



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

**JUL 18 2003**

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

Ms. **Ann Wilson**  
Sr. Vice President, Government Affairs  
**Rubber Manufacturers Association**  
1400 K Street, NW  
Washington, DC 20005

Dear Ms. Wilson:

This **responds to your request for an interpretation** of the National Highway Traffic Safety Administration's (NHTSA) tire information regulation, **49 CFR §574.7**. You asked whether the regulation permits tire manufacturers to offer **electronic registration** in addition to the required mail-in form. You state that no more than 10% of tire registration cards are currently returned to manufacturers and that the information provided on these cards is often inaccurate, incomplete, or illegible. **RMA believes that offering registration via the Internet, by telephone, or by other electronic means would improve the registration return rate and aid manufacturers in fulfilling notification requirements.**

As explained below, **we interpret the regulation to permit electronic registration as a supplement to the required mail-in form for independent distributors and dealers.**

By way of background, Part 574 establishes a registration program for new tires. NHTSA implemented this program to improve the effectiveness of manufacturer campaigns to recall tires that contain a safety-related defect or fail to conform with applicable safety standards. By identifying new tire purchasers, the program increases the manufacturer's ability to inform owners of tires about defects or noncompliances in those tires.

Part 574 establishes the following requirements:

*New Tire manufacturers, new tire brand name owners.* Except as noted, new registration forms are to be provided for independent dealers. All of those forms are required to be identical in format and content and within the size range specified in the interim final rule. Alternatively, the manufacturer can provide independent dealers with pre-addressed envelopes in which tire purchasers could mail the mandatory registration forms.



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*Independent distributors and dealers.* These dealers are required to record the tire identification number(s) of the tire(s) sold along with their name and address on a registration form and give the form to the tire purchaser.

*Other distributors and dealers.* They must record the purchaser's name and address, the tire identification number(s) of the tire(s) sold, and a suitable identification of themselves as the selling dealer on a tire registration form and return the completed forms to the tire manufacturers or their designees.

Section 574.7 prescribes the content and format of the registration forms provided by tire manufacturers to all distributors and dealers. Paragraph (a)(2) of this section states that the registration form provided to independent distributors and dealers must conform to the examples provided in that section. Paragraph (a)(4) of this section provides that the registration form must contain space for recording the following information: 1) name and address of the tire purchaser, 2) tire identification number, and 3) name and address of the tire seller or other means by which the tire manufacturer can identify the tire seller. Under section 574.7, no other information than that prescribed in the section is permitted to appear on the form.

RMA asks that we interpret the regulation to permit manufacturers to provide independent dealers and distributors with a supplemental form, in addition to the form required under section 574.7(a)(2), that notifies consumers that they may also register their tires by electronic means; e.g., by directing the consumer to a website or a toll-free telephone registration line. RMA cites to two recent interpretation letters issued by our office with respect to the electronic registration of child restraint systems under FMVSS No. 213, Child Restraint Systems (letter to John K. Stipanovich, January 3, 2003; letter to Mark A. Rosenbaum, Esq., April 12, 2001). These letters conclude that child restraint manufacturers "may include a supplemental form that encourages electronic registration" if the following two conditions are met:

- a. The registration card required by FMVSS No. 213 does not bear any information or writing beyond that required to be on the form, and
- b. The additional information is presented in a manner not likely to confuse consumers about the purpose of the required form or to obscure the importance of owner registration.


Subsequent to RMA's interpretation request, Computerized Information Management Services, Inc. ("CIMS"), a tire registration agent for tire manufacturers and/or brand name owners, submitted a letter dated April 23, 2003, urging that "web-based tire registration is a bad idea" and that the interpretation that RMA is requesting should be denied. More specifically, CIMS argues that a web-based system would create significant confusion for the tire dealer and the consumer, would place an additional paperwork burden on the tire dealer, and would place an additional burden on the consumer to correctly enter all of the required tire registration information.

After considering the issues raised by your letter and also by CIMS, we agree that the rationales of the aforementioned FMVSS No. 213 interpretation letters are also applicable to interpreting Part 574. We therefore interpret Part 574 to permit electronic registration as a supplement to the required mail-in form, subject to the two considerations noted above for FMVSS No. 213. We do not agree with CIMS that supplemental electronic registration would create confusion, given these considerations. Moreover, since electronic registration would be supplemental and voluntary, it would not result in additional burdens.

This interpretation does not relieve non-independent distributors and dealers from the requirements of section 574.8(b) that they themselves record the purchaser's name and address, the tire identification number(s) of the tire(s) sold, and a suitable identification of themselves as the selling dealer on a tire registration form and return the completed forms to the tire manufacturers or their designees. While we would interpret Part 574 to permit non-independent distributors and dealers to accomplish these tasks by electronic means, they may not transfer this responsibility to consumers.

If you have any questions or need additional information, feel free to contact Nancy Bell of my staff at (202) 366-2992.

Sincerely,

  
Jacqueline Glassman  
Chief Counsel

cc: CIMS