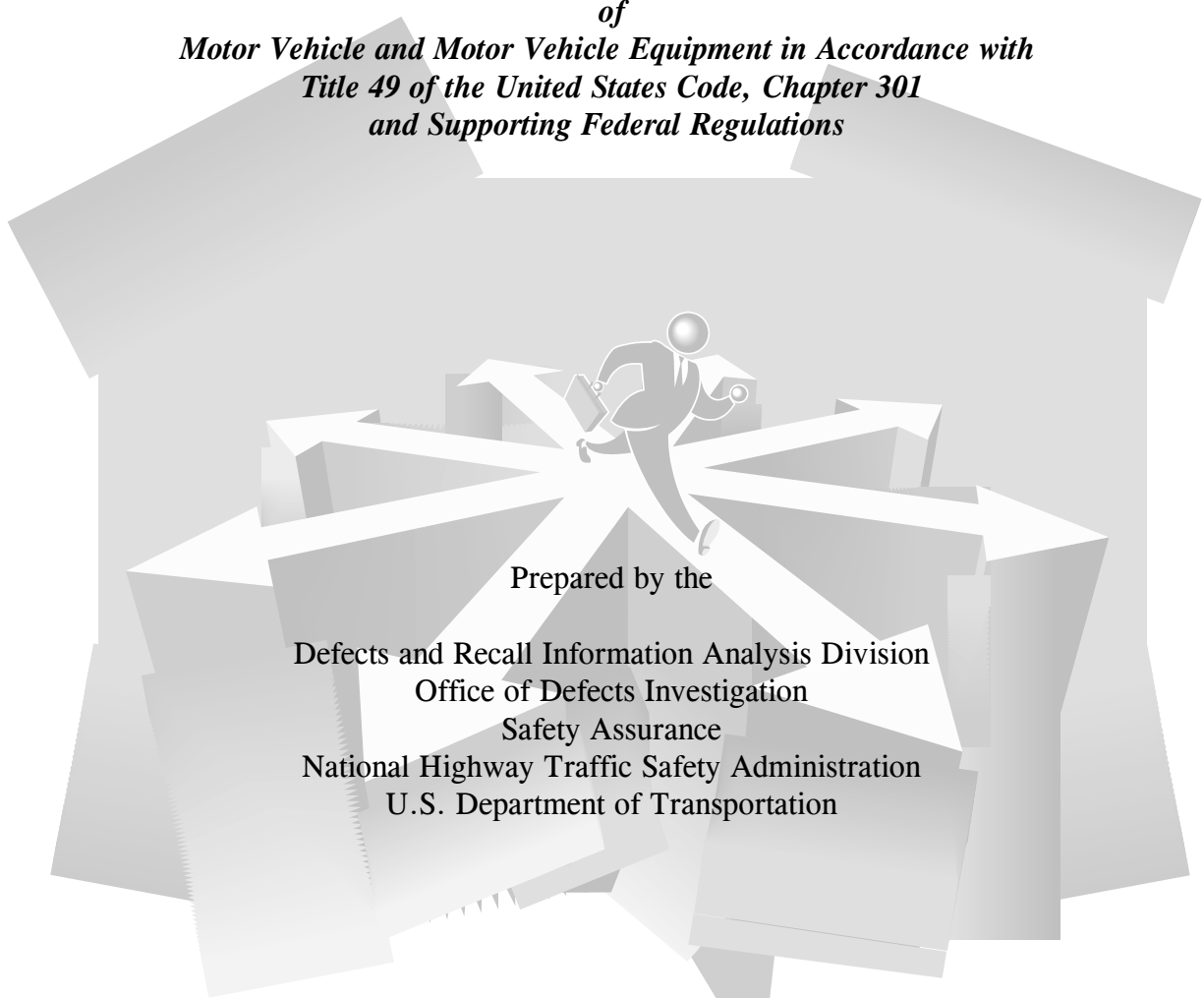


# Safety Recall Compendium

*A Guide for the Reporting, Notification, and Remedy  
of  
Motor Vehicle and Motor Vehicle Equipment in Accordance with  
Title 49 of the United States Code, Chapter 301  
and Supporting Federal Regulations*



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## **Introduction**

Periodically, the Office of Defects Investigation (ODI) receives questions concerning the details of conducting a safety recall. This guide was developed for those manufacturers not familiar with our recall program, and to reiterate our position on the conduct of safety recalls for those manufacturers already familiar with the program.

The National Highway Traffic Safety Administration (NHTSA) is the agency within the U.S. Department of Transportation responsible for motor vehicle safety. Under Chapter 301 of Title 49 U.S.C. [formerly the National Traffic and Motor Vehicle Safety Act, as amended (the Act)], NHTSA is responsible for the administration of national safety recalls by manufacturers or distributors of motor vehicles and items of motor vehicle equipment where a safety defect or noncompliance with a Federal motor vehicle safety standard (FMVSS) has been determined. Safety recalls are conducted in accordance with the Act and Federal regulations. The agency also conducts investigations of alleged safety defects and tests for compliance with FMVSS.

This guide is intended for manufacturers, importers, private brand owners, and distributors who produce and/or distribute motor vehicles or items of motor vehicle equipment in the United States and its territories. This guide is not intended, nor is it possible, to be an all-inclusive reference for safety recalls of motor vehicles and equipment. This guide is also not intended to supersede or substitute for the requirements of the Act and the implementing Federal regulations. Users of this guide are advised that applicable regulations and statutory sections will prevail in the event of any conflict or inconsistency between them and the materials presented in this guide.

Any questions or concerns should be directed to Mr. Jon White, Mrs. Pat Wallace, or Mrs. Kelly Schuler at (202) 366-0699 or faxed to (202) 366-7882. By using this guide and working with NHTSA, manufacturers can avoid unnecessary confusion and extra work while developing and implementing successful, effective safety recall campaigns. A timely, comprehensive safety recall is to the benefit of the public, the manufacturer, and NHTSA.

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## I. Reporting Requirements

### When to Report [49 U.S.C. § 30118 and 49 CFR Part 573.5(b)]

A manufacturer who has determined that a safety defect or noncompliance exists, must report such a determination to NHTSA within 5 working days. A manufacturer need not have identified the cause, scope, or remedy in order to make a determination that a safety defect or noncompliance exists, at least in some vehicles or items of motor vehicle equipment. If part of the information which is required to fully describe the recall is unknown, notification to the agency must still be made with the existing information within 5 working days. The remaining information is to be provided as it becomes available.

### Who Should Report [49 U.S.C. § 30102 and 30118; 49 CFR Parts 573.3 and 579]

Each manufacturer of a motor vehicle has recall responsibility for any safety-related defect or any noncompliance determined to exist in a vehicle or in **any item of original equipment**<sup>1</sup>.

The manufacturer of an item of motor vehicle equipment in which a safety defect or noncompliance is determined to exist (1) is responsible for notifying the vehicle manufacturer and (2) with respect to an item of replacement equipment (including tires), has recall responsibility for the equipment containing the safety defect or noncompliance. [49 CFR Part 579, "Defect and Noncompliance Responsibility."]

Federal Regulation 49 CFR Part 573, "Defect and Noncompliance Reports," identifies the specific requirements for safety recalls including defect/noncompliance information reports and quarterly status reports.

If an item of original equipment is determined to contain a safety defect or noncompliance and is installed in the vehicles of more than one manufacturer, then the equipment manufacturer must file a defect/noncompliance information report with respect to the equipment and **each vehicle manufacturer** must file a defect/noncompliance information report with respect to its vehicles containing that equipment. Either the vehicle manufacturer or the manufacturer of the equipment containing the defect/noncompliance can conduct the actual recall and submit the required quarterly reports. In the case where the item of original equipment containing a defect or noncompliance is **sold to only one vehicle manufacturer**, the filing of the defect/noncompliance information report, performance of the recall, and the filing of the quarterly reports by either manufacturer is considered compliance by both. However, if the original equipment manufacturer also sells the item as replacement equipment, then that equipment manufacturer must also file and conduct a recall for those items of replacement equipment. [Part 573.3 49 CFR]

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<sup>1</sup>**Original Equipment:** an item of motor vehicle equipment which was installed in or on a motor vehicle at the time of its delivery to the first purchaser.

This means that a vehicle manufacturer has the ultimate responsibility for what is installed in the vehicle. A supplier of the original equipment which may contain either a defect or a noncompliance, can conduct the recall for the vehicle manufacturer. However, if the supplier also sells the item of motor vehicle equipment as replacement parts or assemblies, then that manufacturer must file a 49 CFR Part 573 report and conduct a recall for those items of replacement equipment.

**The Defect/Noncompliance Information Report** [49 U.S.C. § 30166, 30118, and 30119 and 49 CFR Part 573.5(c)]

Part 573.5 addresses Defect and Noncompliance Information Reports, commonly referred to as 573 reports, which must be filed within 5 working days of a determination by the manufacturer, or its agent, that a defect or noncompliance exists in its vehicles or items of motor vehicle equipment. Key elements of the information report to the agency are the recall population, problem description, chronological summary, remedy, and recall schedule. As noted above, not all information is necessary in order to make a determination that a defect or noncompliance exists; and as a result, need not be submitted with the initial 573 report. Such information must, however, be submitted as it is identified.

Some submitted Defect/Noncompliance Information Reports have resulted in follow-up requests for certain additional information, particularly concerning the recall scope, the cause of the defect or noncompliance, the supplier of the recalled component/assembly (if applicable), the remedy, or the remedy schedule. Complete information in these areas is necessary as soon as it is identified in order for the agency to ensure that the recall program is adequate to address the safety concerns of the agency and the public.

**Identifying the Recalling Manufacturer, Importer, Distributor, or Brand Name Owner**

The full corporate and/or individual identification of the fabricating manufacturer/brand name/trademark owner of the vehicle or item of motor vehicle equipment being recalled must be identified in the report. If the recalled vehicle or item is imported, the name and address of the designated agent must be provided. [as prescribed by 49 U.S.C. § 30164(a) and 49 CFR Part 573.5(c)(1)]

If the recalling manufacturer has an identification code for the recall, and that code is not identical to the identification number assigned by NHTSA, then the manufacturer's code for the recall must be provided with the recall report. [Revised 49 CFR Part 573.5(c)(11)]

**Recall Scope and Application**

Part 573.5(c)(2) specifies that the recalled population of vehicles or items of motor vehicle equipment be identified as follows:

(i) **Passenger Cars** - Furnish the make, model, model year, the inclusive dates (by month and year) the vehicles were manufactured, and the number of vehicles potentially containing the defect or noncompliance for each model vehicle recalled. Furnish any other information necessary to describe or distinguish the recalled vehicles. It is requested that the Vehicle Identification Number (VIN) range of the recalled vehicles be provided.

(ii) **All Other Vehicles** - Furnish the make, model (if applicable), bodystyle/type, model year (if applicable), the inclusive dates (by month and year) the vehicles were manufactured, and the number of vehicles potentially containing the defect or noncompliance for each model or applicable vehicle line. Furnish any other information necessary to describe or distinguish the recalled vehicles, such as gross vehicle weight rating or class for trucks, engine displacement (cc) for motorcycles, and number of passengers for buses. Photographs or illustrations may be submitted, as appropriate. It is requested that the VIN range of the recalled vehicles be provided.

(iii) **Motor Vehicle Equipment** - Furnish the generic name of the item (i.e., tire, axle, cruise control, etc.), brand or trade name, part number, size and function (where applicable), the inclusive dates (by month and year) the item was manufactured, and the number of items potentially containing the defect or noncompliance for each recalled item series or product line. Furnish any other information necessary to describe or distinguish the recalled item or product line. In addition, the manufacturer of the equipment must provide the name, address, and telephone number of every manufacturer that purchases the defective or noncomplying component for use or installation in new motor vehicles or new items of motor vehicle equipment. [49 CFR Part 573.5(c)(2)(iii) & (v)]

(iv) **Motor Vehicle or Motor Vehicle Equipment Containing a Component** that contains a defect or noncompliance produced by a manufacturer other than the reporting manufacturer (i.e., when the defective or noncomplying product is from a vendor or supplier). The reporting manufacturer shall identify the component and the manufacturer of the component by name, business address, and telephone number. If the reporting manufacturer does not know the manufacturer of the component, then it shall identify the name, address, and telephone number of the entity from which the component was obtained.

The total number of vehicles or items of motor vehicle equipment recalled potentially containing the defect or noncompliance and the approximate percentage of the total number of vehicles or items of motor vehicle equipment estimated to actually contain the defect or noncompliance shall be provided. [49 CFR Part 573.5(c)(3) & (4)]

The scope of the recall, how it was determined, and whether other vehicles or manufacturers may be involved is extremely important. This includes information concerning how the inclusive dates of manufacture and the involved vehicles were determined. If the initial date of the recalled population is the start of production for the vehicle (or item of motor vehicle equipment), then it should be identified as such. In any case, an explanation on how the starting and ending dates of manufacture for the recalled population was determined must be provided. Also, the agency needs a clear

definition of the recalled population. As appropriate, this includes a description of why a particular model or model year vehicle was included, but some other similar vehicle was not.

### **Description of the Safety Defect or Noncompliance**

The description should include, but not be limited to, a brief summary of the **nature** (addressing the contributing factors and known causes), **physical location**, and the **consequence** of the defect or noncompliance. Photographs or illustrations should be provided where appropriate. [49 CFR Part 573.5(c)(5)]

A description of the cause of the defect or noncompliance should allow the agency to ascertain whether the problem may be supplier-related, and whether other vehicle manufacturers may also have the same problem. A complete discussion of the cause of the defect or noncompliance is needed in order to determine if the remedy is appropriate and adequate.

When the defect/noncompliance is in a particular component or assembly which is (a) supplied by another manufacturer, or (b) that component or assembly is possibly sold to other manufacturers or distributors in virtually the same form and manufacture; all these entities are to be identified.

In the case of a defect: a chronological summary (**including dates**) of all the principle events that were the basis for the determination of the defect must be provided. The summary should include, but not be limited to, the number of reports, consumer complaints, accidents, injuries, fatalities, and warranty claims. [49 CFR Part 573.5(c)(6)]

With respect to a noncompliance: the test results or other data (**including dates**) on which the manufacturer determined the existence of the noncompliance are to be provided. [49 CFR Part 573.5(c)(7)]

### **Remedy Development**

The manufacturer's program for the remedy of the defect or noncompliance is to be included as part of the report. The manufacturer should include a full description of what the remedy is, how the remedy will be implemented, and how the remedied vehicle or item of motor vehicle equipment can be distinguished from the recalled motor vehicle or item of motor vehicle equipment. If the motor vehicle or item of motor vehicle equipment is still manufactured at the time of the recall, identify and describe the production remedy if it is different than the field fix. [49 CFR Part 573.5(c)(8)]

It is the manufacturer's responsibility to ensure that the recall remedy will perform satisfactorily, both as installed and in-service. As such, the agency is concerned with how the remedy, or the durability of the remedy, was established. In noncompliance recalls involving performance, testing to demonstrate compliance is likely to be requested.

For motor vehicles: a vehicle manufacturer must provide the parts and instructions necessary to remedy new vehicles in dealer or distributor inventory as soon as possible. Once notified that a new

vehicle in the dealer's possession contains a safety-related defect or noncompliance, a dealer cannot sell the vehicle until the defect or noncompliance is remedied. [49 U.S.C. § 30116 and 30120]

For items of motor vehicle equipment: manufacturers must immediately offer to repurchase all unsold inventory of distributor and dealer/retailer stock which may contain a safety defect or noncompliance. Once notified that a new item of equipment in the dealer's possession contains a safety-related defect or noncompliance, a dealer cannot sell the item of equipment until the defect or noncompliance is remedied. [49 U.S.C. § 30116 and 30120]

### **Recall Schedule**

The recalling manufacturer is to provide the estimated date on which it will begin sending notifications to owners of a safety-related defect or noncompliance that the remedy without charge will be available, and the estimated date on which it will have completed such notification. If a manufacturer subsequently becomes aware that either the beginning or the completion date reported to the agency for notifying owners involved in the recall will be delayed by more than 2 calendar weeks, that manufacturer shall promptly advise the agency of the delay, including the reasons for the delay, and a revised estimate. [49 CFR Part 573.5(c)(8)(ii)]

The remedy program and schedule provided by the recalling manufacturer should include the approximate or actual date of the principle events (e.g., date the remedy will be developed, date the manufacturer will have sufficient parts to begin the campaign, date the owner notification list of names and address will be ready, date the dealer/distributor/retailer notice will be sent out, date the owner notification letter will be sent out, date and form of media notification, projected dates for follow-up notification, etc.). The schedule should also clearly identify how the notification campaign implementation plan is to be conducted, i.e., nationally and uniformly, phased, or some other permutation. If the implementation plan for the public notice campaign is other than national and uniform, the basis for the particular implementation plan should be fully explained.

If a manufacturer intends to file a petition for an exemption from the recall requirements of Chapter 301 of Title 49 U.S.C. on the basis that a defect or noncompliance is inconsequential as it relates to motor vehicle safety, it shall notify NHTSA of that intention in its report to NHTSA of the defect or noncompliance under this section. In addition, if a manufacturer notifies NHTSA of its intention to file a petition for inconsequentiality as it relates to motor vehicle safety, and does not do so within the 30-day period described in 49 CFR Part 556.4(c), the manufacturer must submit the information described above and the estimated dates for the public notification and remedy campaign, no later than the end of the referenced 30-day period. [49 CFR Part 573.5(c)(8)(ii-iv)]



### **Notices and Communications**

A manufacturer must submit a copy of its proposed owner notification letter, including any stop delivery notices, written in accordance with 49 CFR Part 577, "Defect and Noncompliance Notification," to the Office of Defects Investigation (ODI) no fewer than five (5) Federal government business days before it intends to begin mailing notification letters to owners. The letter can be submitted by any means which permits the manufacturer to verify promptly that the copy of the proposed letter was received by ODI. For efficacy, we recommend that the letter be submitted in draft by FAX to (202) 366-7882 [49 CFR Part 573.5(c)(10)]. The letter will be reviewed and the manufacturer notified within 3 business days.

A representative copy of **all** notices, bulletins, and other communications that relate directly to the defect or noncompliance and which are sent to more than one manufacturer, distributor, dealer/retailer, or purchaser are to be furnished to NHTSA. The representative copies are to be submitted to ODI not later than 5 days after they are **first** sent to manufacturers, distributors, dealers/retailers, or purchasers. The representative copies of notifications or communications are to consist of all initial and/or subsequent communications **actually sent by any means**, including draft, intermediate, and final notifications or communications. The submissions should include printed copies (or transcripts) of all communications regardless of the media used to transmit the information. [49 CFR Part 573.5(c)(9)]

**Please note that submission of documents pertaining to a safety recall are to be submitted separately and in reference to NHTSA's assigned safety recall number.** This is in addition to the requirements of 49 CFR Part 573.8, "Notices, Bulletins, and Other Communications," which requires that **all** manufacturer communications with more than one owner, dealer, and/or distributor be submitted to ODI on a monthly basis. [49 CFR Part 573.5(c)(9)]

### **Comments on the Defect/Noncompliance Information Report**

In summary, a complete Defect/Noncompliance Information Report should provide sufficient information for ODI to assess whether the scope and application of the recall is appropriate, whether the problem possibly includes other vehicles or items of motor vehicle equipment, and the adequacy of the public notification and remedy campaign. If necessary, a follow-up inquiry will be initiated to obtain the information.

Note that a Defect/Noncompliance Information Report does not contemplate a prior investigative file with NHTSA. The recall file and the investigative file are two separate entities with different file retention systems and different NHTSA identification codes. The information provided and required for recalls which have been the subject of an agency investigation is the same information which must be provided for those recalls which do not have an investigative file.

**Defect/Noncompliance Information Report Guide**

To assist manufacturers with the development of Defect/Noncompliance Information Reports, the office has developed a series of Defect/Noncompliance Information Report Guides or forms which can be used either to report a defect or noncompliance, or as a guide in developing such a report.

The guides are available for vehicles and equipment. Appendix B is a representative Defect/Noncompliance Information Report Guide which should be appropriate for your company based on our records.

**How and to Whom** [49 CFR Part 573.9]

All required reports should be submitted to:

Associate Administrator for Safety Assurance<sup>2</sup> (NSA-01)  
National Highway Traffic Safety Administration  
400 7th Street, SW  
Washington, DC 20590

Whenever possible, the document should also be faxed to (202) 366-7882 to the attention of Mr. Jon White, Chief, Defects and Recall Information Analysis Division. Draft documents or items of concern can similarly be faxed in or discussed with Mr. White, Mrs. Pat Wallace, or Mrs. Kelly Schuler at (202) 366-0699.

**NHTSA Receipt and Acknowledgment**

Upon receipt of the Defect/Noncompliance Information Report, ODI will assign a unique safety recall identification number to the recall. This information will be communicated to the manufacturer immediately by fax. Shortly thereafter, ODI will send a formal, written acknowledgment letter providing the identification number and additional information on the scheduling of the recall. If necessary, the letter will also request additional information or identify specific concerns ODI may have with the proposed recall.

**Public Access to the Safety Recall Information**

The recall is summarized and entered into the ODI data system which is accessible to the public through the DOT Auto Safety Hotline (DASH) 2 DOT (1-888-327-4236), the Technical Information Services (800-445-0197), or through NHTSA's WEB site: (*www.NHTSA.DOT.GOV*). NHTSA also issues a monthly news release which briefly summarizes the recalls that were filed during the preceding month. Manufacturers wishing consideration for an exemption or delay are advised to request consideration in a separate letter accompanying the Defect or Noncompliance Report, describing the basis for the exemption or postponement.

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<sup>2</sup>The current Associate Administrator for Safety Assurance is Mr. Kenneth N. Weinstein.

**Petitions for Inconsequentiality Determination** [49 CFR Part 556]

A manufacturer that has determined that a safety defect or noncompliance with an Federal motor vehicle safety standard (FMVSS) exists in certain motor vehicles or items of equipment, and has filed a Defect/Noncompliance Information Report to NHTSA, has the option of petitioning the agency for a determination of inconsequentiality. The petition must be filed within 30-days from the date of the determination of a safety defect or noncompliance. A determination of inconsequentiality means that the defect or noncompliance is inconsequential as it relates to motor vehicle safety. Such a conclusion allows the manufacturer to be exempted from the statute's notification and remedy requirements for motor vehicles or items of motor vehicle equipment identified in the Defect/ Noncompliance Information Report. However, any additional production after the inclusive dates identified in that report, must be remedied or otherwise not contain the defect or noncompliance. Only rulemaking (such as provided in 49 CFR Part 552, "Petition for Rulemaking, Defect, and Noncompliance Orders") can change the requirements of a FMVSS.

Note that motor vehicles or items of motor vehicle equipment containing a safety defect or noncompliance cannot be sold while a manufacturer's petition for a determination that the defect or noncompliance is inconsequential with respect to motor vehicle safety is under consideration. [49 U.S.C. § 30112 and 30120]

**II. Recall Remedy**

The remedy for the recall must involve both the inventory of recalled, including unsold vehicles or items of motor vehicle equipment, and the population of vehicles or items of motor vehicle equipment sold to purchasers. If the recall remedy provided for the product already distributed or sold is different than the production remedy, the production remedy should be described in the Defect/Noncompliance Information Report.

A manufacturer can remedy a defect or noncompliance by refunding, replacing, or repairing the product. Refunds are to be for the purchased price, less reasonable depreciation for use. Replacements are to be for a comparably valued product. When the product is remedied, the remedy must be timely and performed without charge. The performance and/or compliance of the remedy should be established prior to implementing the remedy campaign. If the remedy involves a repair or replacement, the manufacturer is expected to have established not only the suitability of the remedy when the repair is made, but also the durability of the remedy when the vehicle or item of motor vehicle equipment is used. The manufacturer must ensure an effective parts supply so that the product can be remedied as soon as possible.

Since the underlying purpose of a safety recall is to minimize the safety risk, it is important to maximize the effectiveness and timeliness of the recall. Vehicles and items of motor vehicle equipment that are subject to a recall, but not as yet sold to consumers, should be removed from sale as quickly as possible. As specified in 49 U.S.C. § 30112, 30116, and 30120, the recalled product cannot be sold until remedied.

With respect to motor vehicle recalls, manufacturers should encourage their franchise dealers to ensure that the manufacturer's used vehicles have all applicable recall work completed before resale to the public.

It is suggested that for recalls in which the replacement or repair is critical, the manufacturer develop an easily visible marking/identification scheme for the repaired/replaced component or assembly. This will allow the manufacturer, dealer, purchaser, and owners to readily determine whether the recalled item has been replaced or repaired. Also, consideration should be given to packaging the corrected components/assemblies, as well as the remedial parts, distinctly to assist service personnel in ensuring that the correct parts are used.

Finally, many manufacturers use a self-adhesive label to attach to the vehicle, or item of motor vehicle equipment, to denote that the recall remedy work was completed. Generally each label is color coded and contains the manufacturer's recall code, the dealer code for the dealer completing the recall, the date the recall work was completed, and if possible, the manufacturer's toll-free telephone number.

ODI monitors the performance and effectiveness of all safety recalls and will take immediate action to correct any potential problems that arise during the conduct of the recall.

### III. **Public Notification and Remedy Campaign** [49 U.S.C. § 30119; 49 CFR Part 577]

#### **Defect and Noncompliance Notification to Purchasers**

When a manufacturer has decided that a defect or a noncompliance exists in vehicles or items of motor vehicle equipment of its manufacture or import, the manufacturer is also required to notify owners, purchasers, and dealers. [49 U.S.C. § 30119]

The following minimal information must be provided: (1) a clear description of the defect; (2) an evaluation of the risk to motor vehicle safety; (3) a statement of the measures to be taken to obtain the remedy; (4) a statement that the defect/noncompliance will be remedied without charge; (5) a statement of the earliest date on which the defect/noncompliance will be remedied; and (6) a description of the procedure to be followed by the recipient of the notification in informing NHTSA whenever a manufacturer, distributor, or dealer fails to or is unable to remedy without charge such defect or failure to comply.

#### **Dealer Notice of Recall**

Besides advising the dealer personnel of how to technically remedy the recall condition or to provide instruction on the administrative reporting of the recall work, the dealer notice (most often a technical service bulletin) also should advise the dealer of its responsibilities in a safety recall. Dealers, retailers, distributors, and non-retail purchasers are prohibited from selling defective or noncomplying vehicles or items of motor vehicle equipment until the defect or noncompliance is remedied. A dealer can be fined up to \$5,000 per violation. It is up to the recalling manufacturer to notify dealers, retailers, distributors, and purchasers. Appendix C provides sample language that, combined with a copy of the owner notification letter (written in accordance with Part 577), has been successful in conveying these responsibilities.

Owner notification is to be initiated within a reasonable amount of time after the manufacturer first determines the defect or noncompliance condition. Although this time varies according to the nature of the recall and the population affected, notification usually occurs within 30 days.

49 U.S.C. § 30119 describes the notification requirements to purchasers and dealers for motor vehicles, tires, and items of motor vehicle equipment. Note that for motor vehicles, notification is to be made to registered owners determined from state motor vehicle registration records, augmented with corporate records. Notifications to purchasers are by first class mail. Notifications to dealers and NHTSA are to be by certified mail. However, dealers may be notified by other, more expeditious means. In accordance with Chapter 301 of Title 49 U.S.C., all safety recall campaigns are to be conducted throughout the United States, Guam, the Northern Mariana Islands, the Virgin Islands, American Samoa, and Puerto Rico.

### **The Notification Letter**

Federal Regulation 49 CFR Part 577, entitled "Defect and Noncompliance Notification," specifically requires notification to purchasers, owners, and lessees where the manufacturer or the NHTSA Administrator has determined a defect or noncompliance exists in the manufacturer's vehicles or items of motor vehicle equipment. The intent of this notification requirement is to inform owners/purchasers of motor vehicles or items of motor vehicle equipment of a safety-related defect or noncompliance, the consequences and a description of the corrective action. The notification is also intended to "effectively motivate" the owner/purchasers/lessees to have their vehicle or item of motor vehicle equipment inspected and corrected as soon as possible.

The first sentence of the notification letter is prescribed by regulation and must be used verbatim. The language and form of the second sentence of the letter is specified also and is provided for both defect and noncompliance type notifications. The appropriate sentence must be selected and provided to owners and purchasers verbatim. [49 CFR Part 577.5(b) and (c)]

The manufacturer must describe to the owner/purchaser its program for remedying the defect/noncompliance condition and that the remedy will be provided without charge. The description of the program must include the earliest date when the remedy can be made (both instructions and parts availability) and a general description of the actual remedy. If the remedy involves repairing the vehicle or item of motor vehicle equipment, a description must be provided of

the repair work and time required to perform the work. Where the remedy is to replace the vehicle or equipment item, a description of the replacement must be provided. If the remedy involves refunding the purchase price of the vehicle or equipment item less depreciation, a description of how the depreciation was assessed must be given. [49 CFR Part 577.5(g)(1)]

Owners/purchasers must be advised in the letter that a complaint can be submitted to the NHTSA Administrator if the manufacturer has failed or is unable to remedy the defect/noncompliance condition without charge or within a reasonable amount of time.  
[49 CFR Part 577.5(g)(1)(vii)]

The procedure for owners to notify NHTSA must clearly state that if an owner is unable to have the defect/noncompliance remedied without charge within a reasonable amount of time, the owner can notify:

Administrator  
National Highway Traffic Safety Administration  
400 Seventh Street, SW  
Washington, DC 20590

or call the toll-free DOT Auto Safety Hotline at 1-888-DASH-2-DOT (1-888-327-4236).  
[49 U.S.C. §30119]

Under certain conditions, a manufacturer is not required to provide remedy without charge, such as if the vehicle or equipment was first purchased more than 8 years before the recall. In such instances, the manufacturer must meet the requirements of 49 CFR Part 577.5(g)(2).

A manufacturer's notification letter cannot include any statement or implication that **there is no defect or noncompliance condition, or that the condition does not exist**, in the owner's vehicle or item of motor vehicle equipment. Also, with respect to a safety defect, the manufacturer cannot state or imply that the defect **does not** relate to motor vehicle safety. [Under 49 CFR Part 577.8]

Appendix C contains sample safety recall notification documents.

### **Leased Vehicles**

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) requires that lessors have the responsibility of notifying lessees when a vehicle manufacturer makes a determination of a defect or noncompliance. Therefore, a vehicle manufacturer conducting a safety recall must notify lessors of their obligation to provide a copy of the owner notification letter to each vehicle lessee. The lessor must notify the lessee by first class mail within ten (10) days from receipt of their owner notification letter from the manufacturer; both for initial notification and all subsequent notification.  
[49 CFR Part 577.5(I)]

### **Approval of Owner Notification Envelopes**

The recalling manufacturer shall mark the outside of each envelope in which it sends an owner notification letter with a notation that includes the words "SAFETY," "RECALL," and "NOTICE" all in capital letters and in type that is larger than that used in the address section, and is also distinguishable from the other type in a manner other than size. Each manufacturer must submit the envelope format it intends to use to NHTSA at least 5 Federal government business days before mailing to owners. Once an envelope format has been approved by NHTSA, samples of the envelope do not have to be re-submitted (unless the manufacturer wishes to change the envelope format). [49 CFR Part 577.5(a)]

### **Contacting Unregistered Owners of Motor Vehicle Equipment**

When a recall involves items of motor vehicle equipment, it has been found that notification to specific owners is extremely limited because the owners are not registered and are not otherwise known to the manufacturers (except child restraints). In these instances it appears that point-of-sale posters and other media comparable to the approaches and techniques used to originally market the item are appropriate. This procedure is similar to that employed by the Consumer Product Safety Commission, the Food and Drug Administration, and other agencies where owners are largely unknown. The information conveyed should be simple, short, and clear. The information should include: a declaration that the product manufactured or distributed by the manufacturer is involved in a safety campaign; a clear identification of the recalled product; a statement describing the consequences of the product failure, the remedy, and the procedure for obtaining the remedy; and the toll-free telephone number of the manufacturer. The consumer can then contact the manufacturer for further information on the recall and how to obtain the remedy.

A number of manufacturers have adopted some form of poster. Included in Appendix C are sample posters and a general guidelines for the development of such posters. **Before any poster is printed or distributed**, the poster should be provided to NHTSA in draft for comment first.

While a poster is generally developed for the point-of-sale, there are instances where distribution to places where owners are likely to be found, such as doctor's offices for child seats, may be appropriate as well.

### **Public Notification: Press Releases and Other Media**

In preparing for the safety recall, the manufacturer should consider issuing a press release describing the nature and consequences of the defect or noncompliance, the scope of the problem and vehicles involved, and the remedy. A press release is strongly encouraged whenever a number of consumers may benefit. The press release should be appropriate to the market and/or demographics of the consumers. There are instances where a specific media market is appropriate rather than a national news release. A press release is particularly appropriate whenever the public would benefit from the information, such as when a remedy will not be available for some time, but in the interim there are steps an owner can take to avoid the likelihood of the defect/noncompliance from occurring or to alleviate the consequences. Similarly, a press release is important in reaching owners of used vehicles and items of motor vehicle equipment which may not be registered or otherwise known to

the manufacturer.

#### **Recalled Vehicles and Equipment in Inventory** [49 U.S.C. § 30116]

It is important that manufacturers notify distributors, dealers, retailers, and other purchasers of the recall as soon as possible to ensure that the product is not sold prior to remedy. The manufacturer or distributor is obliged to offer to repurchase any item of motor vehicle equipment in the inventory of the manufacturer, distributor, dealer, or retailer which contains a safety defect or noncompliance prior to sale to the public. The sale of any motor vehicle or item of motor vehicle equipment which fails to conform to all applicable Federal motor vehicle safety standards is prohibited. A dealer is prohibited from selling to the public any new motor vehicle or item of motor vehicle equipment which might contain a safety-related defect, until the defect is remedied. There is a civil penalty of up to \$5,000 per violation, not to exceed \$15,000,000, for any related series of violations that can be imposed. [49 U.S.C. § 30112, 30120, and 30165 and Part 578]

#### IV. **Recall Monitoring and Performance**

##### **Quarterly Status Reports** [49 CFR Part 573.6]

A quarterly status report is required to be submitted on each safety recall campaign beginning with the calendar quarter in which owner notification begins. The quarterly status report is required to be submitted on the 30th day of the month following the end of each calendar quarter (i.e., April 30th, July 30th, October 30th, and January 30th).

Quarterly status reports will be required from the quarter the notification begins through 6 consecutive quarters **after all owners are notified**. As a matter of policy, recalls in which owner notifications begin within the last 15 calendar days of the end of the third month of each quarter, will be requested to provide an additional quarterly report.

Pre-delivery type recalls in which none of the recalled vehicles or items of motor vehicle equipment have been sold to retail owners, will require at least one report. If any of the recalled items are sold to a retail customer prior to completion of the recall work, a purchaser/owner notification and remedy campaign will be necessary, as well as additional quarterly reports.



Owner notification is generally expected to occur within 30 days of a determination of a defect or from the date a remedy is developed. Notification is expected to be conducted uniformly and nationally. If for some reason a public notification campaign is not conducted uniformly or nationally, the manufacturer must inform the agency when describing the remedy program. [49 CFR Part 573.5(c)(8)(ii)]

Quarterly reports or items of concern can be faxed to (202) 366-7882 or discussed with Mr. Jon White or Ms. Kelly Schuler at (202) 366-5227.

### **Quarterly Status Report Guide**

Appendix D contains Quarterly Report Guides which summarizes the information required in Part 573.6, "Quarterly Reports." In addition to providing the agency's assigned recall campaign code, it is requested that manufacturers provide their company's recall campaign code (if applicable) which corresponds to NHTSA recall code. There is no obligation to follow the Guide, however, the Quarterly Report Guide outlines information that this office will review for evaluation of the recall performance.

Manufacturers of motor vehicle equipment, including tires, are required to report on the number of recalled items returned or retrieved from inventory for corrective action prior to sale. [49 CFR Part 573.6(b)(6)]

The number of vehicles or items of motor vehicle equipment determined to be unreachable for the campaign are to be reported according to the following categories: exported, stolen, scrapped, did not receive notification, or other identified reason. [49 CFR Part 573.6(b)(5)]

### **Toll-Free Telephone Numbers**

The agency believes that a toll-free number for consumers to call to identify themselves to the manufacturer as owners of the recalled product and to receive aid in attaining the recall remedy is invaluable to the success of a safety recall, particularly recalls involving unregistered owners. The toll-free number can be provided to owners and purchasers through press releases and other media.

### **Recordkeeping and Maintenance** [49 CFR Part 573.7]

Each manufacturer must maintain a list of the names and addresses of owners of the items involved in the recall. The list is to include the vehicle identification number (or tire identification number or equipment serial number, as appropriate) and the recall status for each vehicle (or tire or item of motor vehicle equipment, as appropriate). For vehicles and items of motor vehicle equipment, the list must be maintained for 5 years after owners are notified. For tires, the list must be maintained for 3 years.

For items of motor vehicle equipment which are not uniquely identified by serial number or similar coding, the purchaser (distributors, dealer/retailers, and other purchasers) list must include the number of items sold to each purchaser and the date of shipment. The list shall show, as far as is practical, the number of items remedied or returned to the manufacturer and the dates of such remedy or return.

### **NHTSA Monitoring and Audits**

A manufacturer is responsible for the remedy of the defect or noncompliance regardless of mileage, ownership, or age of the recalled product. The agency closely monitors the performance and effectiveness of each safety recall. Consumer complaints, as well as review of the quarterly status reports, are used to assess recalls. Unresolved problems are investigated for identification and resolution.

A manufacturer may be requested to renotify owners of motor vehicles or items of equipment that have not been reported as having the recall work performed. The scope, timing, form, and content of such follow-up notification will be established by NHTSA, in consultation with the manufacturer, to maximize the number of owners, purchasers, and lessees who will present their vehicles or items of equipment for remedy. A renotification letter will comply with all the requirements of the initial notification, except as determined by NHTSA. Language which will motivate owners and purchasers to present their vehicles or items of equipment for remedy is strongly encouraged. NHTSA may authorize the use of other media, besides first class mail, for follow-up notification. [49 CFR Part 577.10]

Should a recall remedy or notification appear to be unreasonable or inadequate, the agency can conduct a public hearing to investigate whether the manufacturer has reasonably met its obligation to notify (49 U.S.C. § 30118 and 49 CFR Part 577) and to provide a remedy (49 U.S.C. § 30120).

NHTSA audits a number of recalls each year to verify the reported performance and recall process of each recall. An audit will typically involve an information request to the manufacturer for specific information on the recall, as well as to request owner names and addresses and the reported recall remedy status of each item involved in the recall. A follow-up survey of owners, and possibly dealers, will generally complete the audit.

### **NHTSA Consumer Complaints**

The agency provides a copy of all consumer complaints on a recall to the recalling manufacturer. Unresolved problems or potential trends will likely result in an ODI inquiry. Also, owners are typically advised of their ability to petition the agency if they believe the manufacturer has not met the requirements of Chapter 301 of Title 49 U.S.C. with respect to notification or remedy. It is to everyone's advantage to resolve problems early and quickly.

### **Recall Campaign Renotification**

Sometimes in the course of a safety recall, the manufacturer does not meet agency expectations or industry averages for similar recalls. Consequently, we may request the manufacturer to re-notify owners of uncorrected vehicles to encourage having the recall work performed. Such renotification is often requested when the completion rate is unusually low, the corrective action is available, and where notification to the owner is likely to result in completion of the recall work. This request is usually faxed to the manufacturer after the fourth reporting quarter. An example of this notification fax is included in Appendix F.

### **V. Conclusion**

Over 9,000 safety recalls involving millions of motor vehicles and items of motor vehicle equipment have occurred since the enactment of the National Traffic and Motor Vehicle Safety Act. Hence, ODI believes that the concept of a safety recall is well established in the consumer's mind. A safety recall need not be regarded as a negative factor. How quickly and comprehensive a safety recall is conducted can have a strong influence on the consumer's sense of security, satisfaction, and attitude about the manufacturer and the recalled product. There is evidence to show that a successful safety recall program and a successful company, from the customer's viewpoint, are not inseparable.

## **APPENDIX A. - DEFINITIONS**

Motor vehicles, for purposes of safety recalls are defined within the Act and various sections of 49 Code of Federal Regulations, as any vehicle which is operable, with or without motive power, on the Nation's public roadways. This would include cars, trucks, motorcycles, trailers, and vehicles built in more than one stage.

**49 CFR:** Title 49 of the Code of Federal Regulations.

**49 U.S.C.:** Title 49 of the United States Code.

**Act:** The National Traffic and Motor Vehicle Safety Act of 1966, as amended.

**Dealer:** any person who is engaged in the sale and distribution of new motor vehicles or items of motor vehicle equipment primarily to purchasers who in good faith purchase any such vehicles or item of equipment for purposes other than resale.

**Defect:** any defect in performance , construction, components, or materials in motor vehicles or items of motor vehicles.

**Distributor:** any person who is engaged in the sale and distribution of motor vehicles or items of motor vehicle equipment for resale.

**FMVSS:** Federal Motor vehicle Safety Standard.

**Manufacturer:** any person engaged in the manufacturing or assembling of motor vehicles or motor vehicle equipment, including any person importing motor vehicles or items of motor vehicle equipment for resale.

**Motor Vehicle:** any vehicle driven or drawn by mechanical power and manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails.

**Motor Vehicle Equipment:** any system, part, or component of a motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as any accessory or addition to the motor vehicle, and any device, article, or apparel not a system, part, or component of a motor vehicle (other than medicines, or eyeglasses prescribed by a physician or other duly licensed practitioner), which is manufactured or sold, delivered, offered, or intended for use exclusively to safeguard motor vehicles, drivers, passengers, and other highway users from risks of accidents, injury, or death.

**Motor Vehicle Safety:** the performance of motor vehicles or items of motor vehicle equipment in such a manner that the public is protected against unreasonable risk of accidents occurring as a result of the design, construction, or performance of motor vehicles and is also protected against unreasonable risk of death or injury to persons in the event accidents do not occur, and includes nonoperational safety of such vehicles.

**Original Equipment:** [Section 159 of the Act] an item of motor vehicle equipment (including a tire) which was installed in or on a motor vehicle at the time of its delivery to the first purchaser.

**Original Equipment Responsibility:** [Section 159 of the Act] a defect in, or failure to comply of, an item of original equipment shall be deemed to be a defect, or failure to comply of, the motor vehicle in or on which such equipment was installed at the time of its delivery to the first purchaser. If the manufacture of a motor vehicle is not the manufacturer of original equipment installed in or on such vehicle at the time of its delivery to the first purchaser, **the manufacturer of the vehicle (rather than the manufacturer of such equipment) shall be considered the manufacturer of such item of equipment.** The term first purchaser means first purchaser for purposes other than resale.

**Replacement Equipment:** [Section 159 of the Act] an item of motor vehicle equipment (including a tire) other than original equipment.

**United States:** includes the United States and its protectorates to which the Act applies, which includes all 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and America Samoa.

**APPENDIX B. - DEFECT/NONCOMPLIANCE NOTIFICATION  
REPORT GUIDES**

VEHICLE REPORT GUIDE  
AND  
EQUIPMENT REPORT GUIDE

Safety Defect and Noncompliance Report Guide for Vehicles  
**PART 573 Defect and Noncompliance Report**<sup>3</sup>

On \_\_\_\_\_, 2001, \_\_\_\_\_ [MFR] decided that (a defect which relates to motor vehicle safety)(a noncompliance with Federal Motor Vehicle Safety Standard No. \_\_\_\_\_) exists in the motor vehicles listed below, and is furnishing notification to the National Highway Traffic Safety Administration in accordance with 49 CFR Part 573 Defect and Noncompliance Reports.

Date this report was prepared: \_\_\_\_\_

Furnish the manufacturer's identification code for this recall (if applicable): \_\_\_\_\_

1. Identify the full corporate name of the fabricating manufacturer of the vehicle being recalled. If the recalled vehicle is imported, provide the name and mailing address of the designated agent as prescribed by 49 U.S.C. §30164.

\_\_\_\_\_  
\_\_\_\_\_

Identify the corporate official, by name and title, whom the agency should contact with respect to this recall.

\_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Name and Title of Person who prepared this report.

\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

\_\_\_\_\_

<sup>3</sup>Each manufacturer must furnish a report, to the Associate Administrator for Safety Assurance, for each defect or noncompliance condition which relates to motor vehicle safety.

This guide was developed from 49 CFR Part 573, "Defect and Noncompliance Reports" and also outlines information currently requested. Any questions, please consult the complete Part 573 or contact Mr. Jon White at (202) 366-5227 or by FAX at (202) 366-7882.



**I. Identify the Vehicle Models Involved in the Recall**

**2. Identify the Vehicles Involved in the Recall, for each make and model or applicable vehicle line (provide illustrations or photographs as necessary to describe the vehicle), provide:**

**Make(s): \_\_\_\_\_ Model Years Involved: \_\_\_\_\_ Model(s): \_\_\_\_\_**

**Production Dates: Beginning: \_\_\_\_\_ Ending: \_\_\_\_\_**

**VIN Range: Beginning: \_\_\_\_\_ Ending: \_\_\_\_\_**

**Vehicle Type: \_\_\_\_\_ Bodystyle: \_\_\_\_\_**

**Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall:**

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**Make(s): \_\_\_\_\_ Model Years Involved: \_\_\_\_\_ Model(s): \_\_\_\_\_**

**Production Dates: Beginning: \_\_\_\_\_ Ending: \_\_\_\_\_**

**VIN Range: Beginning: \_\_\_\_\_ Ending: \_\_\_\_\_**

**Vehicle Type: \_\_\_\_\_ Bodystyle: \_\_\_\_\_**

**Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall:**

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**Make(s): \_\_\_\_\_ Model Years Involved: \_\_\_\_\_ Model(s): \_\_\_\_\_**

**Production Dates: Beginning: \_\_\_\_\_ Ending: \_\_\_\_\_**

**VIN Range: Beginning: \_\_\_\_\_ Ending: \_\_\_\_\_**

**Vehicle Type: \_\_\_\_\_ Bodystyle: \_\_\_\_\_**

**Descriptive information which characterizes/distinguishes the recalled vehicles from those model vehicles not included in the recall:**

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**Identify the approximate percentage of the production of all the recalled models manufactured by your company between the inclusive dates of manufacture provided above, that the recalled model population represents. For example, if the recall involved Widgets equipped with certain items of equipment from January 1, 1996 through April 1, 1997, then what was the percentage of the recalled Widgets of all Widgets manufactured during that time period. \_\_\_\_\_**

**II. Identify the Recall Population**

**3. Furnish the total number of vehicles recalled potentially containing the defect or noncompliance.**

<b><u>Model</u></b>	<b><u>Year</u></b>	<b><u>Number of Vehicles Potentially Involved</u></b>

**Total Number Potentially Affected by the Recall:** \_\_\_\_\_

**4. Furnish the approximate percentage of the total number of vehicles estimated to actually contain the defect or noncompliance:** \_\_\_\_\_

**Identify and describe how the recall population was determined--in particular how the recalled models were selected and the basis for the beginning and final dates of manufacture of the recalled vehicles:**

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**III. Describe the Defect or Noncompliance**

**5. Describe the defect or noncompliance. The description should address the nature and physical location of the defect or noncompliance. Illustrations should be provided as appropriate.**

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**Describe the cause(s) of the defect or noncompliance condition.**

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**Describe the consequence(s) of the defect or noncompliance condition.**

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**Identify any warning which can (a) precede or (b) occur.**

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**If the defect or noncompliance is in a component or assembly purchased from a supplier, identify the supplier by corporate name and address.**

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**Identify the name and title of the chief executive officer or knowledgeable representative of the supplier:**

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**IV. Provide the Chronology in Determining the Defect/Noncompliance**

*If the recall is for a defect, complete item 6, otherwise item 7.*

**6. With respect to a defect, furnish a chronological summary (including dates) of all the principle events that were the basis for the determination of the defect. The summary should include, but not be limited to, the number of reports, accidents, injuries, fatalities, and warranty claims.**

**7. With respect to a noncompliance, identify and provide the test results or other data (in chronological order and including dates) on which the noncompliance was determined.**

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**V. Identify the Remedy**

**8. Furnish a description of the manufacturer's remedy for the defect or noncompliance. Clearly describe the differences between the recall condition and the remedy.**

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**Clearly describe the distinguishing characteristics of the remedy component/assembly versus the recalled component/assembly.**

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Identify and describe how and when the recall condition was corrected in production. If the production remedy was identical to the recall remedy in the field, so state. If the product was discontinued, so state.

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**VI. Identify the Recall Schedule**

Furnish a schedule or agenda (with specific dates) for notification to other manufacturers, dealers/retailers, and purchasers. Please, identify any foreseeable problems with implementing the recall.

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**VII. Furnish Recall Communications**

9. Furnish a final copy of all notices, bulletins, and other communications that relate directly to the defect or noncompliance and which are sent to more than one manufacturer, distributor, or purchaser. This includes all communications (including both original and follow-up) concerning this recall from the time your company determines the defect or noncompliance condition on, not just the initial notification. *A DRAFT copy of the notification documents should be submitted to this office by Fax (202-366-7882) for review prior to mailing.*

Note that these documents are to be submitted separately from those provided in accordance with Part 573.8 requirements.

Safety Defect and Noncompliance Report Guide for Equipment  
**PART 573 Defect and Noncompliance Report**<sup>4</sup>

On \_\_\_\_\_, 2001, \_\_\_\_\_ [MFR] decided that (a defect which relates to motor vehicle safety)(a noncompliance with Federal Motor Vehicle Safety Standard No. \_\_\_\_\_) exists in items of motor vehicle equipment listed below, and is furnishing notification to the National Highway Traffic Safety Administration in accordance with 49 CFR Part 573 Defect and Noncompliance Reports.

Date this report was prepared: \_\_\_\_\_

Furnish the manufacturer's identification code for this recall (if applicable): \_\_\_\_\_

1. Identify the full corporate name of the fabricating manufacturer/brand name/trademark owner of the recalled item of equipment. If the recalled item of equipment is imported, provide the name and mailing address of the designated agent as prescribed by 49 U.S.C. §30164.

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Identify the corporate official, by name and title, whom the agency should contact with respect to this recall.

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Telephone Number: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Name and Title of Person who prepared this report.

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Signed: \_\_\_\_\_

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<sup>4</sup>Each manufacturer must furnish a report, to the Associate Administrator for Safety Assurance, for each defect or noncompliance condition which relates to motor vehicle safety.

This guide was developed from 49 CFR Part 573, "Defect and Noncompliance Reports" and also outlines information currently requested. Any questions, please consult the complete Part 573 or contact Mr. Jon White at (202) 366-5226 or by FAX at (202) 366-7882.

**I. Identify the Recalled Items of Equipment**

**2. Identify the Items of Equipment Involved in this Recall, for each make and model or applicable item of equipment product line (provide illustrations or photographs as necessary to describe the item of equipment), provide:**

**Generic name of the item:** \_\_\_\_\_

**Make:** \_\_\_\_\_ **Model:** \_\_\_\_\_

**Part Number:** \_\_\_\_\_ **Size:** \_\_\_\_\_

**Function:** \_\_\_\_\_

**Other information which characterizes/distinguishes the items of equipment to be recalled:**

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**Make:** \_\_\_\_\_ **Model:** \_\_\_\_\_

**Part Number:** \_\_\_\_\_ **Size:** \_\_\_\_\_

**Function:** \_\_\_\_\_

**Other information which characterizes/distinguishes the items of equipment to be recalled:**

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**Make:** \_\_\_\_\_ **Model:** \_\_\_\_\_

**Part Number:** \_\_\_\_\_ **Size:** \_\_\_\_\_

**Function:** \_\_\_\_\_

**Model Years Involved:** \_\_\_\_\_

**Other information which characterizes/distinguishes the items of equipment to be recalled:**

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**Make:** \_\_\_\_\_ **Model:** \_\_\_\_\_

**Part Number:** \_\_\_\_\_ **Size:** \_\_\_\_\_

**Function:** \_\_\_\_\_

**Other information which characterizes/distinguishes the items of equipment to be recalled:**

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Identify the approximate percentage of the production of all the recalled models manufactured by your company between the inclusive dates of manufacture provided above, that the recalled model population represents. For example, if the recall involved Widgets equipped with certain items of equipment from January 1, 1996, through April 1, 1997, then what was the percentage of the recalled Widgets of all Widgets manufactured during that time period.

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**II. Identifying the Recall Population**

3. Furnish the total number of items of equipment recalled potentially containing the defect or noncompliance.

<u>Model</u>	<u>Year</u>	<u>Number of Items Potentially Involved</u>

Total Number Potentially Affected by the Recall: \_\_\_\_\_

4. Furnish the approximate percentage of the total number of items of equipment estimated to actually contain the defect or noncompliance: \_\_\_\_\_

Identify and describe how the recall population was determined--in particular how the recalled models were selected and the basis for the beginning and final dates of manufacture of the recalled items of equipment: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**III. Describe the Defect or Noncompliance**

**5. Describe the defect or noncompliance. The description should address the nature and physical location of the defect or noncompliance. Illustrations should be provided as appropriate.**

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**Describe the cause(s) of the defect or noncompliance condition.**

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**Describe the consequence(s) of the defect or noncompliance condition.**

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**Identify any warning which can (a) precede or (b) occur.**

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**If the defect or noncompliance is in a component or assembly purchased from a supplier, identify the supplier by corporate name and address.**

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**Identify the name and title of the chief executive officer or knowledgeable representative of the supplier:**

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**IV. Provide the Chronology in Determining the Defect/Noncompliance**

*If the recall is for a defect, complete item 6, otherwise item 7.*

**6. With respect to a defect, furnish a chronological summary (including dates) of all the principle events that were the basis for the determination of the defect. The summary should include, but not be limited to, the number of reports, accidents, injuries, fatalities, and warranty claims.**

**7. With respect to a noncompliance, identify and provide the test results or other data (in chronological order and including dates) on which the noncompliance was determined.**

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**V. Identify the Remedy**

**8. Furnish a description of the manufacturer's remedy for the defect or noncompliance. Clearly describe the differences between the recall condition and the remedy.**

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**Clearly describe the distinguishing characteristics of the remedy component/assembly versus the recalled component/assembly.**

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Identify and describe how and when the recall condition was corrected in production. If the production remedy was identical to the recall remedy in the field, so state. If the product was discontinued, so state.

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**VI. Identify the Recall Schedule**

Furnish a schedule or agenda (with specific dates) for notification to other manufacturers, dealers/retailers, and purchasers. Please, identify any foreseeable problems with implementing the recall.

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**VII. Furnish Recall Communications**

9. Furnish a final copy of all notices, bulletins, and other communications that relate directly to the defect or noncompliance and which are sent to more than one manufacturer, distributor, or purchaser. This includes all communications (including both original and follow-up) concerning this recall from the time your company determines the defect or noncompliance condition on, not just the initial notification. *A DRAFT copy of the notification documents should be submitted to this office by Fax (202-366-7882) for review prior to mailing.*

**Note: These documents are to be submitted separately from those provided in accordance with Part 573.8 requirements.**

## **APPENDIX C. - SAMPLE NOTIFICATION DOCUMENTS**

The following documents are samples or models paraphrased from reports developed by manufacturers in conducting safety recalls. The samples are from safety defect vehicle recalls. Safety defect equipment and tire recalls are similar. The language describing a noncompliance with a Federal motor vehicle safety standard is different for noncompliance recalls as prescribed in Part 577, however, the majority of the letter is the same as for a safety defect.

There are two models of owner notification letters and two of the safety service bulletins.

To meet the notification requirements of Title 301 of 49 U.S.C., dealers should be provided a copy of the owner notification letter.

## **SAMPLE VEHICLE DEFECT OWNER NOTIFICATION LETTER**

Dear [MFR model vehicle] Owner :

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act.

### REASON FOR THIS RECALL

[MFR] has determined that a defect which relates to motor vehicle safety exists in certain [model year model vehicles equipped with \_\_\_\_\_]. These vehicles have [description of the safety defect condition]. [Description of the safety-related consequences].

### WHAT WE WILL DO

Briefly describe the remedial work which will be done to the consumer's vehicle. Advise the owner that the service will be done without charge.

### WHAT YOU SHOULD DO

Please contact your [MFR] dealer as soon as possible to arrange a service date and so the dealer may order the necessary parts for the repair. Instructions for making this correction have been sent to your dealer and the parts are available. The labor time necessary to perform this service correction is approximately [ XX minutes, hours, etc.]. Please ask your dealer if you wish to know how much additional time will be needed to schedule and process your vehicle.

Your [MFR] dealer is best equipped to obtain parts and provide service to ensure that your vehicle is corrected as promptly as possible. If, however, you take your vehicle to your dealer on the agreed service date, and they do not remedy this condition on that date or within three (3) days, we recommend you contact the [MFR] customer service by calling 1-800-[toll-free number].

After contacting your dealer and the [MFR customer service], if you are still not able to have the safety defect remedied without charge and within a reasonable time, you may wish to write the Administer, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590 or call 1-888-DASH-2-DOT (1-888-327-4236). (Washington DC residents use 1-202-366-0123).

The enclosed owner reply card identifies your vehicle. Presentation of this card to your dealer will assist in making the necessary correction in the shortest possible time. If you have sold or traded your vehicle, please let us know by completing the postage paid reply card and returning it to us.

We are sorry to cause this inconvenience; however, we have taken this action in the interest of your safety and continued satisfaction with our products.

**SAFETY RECALL - [SAFETY DEFECT SUBJECT]**

Dear [MFR] Vehicle Owner:

This notice is sent to you in accordance with the requirements of the National Highway Traffic and Motor Vehicle Safety Act.

[MFR] has determined that a defect which relates to motor vehicle safety exists in certain [model year and model vehicles equipped with ZZZ and manufacturer from August 1991 to September 1991]. [Describe the applicable safety defect and risk to motor vehicle safety].

**Your vehicle**, identified on the enclosed form, **is affected**. For this reason we ask that you arrange for service to correct the condition without delay. The service and required parts as described in this letter will be provided free of charge.

To correct this condition, your dealer will [briefly describe the recall remedy to your consumer].

The work will take about [xx] hours to complete. However, additional time may be required depending on how dealer appointments are scheduled and processed. To obtain this free service:

Contact your dealer as soon as possible to schedule an appointment for the free service.

Take the enclosed Owner Notification Form with you at the time of your appointment and give it to your dealer. The form identifies the vehicle and the service that is required.

If you have any problem obtaining the needed repair, please contact the [MFR] customer service at 1-800-toll-free telephone number. A [MFR] representative will arrange for prompt attention to your vehicle.

We regret any inconvenience which this action may cause you. However, we are concerned about your safety. If your dealer fails or is unable to remedy this defect without charge and within a reasonable time, you may submit a written complaint to the Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, or call 1-888-DASH-2-DOT (1-888-327-4236). (Washington DC residents use 1-202-366-0123).

Thank you for attention to this important matter.

[CUSTOMER SERVICE MFR]

**SAMPLE VEHICLE SAFETY DEFECT SERVICE BULLETIN**

TO: All [MFR] Dealers

The National Traffic and Motor Vehicle Safety Act, as amended, provides that each vehicle which is subject to a recall campaign of this type must be adequately repaired within a reasonable time after the owner has tendered it for repair. Failure to repair within sixty (60) days after tender of a vehicle is prima facie evidence of failure to repair within a reasonable time.

If the condition is not adequately repaired within a reasonable time, the owner may be entitled to an identical or reasonable equivalent vehicle at no charge or to a refund of the purchase price less a reasonable allowance for depreciation.

To avoid having to provide these burdensome solutions, every effort must be made to promptly schedule an appointment with each owner and to repair their vehicle as soon as possible. As you will see in reading the attached copy of the letter that is being sent to owners, the owners are being instructed to contact the [MFR] customer service if their dealer does not remedy the condition within three (3) days of the mutually agreed upon service date. If the condition is not remedied within a reasonable time, they are instructed on how to contact the National Highway Traffic Safety Administration.

**DEFECT INVOLVED**

[MFR] has determined that a defect which relates to motor vehicle safety exists in certain [model year model vehicles equipped with \_\_\_\_\_]. These vehicles have [description of the safety defect condition]. [Description of the safety-related consequences].

Briefly describe the remedial work which will be done to the consumer's vehicle. Advise the owner that the service will be done without charge.

**VEHICLES INVOLVED**

Involved are certain [model vehicles equipped with \_\_\_\_\_] built within the following VIN breakpoints:

Involved vehicles have been identified by Vehicle Identification Number Computer Listings. Computer listings contain the complete Vehicle Identification Number, owner name and address data, and are furnished to involved dealers with the campaign bulletin. Owner name and address data furnished will enable dealers to follow-up with owners involved in this campaign.

These listings may contain owner names and addresses obtained from State Motor Vehicle Registration Records.



**SAFETY VEHICLE SAFETY DEFECT SERVICE BULLETIN**

**IMPORTANT**

**DEALER SERVICE INSTRUCTIONS**

Safety Recall #98V-000 – [Safety Recall Subject]

- < This service requirement applies only to [MFR model year and model vehicles] built from [start date of recall production manufacture] to [end date of recall production manufacture] at the ABC assembly plant.
- < Dealers were notified via an electronic mail message on this subject dated [Notice date].
- < Recall Parts Packages may include [describe contents of the recall remedy kit as appropriate].

**GENERAL NOTIFICATION INFORMATION:**

- < Describe general information for dealers such as what their responsibilities are and any preparations necessary for the safety recall.

98V-000

[Bulletin Date]

To: All [MFR] Dealers

Subject: Safety Recall 98V-000 – [Safety Recall Subject]

Models: [Description of the model year and model vehicles involved in the recall, including the start and ending dates of manufacture].

Reference: Electronic mail message on this subject on [Notice Date]

[Describe the subject safety defect and the consequences to vehicle operation and motor vehicle safety].

[Briefly describe the corrective action the dealer is to take to remedy the safety defect].

**Important:** Some of the involved vehicles may still be in dealer inventory. Federal law requires you to complete the recall service on these vehicles before retail delivery.

Details of this service are explained in the following sections.

Service Procedure Videotape

[Describe the videotape if applicable].

Dealer Notification & Vehicle List

Involved dealers: each dealer to whom involved vehicles were invoiced (or the current dealer at the same street address) will receive a copy of this Dealer Recall Notification letter and a list of the involved vehicles by Certified Mail.

Important: Dealer notification by Certified Mail is required by Federal law for all safety recalls. Responsible dealership personnel should be instructed to sign for this Certified mail without hesitation as it contains urgent safety recall information.

The Vehicle List is arranged in Vehicle Identification Number sequence. Owners known to [MFR] are also listed. The lists are for dealer reference in arranging for service of involved vehicles.

Safety Recall #98V-000 – Safety Recall Subject  
[Bulletin Date]

### **Completion Reporting and Reimbursement**

Claims for vehicles which have been serviced must be submitted. Claims submitted will be used by [MFR] to record recall service completions and provide dealer payments.

Use one of the following labor operation numbers and time allowances:

<b>Labor Operation Number</b>	<b>Time Allowance</b>
-----------------------------------	---------------------------

Add the cost of the recall parts package plus applicable dealer allowance to your claim.

Note: See [MFR] Warranty/Recall policy and procedure manual for complete recall claim processing instructions.

**Parts Return:** replaced parts are to be returned to [MFR]

### **Vehicle Not Available**

If a vehicle is not available for service for a known reason, let us know by filling out the pre-addressed Vehicle Disposition Form portion of the Owner Notification Form or describe the reason on a postcard and mail to:

[MFR]  
[Address]

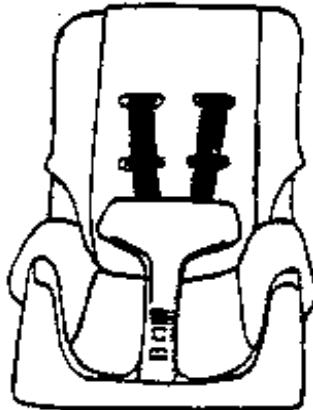
Following the above procedures will expedite the processing of your claim.

If you have any questions or need assistance in completing this action, please contact your Zone Service Office.

Customer Services Field Operations  
MFR

# WIDGET MANUFACTURING CHILD SEAT SAFETY CAMPAIGN

## MODEL 01-987-RST BABY-SITTER INFANT CHILD SEAT



*Widget is recalling its Baby-Sitter infant child restraints manufactured between February 1, 1988 and July 15, 1993. The blue and pink fabric cover burns faster than permitted by Federal Motor Vehicle Safety Standard 345.*



Date Stamp Location



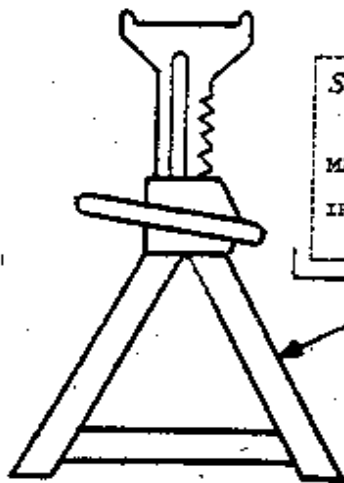
The date of the manufacture is stamped on the installation label as shown in the diagram. Dates appear as a series of six numbers. For example: March 3, 1990 would appear as 03-03-90. If you own one of the seats manufactured during this period, please call Widget for free replacement parts and instructions.

The only affected seats are of the same model type as listed above and that were manufactured during the specified period.

**CALL: 1-800-221-6736**  
MONDAY THRU FRIDAY, 8:30 AM TO 5:00 PM, EST

# IRON WORKS INC. STAND-ALONE JACKS

## SAFETY RECALL!!



### STAND-ALONE JACKS

WARNING  
MAX CAPACITY 3 TONS  
IRON WORKS INC.  
987654D

AFFECTED SERIAL NUMBERS  
987654D - 987854D

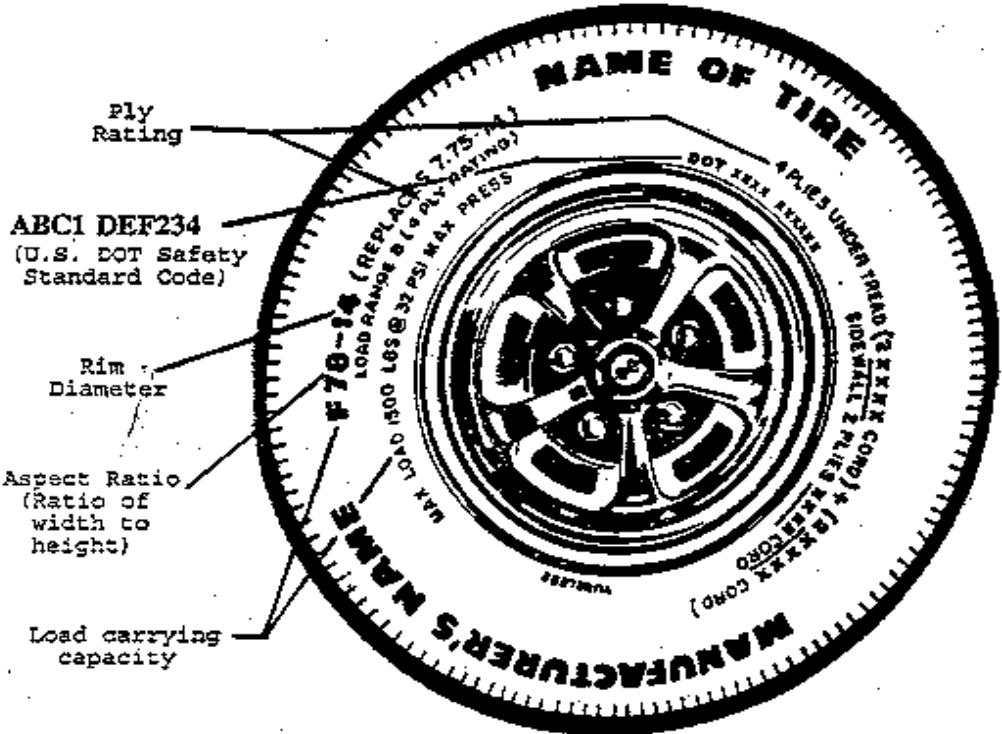
*These jacks were labeled with the wrong maximum load capacity. If you own one of the affected jacks, please take it back to a retailer for the correct load specification. If you have any questions, please contact Iron Works Inc. at:*

**1-800-555-LIFT**

MONDAY THRU SATURDAY 7:00AM TO 6:00PM, EST.

# ABCD TIRE AND RUBBER COMPANY

## TIRE SAFETY RECALL! Name of Tire - F78-14



**\*\*ONLY TIRES WITH U.S. DOT SAFETY STANDARD CODE ENDING WITH 234 ARE INVOLVED IN THIS RECALL.\*\***

The overcured condition of these tires can result in tread separation, and continued use may cause a sudden loss of air which can result in a sudden loss of steering control with the potential for a vehicle accident. ABCD will replace the defective tires, and mount and balance new tires at no charge.

**PLEASE CONTACT ABCD AT OUR HOTLINE NUMBER:  
1-800-BAD-TIRE**

## **APPENDIX D. - QUARTERLY REPORT GUIDES**

**Vehicle Safety Recall Quarterly Report Information**

**And**

**Equipment Safety Recall Quarterly Report Information**

# Vehicle Safety Recall Quarterly Report Information<sup>5</sup>

Required per 49 CFR Part 573.6

Report Date: \_\_\_\_\_ Calendar Quarter: \_\_\_\_\_

Safety Recall Quarterly Report from \_\_\_\_\_ through \_\_\_\_\_

Manufacturer: \_\_\_\_\_

Report Author: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Recall Subject: \_\_\_\_\_

1. NHTSA Safety Recall Campaign Number: \_\_\_\_\_

Also, for completeness, if your company has assigned a code number to this campaign, please provide your code: \_\_\_\_\_

2. (a) The date notification to purchasers began: \_\_\_\_\_

(b) The date notification of purchasers was completed: \_\_\_\_\_

3. The Total Number of Vehicles Involved: \_\_\_\_\_

The total number of vehicles involved in the subject campaign (including all items sold or distributed to purchasers, dealers, distributors, and similar entities beyond the immediate control of the manufacturer/importer).

4. (a) Total Number Inspected & Remedied: \_\_\_\_\_

Total number of vehicles which were inspected and/or otherwise repaired or remedied.

(b) Total Number Inspected & NOT REQUIRING REMEDY: \_\_\_\_\_

Total number of vehicles involved in the recall and inspected, but determined to NOT REQUIRE REMEDIAL or recall repair work.

## 5. Vehicles Determined to be Unreachable

Total Number Exported: \_\_\_\_\_

Total Number Stolen: \_\_\_\_\_

Total Number Scrapped: \_\_\_\_\_

Total Number Unable to Notify: \_\_\_\_\_

Total Number Otherwise Unreachable: \_\_\_\_\_

Describe Other: \_\_\_\_\_

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<sup>5</sup>Any Questions please contact Mrs. Kelly Schuler or Mr. Jon White at (202) 366-5227 or by FAX at (202) 366-7882.



# Equipment Safety Recall Quarterly Report Information<sup>6</sup>

Required per 49 CFR Part 573.6

Report Date: \_\_\_\_\_

Calendar Quarter: \_\_\_\_\_

Safety Recall Quarterly Report from \_\_\_\_\_ through \_\_\_\_\_

Manufacturer: \_\_\_\_\_

Report Author: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Recall Subject: \_\_\_\_\_

1. NHTSA Safety Recall Campaign Number: \_\_\_\_\_

Also, for completeness, if your company has assigned a code number to this campaign, please provide your code: \_\_\_\_\_

2. (a) The date notification to purchasers began: \_\_\_\_\_

(b) The date notification of purchasers was completed: \_\_\_\_\_

3. The Total Number of Items of Equipment Involved: \_\_\_\_\_

The total number of items involved in the subject campaign (including all items sold or distributed to purchasers, dealers, distributors, and similar entities beyond the immediate control of the manufacturer/importer).

Number of Items Returned from Inventory or Remedied Prior to Sale: \_\_\_\_\_

Includes (a) the total number of items returned from Manufacturer, Distributor, Dealer or Retailer inventory or (b) otherwise remedied prior to sale to consumers.

4. (a) Total Number Inspected & Remedied: \_\_\_\_\_

Total number of items which were inspected and/or otherwise repaired or remedied.

(b) Total Number Inspected & NOT REQUIRING REMEDY: \_\_\_\_\_

Total number of items involved in the recall and inspected, but determined to NOT REQUIRE REMEDIAL or recall repair work.

5. Items Determined to be Unreachable

Total Number Exported: \_\_\_\_\_

Total Number Stolen: \_\_\_\_\_

Total Number Scrapped: \_\_\_\_\_

Total Number Unable to Notify: \_\_\_\_\_

Total Number Otherwise Unreachable: \_\_\_\_\_

Describe Other: \_\_\_\_\_

<sup>6</sup>Any questions please contact Mrs. Kelly Schuler or Mr. Jon White at (202) 366-5227 or by FAX at (202) 366-7882.

**APPENDIX E. - CROSS-REFERENCE  
BETWEEN THE  
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION  
AND  
CHAPTER 301 OF 49 U.S.C.**

## Cross References

National Traffic and Motor Vehicle Safety Act	Chapter 301 of 49 United States Code
Section 102 (1) - (2)	Section 30102
Section 102 (13)	Section 30111
Section 102 (14), (15)	Section 30125
Section 103 (a) - (c)	Section 30111
Section 103 (d)	Section 30103
Section 103 (e), (f)	Section 30111
Section 103 (g)	Section 30103
Section 103 (h)	
Section 103 (I)(1), (2)	Section 30125
Section 103 (I)(3)	
Section 103 (j)	Section 30111
Section 103 (notes)	Section 30104, 30127, 32102
Section 108 (a)(1)(A)	Section 30112
Section 108 (a)(1)(B) (related to Section 112 (a) - (c))	Section 30166
Section 108 (a)(1)(B) (related to Section 112 (d))	Section 30117
Section 108 (a)(1)(B) (related to Section 112 (e))	Section 30167
Section 108 (a)(1)(C)	Section 30115
Section 108 (a)(1)(D) (related to Section 151, 152)	Section 30118
Section 108 (a)(1)(D) (related to Section 153 (a) - (c)) (1st sentence cls. (1) - (5))	Section 30119
Section 108 (a)(1)(D) (related to Section 153 (c)) (1st sentence cls. (6))	Section 30118
Section 108 (a)(1)(D) (related to Section 153 (c)) (last sentence)	Section 30119
Section 108 (a)(1)(D) (related to sentence 154 (a), (b)(1), (2)) (1st sentence)	Section 30120
Section 108 (a)(1)(D) (related to Section 154 (b)(2)) (2d, last sentences))	Section 30119
Section 108 (a)(1)(D) (related to Section 154 (c))	Section 30120

## Cross-References

National Traffic and Motor Vehicle Safety Act	Chapter 301 of 49 United States Code
Section 109	Section 30165
Section 110 (a) - (c)	Section 30163
Section 110 (d) (related to Section 109)	Section 30165
Section 110 (e)	Section 30164
Section 111	Section 30116
Section 112 (a)-(c)	Section 30166
Section 112 (d)	Section 30117
Section (e), Section 113	Section 30167
Section 114	Section 30115
Section 151, Section 152	Section 30118
Section 153 (a)-(c) (1st sentence cls. (1)-(5))	Section 30119
Section 153 (c) (1st sentence cls. (6))	Section 30118
Section 153 (c) (last sentence), (d), (e)	Section 30119
Section 154 (a), (b)(1), (2) (1st sentence)	Section 30120
Section 154 (b)(2) (2d, last sentence)	Section 30119
Section 154 (c), (d)	Section 30120
Section 155	Section 30121
Section 156 (related to notice)	Section 30118
Section 156 (related to remedy)	Section 30120
Section 157 (related to notice)	Section 30118
Section 157 (related to remedy)	Section 30120
Section 158 (a)(1)	Section 30166
Section 158 (a)(2)	Section 30167
Section 158 (b)	Section 30117
Section 159	Section 30102

**APPENDIX F. - SAMPLE RENOTIFICATION FAX**