deployment of the front passenger air bag(s).

continued →

Part D. I make this request based on the following certifications and understandings
(check each box below after reading the statements carefully):

☐	**Need for the installation of equipment in the front passenger seating compartment.** I certify that my department or company requires the installation of computers or other job-related equipment in the deployment zone of the front passenger air bag, and limits the use of the front passenger seating position.
☐	**Ability to install equipment outside of deployment zone.** I certify that my department or company is unable to have our computers or job-related equipment installed in a manner that is effective for our use outside of the deployment zone of the front passenger air bag, due to physical constraints or the particular work-related needs of our department or company.
☐	**Loss of air bag protection.** I understand that turning off an air bag may have serious safety consequences. When an air bag is off, even belted people may hit their head, neck, or chest on the steering wheel, dashboard, or windshield in a moderate to serious crash. That possibility may be increased in some newer vehicles with seat belts that are specially designed to work with the air bag. Those belts, which are designed to reduce the concentration of crash forces on any single part of the body, typically allow the occupant to move farther forward in a crash than older belts. Without the air bag to cushion this forward movement, the chance of the occupant hitting the vehicle interior is increased.
☐	**Waiver.** I understand that motor vehicle dealers and repair businesses may require me to sign a waiver of liability before they install an on-off switch.

Part E. Certification
I certify to the U.S. Department of Transportation that the information, certifications, and understandings given or indicated by me on this form are truthful, correct, and complete to the best of my knowledge and belief. I recognize that the statements I have made on this form concern a matter within the jurisdiction of a Department of the United States and that making a false, fictitious, or fraudulent statement may render me subject to criminal prosecution under Title 18, United States Code, Section 1001.

Date	Signature of Applicant

HS Form 603 [illegible]

Issued in Washington, DC, under authority delegated in 49 CFR 1.95 and 501.5.

Sophie Shulman,

Deputy Administrator.

[FR Doc. 2024–20651 Filed 9–16–24; 8:45 am]

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