Revision 1

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[DOT Docket No. NHTSA –2005-22242]

RIN: 2127-AJ57

Federal Motor Vehicle Safety Standards; Cargo Carrying Capacity

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

ACTION: Final rule.

SUMMARY: In this final rule, we (NHTSA) address the problem of motor home and recreation vehicle (RV) trailer overloading by amending the Federal motor vehicle safety standards (FMVSS) on tire selection and rims for both light and heavy motor vehicles.

We require manufacturers of all motor homes and RV trailers to provide information to consumers on a label that informs the consumer about the vehicle's load carrying capacity (LCC). This information is helpful both at the time the consumer is making a purchase decision and as the consumer uses his or her vehicle. We also require that the size of tires on the same motor homes and RV trailers be the same as the size of the tires listed on the tire placard or tire information label. This final rule makes the LCC label apply to all motor homes and RV trailers, not just those with a gross vehicle weight rating (GVWR) greater than 4,536 kilograms (10,000 pounds) as proposed in the NPRM. In addition, this final rule provides regulatory relief for dealers from a labeling requirement in the safety standard on tire selection and rims for light vehicles. The standard's requirement may currently require dealers which add even small amounts of weight to re-label the vehicles. Under today's amendment, any party that adds weight in

excess of the lesser of 1.5 percent of the vehicle's GVWR or 100 pounds (between final vehicle certification and first retail sale) would be required to disclose this extra weight on labels affixed to the vehicles. Lesser amounts of weight may be added without changing or adding labels.

It is our belief that this rule complements the efforts of the recreational vehicle industry to provide consumers with information in order to help reduce the overloading of motor homes and recreation vehicle trailers. This rulemaking responds to a petition from Ms. Justine May.

DATES: *Effective date*: The effective date for this final rule is **[insert date that is 180 days after date of publication in the Federal Register].** Optional immediate compliance is available as of **[insert date of publication in the Federal Register].**

Petitions for reconsideration: Petitions for reconsideration of the final rule must be received not later than **[insert date that is 45 days after date of publication in the Federal Register].**

ADDRESSES: Petitions for reconsideration of the final rule must refer to the docket and notice number set forth above and be submitted to the Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, with a copy to Docket Management, Room PL-401, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

For non-legal issues, you may call Mr. William D. Evans, Office of Crash Avoidance Standards at (202) 366-2272. His FAX number is (202) 366-7002.

For legal issues, you may call Ms. Dorothy Nakama, Office of the Chief Counsel at (202) 366-2992. Her FAX number is (202) 366-3820.

You may send mail to both of these officials at National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C., 20590.

SUPPLEMENTARY INFORMATION:

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I. Background

A. The May Petition

In a petition dated January 21, 2000, Ms. Justine May petitioned NHTSA to amend Federal Motor Vehicle Safety Standard (FMVSS) Number 120, Tire selection and rims for motor vehicles other than passenger cars. Ms. May requested that FMVSS No. 120 be revised in such a way that motor vehicles would be equipped with tires that meet maximum load standards when the vehicle is loaded with a reasonable amount of luggage and the total number of passengers the vehicle is designed to carry. Ms. May's stated reason for her petition is her family's personal experience with a fifth-wheel travel trailer. She stated that there was no information provided with her trailer stating its cargo carrying capacity (CCC). Ms. May believes that loading her vehicle with cargo for a trip placed it in an overloaded condition, resulting in tire blowouts. The agency granted Ms. May's petition for rulemaking.

B. Joint Industry Petition for Relief Raising Standard No. 110 Issues

Prior to publication of the NPRM addressing the May petition, NHTSA received a Joint Petition for Rulemaking and Interim Relief requesting relief from certain FMVSS No. 110 provisions that were scheduled to take effect on September 1, 2005 regarding load carrying capacity and tire information. Among other things, this amendment requires the tire placard on light motorized vehicles to contain the statement "The combined weight of occupants and cargo should never exceed XXX kg or XXX lbs" and the tire placard on light trailers to contain the statement "The weight of cargo should never exceed XXX kg or XXX lbs." A previous interpretation relative to these requirements had requested clarification of whether small alterations that result in small changes in vehicle weight necessitate applying a new placard onto the vehicle. NHTSA's

response to this interpretation basically stated that the placard must be replaced if added weight renders the placard information inaccurate.

The Joint Petition[1] requested a notice of interim final rulemaking authorizing or clarifying that the load carrying capacity statement required by FMVSS No. 110 allow for a reasonable tolerance, that load carrying capacity weight be labeled as "estimated" and as "originally manufactured," that placards/labels may be modified rather than replaced and that shipping weight or weight determined by scales of reasonable accuracy be used to determine the additional weight of equipment added to vehicles.

As will be explained later in greater detail, when NHTSA published its August 31, 2005 NPRM addressing the May petition, we included several provisions to address the Joint Petition. Included was a proposal to permit dealers to add weight up to 0.5 per cent of the vehicle's GVWR after final vehicle certification and before first retail sale without need for the dealers to re-label or re-placard the vehicle. This was proposed for LCC information required on tire placards under FMVSS No. 110 and RV LCC labels that the NPRM proposed for heavy RVs under FMVSS No. 120.

NHTSA also wrote a letter to the Joint Petitioners, indicating that compliance with the August 31, 2005 NPRM was permitted during the period between the publication of the NPRM and the publication of this final rule. NHTSA also stated in the letter that to avoid having to weigh the entire vehicle with the added weight, the shipping weight of equipment and accessory items can be used by dealers/service facilities to determine the amount by which the LCC is reduced. NHTSA also stated that the Joint

[1] "Joint Petition" means the "Joint Petition for Rulemaking and Interim Relief; Federal Motor Vehicle Safety Standard (FMVSS) No. 110; Vehicle Capacity Weight and Tire Information" dated July 29, 2005 which was submitted to NHTSA by a group of trade organizations through Mike Kastner (NTEA) and Douglas Greenhaus (NADA). The document is available in docket NHTSA-2005-22242-3.

Petition would be placed in NHTSA docket 2005-22242 as information relevant to the NPRM.

On October 14, 2005, NHTSA received a letter from the group that submitted the Joint Petition requesting a 30-day extension of the August 31, 2005 NPRM comment period. The comment period was scheduled to end on October 31, 2005. On October 28, 2005, NHTSA published a notice in the Federal Register (70 FR 62086) extending the comment period of the NPRM to November 30, 2005.

II. Notice of Proposed Rulemaking of August 31, 2005

On August 31, 2005 (70 FR 51707) (DMS Docket No. NHTSA-2005-22242), NHTSA published the NPRM to address the problem of motor home and travel trailer overloading. The agency explained in some detail the safety need for the proposed rule, which would help to prevent motor home and travel trailer overloading.[2] NHTSA cited data from the Recreation Vehicle Industry Association (RVIA) and the Recreation Vehicle Safety Education Foundation (RVSEF) showing the scope of the overloading problem. The agency described characteristics of motor homes and travel trailers, explaining how they may become overloaded, and cited cargo carrying capacity-related consumer information and labels that are currently required by NHTSA. Finally, NHTSA described cargo carrying capacity consumer information and labels currently required or recommended by Transport Canada and the RVIA.

III. Public Comments and NHTSA's Response

In response to the NPRM, NHTSA received comments from the following: Adaptive Driving Alliance (ADA); Alliance of Automobile

[2] For a full explanation of the safety need for the rulemaking, and data cited in support, please refer to the NPRM of August 31, 2005 at 70 FR 51707.

Manufacturers (Alliance); Association of International Automobile Manufacturers (AIAM); Mr. Michael Kastner, on behalf of the National Truck Equipment Association (Kastner); Marine Retailers Association of America (MRAA); National Association of Trailer Manufacturers (NATM); National Automobile Dealers Association (NADA); National Marine Manufacturers Association (NMMA); National Mobility Equipment Dealers Association (NMEDA); National RV Dealers Association (NRVDA); National Trailer Dealers Association (NTDA); National Truck Equipment Association (NTEA); Recreation Vehicle Industry Association (RVIA); Rubber Manufacturers Association (RMA); Mr. Nate J. Seymour (Seymour); Specialty Equipment Market Association (SEMA); Toyota Motor North America, Incorporated (Toyota); Mr. James Weston (Weston); and Mr. Tim Walker (Walker).

Most of the commenters addressed the applicability of the rulemaking, and recommended that the final rule apply to all motor homes and travel trailers, not just those with GVWRs over 4,536 kg (10,000 pounds). We were also asked to simplify the definition of "occupant capacity weight." Some commenters, notably the RVIA, asked NHTSA to specify multiple locations (three) for the labeling information. There were recommendations for more detailed information on the cargo carrying capacity, including definitions of GVWR, unloaded vehicle weight, and cargo carrying capacity, and an advisory on the effects of dealer installed equipment on cargo carrying capacity and the distribution of cargo. Reiterating issues raised in previous rulemakings and interpretation letters, some commenters asked for revisions in FMVSS No. 110 tire placarding requirements.

Relief was also sought for instances when weight is added to a vehicle after final vehicle certification and before first retail sale. The commenters uniformly stated that the relief proposed in the NPRM, 0.5 per cent of vehicle weight, was too low.

After considering the public comments, in this final rule, we require manufacturers of all motor homes and RV trailers to provide information to consumers in a label that informs the consumer about the vehicle's load carrying capacity. The final rule defines the term "recreation vehicle trailer" rather than the term proposed in the NPRM, "travel trailer." Despite requests to amend it, we leave existing FMVSS No. 110 language untouched and add new language that treats the weight of potable water as cargo and includes the weight of full propane tanks as part of the unloaded vehicle weight. We also require that the size of tires on heavy motor homes and RV trailers be the same as the size of tires listed on the tire placard or tire information label. This requirement already exists for all light vehicles (including RVs) under FMVSS No. 110.

For motor homes, we adopt labels that display the VIN, the weight allotted for occupants and cargo, the safety belt equipped seating capacity, the weight of a full load of water, the unit weight of water and cautionary statements that the weight of water and the tongue weight of a towed trailer counts as cargo. For RV trailers, we adopt labels that display the VIN, the weight allotted for cargo, the weight of a full load of water, the unit weight of water and a cautionary statement that the weight of water counts as cargo.

To promote a consistent label location, this final rule specifies that cargo carrying capacity labels be affixed to the interior of the forward-most exterior passenger door on the right side of the vehicle. As an alternative (due to aesthetic objections) NHTSA permits manufacturers to place a temporary label on the interior of the forward-most

exterior passenger door on the right side of the vehicle and apply a permanent label in the area of the vehicle specified by FMVSS Nos. 110 and 120 for tire information. This final rule specifies no information in the vehicle owners' manual.

In addition, this final rule raises the threshold for correcting load carrying capacity information to the lesser of 1.5 percent of GVWR or 100 pounds, greatly decreasing the need to correct the information. When the increase in load carrying capacity exceeds the lesser of 1.5 percent of GVWR or 100 pounds, between final vehicle certification and the first retail sale, NHTSA permits the use of generic labels where corrected values can be legibly entered using a black, fine point, indelible marker. This permits dealers to stock one generic load carrying capacity modification label.

In this final rule, the addition of the load carrying capacity modification label is one of three options that can be used to correct load carrying capacity information. Dealers/service facilities are permitted to: 1) replace existing tire placards, motor home occupant and cargo carrying capacity (OCCC) labels or RV trailer cargo carrying capacity (CCC) labels with new placard/labels containing correct load carrying capacity information; 2) modify existing tire placards, motor home OCCC labels or RV trailer CCC labels so they display correct load carrying capacity information; or 3) add a load carrying capacity modification label within 25 mm of existing tire placards and/or the motor home OCCC label or RV trailer CCC label.

A. Applicability of this Final Rule

1. The Final Rule Should Apply to All RVs Not Just to RVs with GVWRs Greater Than 4,536 kg (10,000 pounds) – The May petition cited problems with an overloaded 5th wheel travel trailer (GVWR greater than 4,536 kg (10,000 pounds)). The

NPRM addressed overloading in motor homes, 5th wheel travel trailers and other travel trailers with GVWRs greater than 4,536 kg (10,000 pounds). In the NPRM, NHTSA stated its belief that most overloading problems occurred in these vehicles as they have large open interior spaces that consumers filled with cargo. Seymour, the RVDA and the RVIA all commented that the proposed RV labeling requirements should not be limited to motor homes and travel trailers with GVWRs over 4,536 kg (10,000 pounds) but should apply to all RVs.

RVDA commented that the proposed CCC labels for heavy RVs[3] provide useful information for both consumers and dealers. Consumers who purchase light RVs should also have the benefit of the same detailed information. RVDA also indicated that if the proposed regulatory text in the NPRM is made final, there will be three different labels for RVs: 1) Heavy RVs will have the FMVSS No. 120 CCC label which will most likely replace the RVIA label; 2) Light RVs will have the FMVSS No. 110 tire placard with load carrying capacity information; and 3) Most light RVs may also have a more detailed RVIA label. These different labels for heavy RVs versus light RVs may confuse consumers.

RVIA commented that the majority of "travel trailers," some smaller motor homes and virtually all RV conversion vehicles[4] have GVWRs of 4,536 kg (10,000 pounds) or less and are subject to the FMVSS No. 110 load carrying capacity labeling requirements. Travel trailers with GVWRs greater than 4,536 kg (10,000 pounds) and most motor homes will be subject to the proposed FMVSS No. 120 NPRM CCC label.

[3] Throughout this document, "light RV" means a recreation vehicle with a GVWR of 4,536 kg (10,000 pounds) or less. "Heavy RV" means a recreation vehicle with a GVWR of more than 4,536 kg (10,000 pounds). Motor homes, travel trailers (as proposed to be defined in the NPRM) and recreation vehicle trailers are all subgroups of recreation vehicles (RVs).

[4] As defined by RVIA, conversion vehicle means vans, SUVs and pickup trucks that are manufactured by an automaker then altered for recreational use by a company specializing in customizing vehicles.

RVIA recommended harmonization of the information provided to RV consumers regardless of the RV's size. RVIA stated that all RVs regardless of their GVWRs have the primary function of providing mobile, temporary, on-site living quarters and all contain residential features such as sleeping accommodations, bathrooms, cooking facilities, water storage and cargo storage.

RVIA cited its 2004 sales statistics that approximately 250,300 RVs shipped were light RVs and would be subject to FMVSS No. 110 requirements, and approximately 112,300 RVs shipped were heavy RVs and would be subject to FMVSS No. 120 requirements. RVIA said that if the proposed CCC label requirements are limited to heavy RVs, a large portion of the overloading problem will not be addressed and different labels for different classes of RVs will confuse consumers, minimizing the benefits of the new RV labeling requirements.

Since the August 15, 2005 NPRM was published, amendments to Standard Nos. 110 and 120 took effect on September 1, 2005. Before the amendments, Standard No. 110 applied to passenger cars and Standard No. 120 applied to vehicles other than passenger cars. Now that the amendments have become effective, Standard No. 110 applies to vehicles with GVWRs of 4,536 kg (10,000 pounds) or less and Standard No. 120 applies to vehicles with GVWRs of more than 4,536 kg (10,000 pounds). RVs that previously were subject to FMVSS No. 120 are now subject to FMVSS No. 110. This change in applicability, together with the introduction of new RV configurations such as conversion vehicles has increased the number of light RVs sold and thus, the number of RVs subject to Standard No. 110 requirements.

Since NHTSA seeks to apply the load carrying capacity label requirements most effectively, in this final rule, the RV load carrying capacity labeling requirements will apply to all RVs that fit the appropriate definitions. Extending the requirements to all RVs is within the scope of this rulemaking, as the request to do so originates from the RVIA and RVDA which represent approximately 95 % of the RV industry, consisting of many small businesses. As was explained in the comments, both light and heavy RVs have similar uses, loading characteristics, overloading issues, and a substantial number of RVs sold have GVWRs of 4,536 kg (10,000 pounds) or less. Applying this final rule to all RVs will require RV load carrying capacity label requirements to appear in both Standards Nos. 110 and 120.

2. Excluding Light RVs from FMVSS No. 110 Labeling Requirements - As part of its revised labeling format, RVIA suggested that light RVs be excluded from the labeling requirements of FMVSS No. 110 and RVs only be subject to RVIA's suggested format. If adopted, RVIA's comment would mean that for light RVs, load carrying capacity information would not be required on the FMVSS No. 110 tire placard. Manufacturers that are RVIA members would place RVIA's suggested small label with similar load carrying capacity information in the same area as the tire placard.

NHTSA will not change already existing tire placard requirements in FMVSS No. 110. Some of these requirements have recently become effective and additional amendments are scheduled to become effective in the near future. However, in this final rule, NHTSA will add additional language to FMVSS Nos. 110 and 120 in order to accommodate the RV load carrying capacity labeling requirements. As more fully explained in the section titled "Location of Labels," this final rule has an alternative

labeling scheme that prevents duplication of information when both a tire placard and a motor home OCCC label or RV trailer CCC label are located in the same area of the vehicle.

B. Definitions

1. NPRM - In the August 31, 2005 NPRM, NHTSA proposed that the rule apply to heavy motor homes and travel trailers. We proposed to revise the definition of "motor home" (already defined in 49 CFR Part 571.3) to refer to "propane" rather than "LP gas supply" and to define "travel trailer" as follows:

> Motor home means a multi-purpose vehicle with motive power that is designed to provide temporary residential accommodations, as evidenced by the presence of at least four of the following facilities: cooking; refrigeration or ice box; self-contained toilet; heating and/or air conditioning; a potable water supply system including a faucet and a sink; and a separate 110-125 volt electrical power supply and/or propane.
>
> Travel trailer means a trailer designed to be drawn by a vehicle with motive power by means of a bumper or frame hitch or a special hitch in a truck bed and is designed to provide temporary residential accommodations, as evidenced by the presence of at least four of the following facilities: cooking; refrigeration or ice box; self-contained toilet; heating and/or air conditioning; a potable water supply system including a faucet and a sink; and a separate 110-125 volt electrical power supply and/or propane.

NHTSA proposed that if made final, the definition of "travel trailer" be placed in 49 CFR 571.3.

2. The Definition of "Travel Trailer" and "Motor Home" - A definition of "travel trailer" was proposed in the NPRM since the majority of heavy RV trailers, including 5th wheel travel trailers and all other travel trailers are considered "travel trailers." As more fully explained elsewhere in this final rule, since this final rule now applies the motor

home OCCC label and the RV trailer CCC label to all RVs regardless of GVWR, the definition must apply to more types of RV trailers. NHTSA believes that it is therefore necessary to make the trailer term being defined more generic.

In this final rule, NHTSA changes the term being defined from "travel trailer" to "recreation vehicle trailer." The load carrying capacity labeling requirements in this final rule apply to all vehicles that meet the definitions of "motor home" and "recreation vehicle trailer" (RV trailer). RV trailers include all towable RVs such as folding camping trailers, conventional travel trailers, fifth-wheel travel trailers, travel trailers with expansion ends, sport utility RV trailers, truck campers, and all other trailers intended for recreational purposes that meet the definition of "recreation vehicle trailer."

Raising similar concerns, both NATA and NATM commented that the "travel trailer" definition inadvertently includes ordinary cargo trailers with built-in living quarters, trailers that NATM's members (few of whom are members of RVIA) build primarily for transporting horses, livestock, automobiles and other commercial products. These cargo trailers also include four of the six specified facilities NHTSA proposed as evidence of temporary living or residential accommodations.

These "living quarters" or facilities are often installed after the horse trailer or auto hauler leaves the trailer manufacturer's plant. Since these living quarter-equipped cargo trailers are designed primarily to haul commercial cargo, their living quarters occupy much less floor space than do RV trailers. The cargo trailers are not labeled to disclose cargo carrying capacity. Mandating their labeling with a RV trailer CCC label would impose an unnecessary burden upon these manufacturers, most of which are small businesses.

Therefore, NATM asked NHTSA to revise its definition of “travel trailer” to include the following exception to the definition: “…except trailers designed primarily to transport cargo.” This more limited definition is fully consistent with the intent of the proposed new consumer-labeling requirement.

NHTSA agrees with NATM that the definition of “travel trailer” NHTSA proposed was not intended to include the types of commercial cargo trailers that NATM described in its comment. Trailers designed to accommodate cargo such as livestock and racing cars usually have ample space and GVWR for such cargo, and the space allotted for living quarters is incidental. Therefore, in this final rule, the definition of “recreation vehicle trailer” will not include trailers “designed primarily to transport cargo for commercial purposes.”

NHTSA further notes that trailers “designed primarily to transport cargo for commercial purposes” does not include trailers (used for personal purposes) known as "sport utility RVs" or "toy haulers." These trailers usually have spacious rather than incidental living quarters and provide a cargo area for smaller items for personal use such as motorcycles, mountain bikes, all terrain vehicles (ATVs), snowmobiles, canoes or other types of recreational gear. NHTSA intends these vehicles to be included in definition of “recreation vehicle trailer” and be subject to the requirements of this final rule.

RVIA commented that the definition of “travel trailer” inadvertently excludes some folding camping trailers which collapse into a low profile unit in the travel mode. Upon reaching the camping destination, the unit when deployed has a “pop-up” roof, padded sleeping surface extensions and canvas side walls. Some of the smaller and less

expensive models may not have four of the six specified facilities noted in the proposed "travel trailer" definition. RVIA suggested that these smaller folding camp trailers would be covered by modifying the definition of "travel trailer" to focus on the primary purpose of the trailer, not simply the presence of certain amenities alone. Thus, the definition proposed by RVIA would only require one of the facilities proposed in the NPRM to be considered a "recreation vehicle trailer."

NHTSA will not adopt RVIA's comment. The definition for "travel trailer" proposed in the NPRM is fashioned after the definition of "motor home" in 49 CFR 571.3, and to minimize confusion, NHTSA seeks to keep the "facilities" and the number of facilities needed to provide temporary residential accommodations in both definitions consistent. Furthermore, in the NPRM, the CCC label was proposed for heavy RVs only. In this final rule, we address all RVs; however, if low-end folding camping trailers fall outside the scope of the RV trailer definition, they will still be required to have tire placard load carrying capacity information required by FMVSS No. 110. NHTSA does not believe that folding camping trailers significantly contribute to the RV overloading problem as when the trailer is folded; there is little room for cargo.

Finally, in this final rule, "motor homes" will include all motorized RVs such as Type A motor homes, Type B motor homes, Type C motor homes, van conversions, truck conversions, sport-utility conversions, and other motor vehicles that meet the definition of "motor home." There were no comments to the proposed change to the "motor home" definition to refer to propane. Thus, the proposed definition of "motor home" is adopted as final.

3. NPRM's Term "Tongue Load Rating" for RV Trailers - NATM commented that since the term "tongue load rating" used in the NPRM is not recognized in the trailer industry, "measured tongue weight" be used instead. NATM also recommended that S10.2 in the proposed regulatory text be changed to "On travel trailers, the sum of the GAWRs of all axles on the vehicle plus the minimum recommended tongue weight must not be less than the GVWR." NATM said that manufacturers cannot control the loading patterns of end-users and therefore, most manufacturers recommend a range of tongue weights for their particular trailer designs. RVIA commented that the term "tongue load rating" is undefined and suggested that the term "hitch/pin load rating" be used in place of "tongue load rating" in the final rule.

NHTSA agrees that the term "tongue load rating" may not be widely used in the trailer industry. Therefore, in the final rule, NHTSA will make the appropriate changes to the regulatory text and will use the terms "tongue weight" and/or "hitch pin load" rather than "tongue load rating."

"Tongue weight" means the downward force exerted on the ball of a hitch by the trailer coupler. In the case of a fifth-wheel travel trailer, it is the downward force exerted on the truck bed by the trailer. The manufacturer will specify the tongue weight or the tongue weight range according to the design of a particular trailer. Tongue weights are typically 10 to 14 percent of the trailer's weight; however, the range can vary depending on the trailer hitch configuration and the number of axles on the trailer. The axle ratings of the trailer can be based on the fact that portions of the trailer weight will be transferred to the tow vehicle. If a range is specified, the axles should be designed to accommodate the worst-case scenario which would be when tongue weight is at the minimum portion

of its range and more weight is shifted to the axles. Consumers should load their trailers in a fashion that keeps the tongue weight within the range recommended by the manufacturer.

C. GVWR, GAWR and Tire Load Information for Motor Homes and Recreation Vehicle Trailers

1. NPRM -In the NPRM, we proposed to amend FMVSS No. 120 to require that the sum of the GAWRs of all the axles on a motor home and that the sum of the GAWRs of all the axles on a "travel trailer" plus the "tongue load rating" not be less than the GVWR of each respective vehicle. We noted that the proposed requirement would not prevent individual tires on motor homes and "travel trailers" from being overloaded.

In the NPRM, we also proposed to require that the size of the tires that are on motor homes and "travel trailers" at the time of first retail sale be the same size as the tires on the tire information label required by FMVSS No. 120. Since inflation tire pressure is critical to tire loading, the tire label provides the recommended tire size and cold inflation pressure for the vehicle. If a different tire is placed on the vehicle, it may require a different tire inflation pressure. Consumers may refer to the tire label for inflation pressures. If the size of the tire on the label and the size of the tire on the vehicle are not the same, the consumer may inflate the vehicle's tires to the wrong pressure. In some cases, inflating vehicle tires to the wrong pressure can intensify the effects of overloading.

We also proposed that manufacturers disclose the CCC of motor homes and "travel trailers." NHTSA anticipated that consumers will use this information

both to purchase vehicles with CCCs that will meet their needs and as guidance for how they may subsequently load their vehicles in a safe manner. However, we did not proposed to specify a minimum required CCC for any motor home or travel trailer.

2. Requirement That Heavy RVs be Delivered to the Consumer with the Same Size Tires That Are Listed on the Vehicle Certification Label or Tire Information Label – As earlier noted, in the NPRM, NHTSA proposed that RVs with GVWRs of more than 4,536 kilograms (10,000 pounds) have tires at first retail sale that are the same size as the tires listed on the vehicle certification label or tire information label. RMA commented that the requirement should read: "The tires on each motor home and travel trailer at first retail sale must have the same or greater tire size and load rating as the tire size and load rating on the labeling required by S5.3. If the tire/wheel assemblies on the motor home or travel trailer at first retail sale are heavier than those listed on the required label, the additional weight must be added to the unloaded vehicle weight (UVW)."

RVDA commented that after consulting with many dealers and aftermarket suppliers of RVs, the requirement that RVs with GVWRs of more than 4,536 kg (10,000 pounds) have tires at first retail sale that are the same size as the tires listed on the vehicle certification label or tire information label is not a problem in the RV industry for either motorized RVs or travel trailers. RVDA's understanding is that if a customer requests customized tires or rims on an RV the dealer can only install tires and rims that are the same size as the sizes provided on the tire information label. Otherwise, dealers will not perform the customization.

NHTSA notes that the proposed requirement was not intended to prevent dealers/service facilities from changing the tire size and providing customized tires with vehicles before first retail sale. It simply states that the size of the tires on the vehicle at first retail sale must agree with the size of the tire listed on the tire information label. The dealer may replace the tires and correct or replace the tire information label to reflect the new tire size. Therefore, revising the requirement according to RMA's suggestion would not be necessary as it is desirable that the tire size on the vehicle and the tire size on the label agree.

RVDA's view of the requirement is incorrect. The dealer/service facility may change the tires to a different size as long as the tire size information on the label is corrected to agree with the tire size on the vehicle at the time of first retail sale. The label assures that the consumer will always know the size of the tires that were on the vehicle at delivery which presumably is a tire size recommended by the vehicle manufacturer. If the replacement tires weigh more than the original tires, the additional weight will be included in the total weight added between final vehicle certification and first retail sale.

Dealers/service facilities usually correct tire sizes on tire placards by either replacing or obscuring the original tire placard with an identical tire placard with corrected tire sizes or obscuring a portion of the original tire placard with an overlay that matches the original tire placard and allows new tire sizes to be entered. If the new tire sizes are not machine printed on the replacement tire placard or partial overlay and there are blanks on these labels, the new tire sizes may be legibly entered with a black, indelible, fine-point marker. This final rule does not permit crossing out incorrect values

and entering new values on the original tire placard or tire information label as a means of updating tire sizes.

3. Whether the "Make Inoperative" Prohibition Applies to the FMVSS No. 110 Tire Placard/Tire Information Label on Light Vehicles - NHTSA received comments from SEMA, Kastner, NADA and ADA regarding whether the "make inoperative" prohibition applies to the FMVSS No. 110 tire placard. The comments asked if modifiers and repair facilities are required to update and/or replace tire placard/labels or whether the requirement ends after first retail sale.

Recent NHTSA interpretations issued to NMEDA, SEMA and Bruno on April 7, 2006, state that it would not be a violation of 49 U.S.C. §30122 "make inoperative" prohibition, with respect to S4.3 of FMVSS No. 110, if modifiers change the vehicle's tire size, cold inflation pressure, and/or cargo capacity rating after first retail sale and do not update the tire placard. Similarly, the requirement to correct the weight value that the weight of occupants and cargo should never exceed on the motor home OCCC label or the value that the weight of cargo should never exceed on the RV trailer CCC label ends after first retail sale. After first retail sale, it is up to the consumer to subtract any weight added after first retail sale from the vehicle's load carrying capacity.

NHTSA notes, however, that in accordance with 49 CFR 595.7, businesses that modify vehicles to accommodate people with disabilities must still report to the vehicle owner any reduction in the load carrying capacity of a vehicle of more than 100 kg (220 lb) after the modifications are complete.

D. Determining Occupant Capacity Weight

1. NPRM - In the NPRM, NHTSA stated that in order to determine the CCC of a motor home, the occupant capacity weight (OCW) must be determined. The OCW is then grouped with the other weight factors (such as weight of full fresh water, propane and the unloaded vehicle weight) that must be subtracted from the vehicle's GVWR in order to determine the portion of the GVWR available for carrying cargo. Therefore, in the NPRM, NHTSA proposed that the greater of the total number of safety belt-equipped seating positions or the total number of sleeping positions be multiplied by 68 kilograms (150 pounds) to determine the OCW. This OCW value would be used to determine the weight of maximum occupants for the motor home. NHTSA believed that this method would capture the worst-case OCW scenario in order to prevent the possibility of overloading.

2. RV Occupant Capacity Weight (OCW) and the Weight of a Standard Occupant

Seymour agreed with NHTSA, commenting that since families often carry a tent or tow a travel trailer for children, basing the OCW strictly on the number of sleeping positions does not necessarily reflect the number of passengers who will be traveling in the vehicle. Seymour further commented that the allocation of 68 kg (150 pounds) per person in the standard is an underestimate and will lead to overloading.

Walker also agreed with the NHTSA proposal, commenting that the use of only sleeping positions to determine the number of occupants the RV is intended to carry undermines the entire cargo carrying capacity calculation. The number of occupants a motor home is intended to carry must also be based on the number of seats provided. Basing the OCW calculation strictly on sleeping positions allows manufacturers to boost

the available cargo carrying capacity and increases the likelihood that the RV will be operated in an overloaded condition when seating positions are fully occupied. Walker recommended the practice be prohibited.

RMA commented that labeling and/or instructions should indicate that cargo weight could be substituted for occupant weight if fewer than maximum occupants are transported. Consumers would thus get maximum use out of their available load carrying capacity. RMA also commented that the weight allocation of 68 kg (150 pounds) per occupant is low.

RVIA commented that in virtually every case, the total safety belt-equipped seating positions in a motor home will be greater than the number of sleeping positions. NHTSA's method of determining OCW assumes that all safety belt-equipped seating positions will always be occupied when determining the vehicle's cargo carrying capacity. RVIA stated that while it is certainly possible, it is unrealistic and counter-productive to presume that this is always the case. Consequently, the consumer will be misled by an inaccurately low cargo carrying capacity value whenever there are fewer passengers in the vehicle than there are safety belt-equipped seating positions. In its comments, RVIA suggested alternative labels that avoid this confusion and permit consumers to arrive at a more accurate load carrying capacity value for their particular loading situation.

In response to the comments, NHTSA notes that its proposed definition for OCW intended to capture the maximum OCW for a motor home. Using the highest OCW would produce an underestimated cargo carrying capacity, ensuring that a vehicle with maximum occupants would not be overloaded. NHTSA envisioned that consumers

would use the information on the label to determine the amount of additional cargo carrying capacity that exists when fewer than maximum occupants are transported. In this rulemaking, NHTSA used an occupant weight of 68 kg (150 pounds), as it is a value currently used throughout the FMVSS. The selection of a new, different value would require research and consensus which is outside the scope of this rulemaking.

As discussed in the section on label content and format, in this final rule, NHTSA adopts labels that display the weight allotted for occupants and cargo. Adoption of the abbreviated format makes moot the need to define OCW or the standard weight of an occupant. NHTSA notes that the RVIA's concern about how this rulemaking affects the NPRM on designated seating positions[5] (DSP) as in terms of how DSPs relate to "multi-use vehicles such as motor homes" is outside the scope of this rulemaking. The abbreviated format, as requested by RMA and proposed by RVIA, permits consumers to get maximum use of their available load carrying capacity as the weights of occupants and cargo (including on-board water) are based on actual quantities. In addition, it permits manufacturers to state their actual load carrying capacity for occupants and cargo instead of understating the cargo carrying capacity value.

E. Location of Labels

1. NPRM - To promote a consistent label location, which may increase the number of times consumers see the label and thus, increase label effectiveness, in the NPRM, we proposed that the label be affixed to the interior of the forward most exterior passenger door on the right side of the vehicle. Such a door is used repeatedly when entering, exiting, and loading the vehicle.

[5] 70 FR 36094, June 22, 2005.

2. Revised RV Load Carrying Capacity Labels - In its comments, the RVIA suggested a revised labeling format that would require each RV to have information in three locations: 1) an abbreviated label in locations similar to those specified for tire information under FMVSS Nos. 110 and 120; 2) a more detailed label that would be placed on the inside of a prominent cabinet door in the living quarters of the vehicle; and 3) information in the vehicle owner's manual.

NHTSA agrees, in part, with the revised format suggested by RVIA. NHTSA believes that the crucial moment for RV purchasers occurs at the point-of-sale. Those who are not exposed to the correct load carrying capacity information and those who see the load carrying capacity information but do not understand it will most likely follow through with their purchase uninformed of the vehicle's load carrying capacity. It is not until after the vehicle is purchased and in use that overloading issues are realized. Then, consumers experience unexplained control problems, premature tire wear, tire blowouts, rim failures, suspension component failures, and other issues. For these reasons, NHTSA remains in favor of a single label requirement providing concise information in a prominent location on the vehicle. Based on comments to the NPRM, in this final rule, NHTSA will supplement the RVIA's suggested abbreviated labels with additional information, and will make them the only labels required.

3. Label Locations for Heavy RVs and All Light Vehicles - In the NPRM, NHTSA proposed that the CCC labels be affixed to the interior of the forward most exterior passenger door on the right side of the vehicle. NHTSA stated its belief that such a door will be heavily used while loading cargo giving the label maximum exposure. Also, since such a location is not crowded with other labels, the CCC labels would be

more recognizable and would have a higher probability of being noticed by the consumer during the sale of the vehicle.

Walker commented that the CCC label should be placed in a location similar to the "sticker" label placed uniformly on a conspicuous window on new cars. Then a permanent label could be placed in a prominent location elsewhere on the vehicle. He also commented that RV sale documents should have a required acknowledgement referencing the aspects of weight, overloading and add-ons. NHTSA notes that the location recommended by Walker is already the location for information required by the Automobile Information Disclosure Act (AIDA)(15 U.S.C. §§ 1231-1233). Adding the CCC label to the AIDA location would only confuse potential customers with additional information that is not related to AIDA requirements. Matters involving RV sales documents are subject to State law, and are outside the scope of this rulemaking.

RVDA asked NHTSA to provide RV manufacturers with reasonable flexibility in label placement. RVDA stated that RV floor plans for motorized RVs and travel trailers vary widely. Some motorized RVs do not have driver-side or passenger-side front doors that enter into the living quarters of the vehicle. In some RVs, occupants enter from the back and in others; occupants enter from the front door to the cab area. RVDA further stated that some RVs have extensive trim packages covering the door while others have glass doors and screen doors where the labels would be placed. RVDA said that in most situations the label would likely be located in the middle of the living room/kitchen which may result in the consumer removing it or covering it up.

RVIA had comments similar to those from RVDA. RVIA commented that NHTSA's proposal will mean that most RVs will have a large, technical, aesthetically

displeasing, stick-on label in the midst of the owner's living quarters. RVIA also commented that the proposed label location fails to take Type C and Type B motor homes into consideration. For instance, Type C motor homes are typically built on a modified truck chassis and Type B motor homes are typically built on full sized van chassis. For such vehicles, the forward most exterior passenger door on the right side of the vehicle is the typical vehicle style door providing access to the front passenger seat. Given the presence of arm rests, map compartments, beverage holders, speakers, windows and window controls, it may be difficult to find a place that will accommodate the label on the tens of thousands of Type C and B motor homes built each year.

NHTSA believes that in order to be effective, the label must be seen by the consumer during the sale of the vehicle and that the label will be more visible in the location specified in the NPRM than it would be on the driver's "B" pillar, on the inside of a cabinet door or in the vehicle owner's manual. If due to aesthetics, the specified location[6] causes the label to look intrusive, the label will stand out that much more. Since the information on the label specified in this final rule is more concise, the label is potentially physically smaller and should not present as much of an aesthetic problem as the label proposed in the NPRM.

Therefore, this final rule specifies the same location as that proposed in the NPRM (interior of the forward most exterior passenger door on the right side of the vehicle). In order to provide relief to manufacturers objecting to this location, in this final rule, NHTSA offers manufacturers the option of placing a temporary label in the specified location and applying an identical permanent label in the area of the vehicle

[6] For the purposes of this document, "specified location" means the interior of the forward most exterior passenger door on the right side of the vehicle.

specified by FMVSS Nos. 110 and 120 for tire information. This solution places the information in a prominent location during the sale of the RV yet allows the label to be removed by the consumer after purchase if aesthetically displeasing. In such cases, an identical label will remain permanently affixed in the same area specified for tire information.

Appendix A of this final rule (following the final rule regulatory text) summarizes the label requirements for various vehicle/GVWR combinations.

4. Location of the FMVSS No. 110 Load Carrying Capacity Modification Label - The Alliance commented that NPRM provisions require the load carrying capacity modification label to be placed within 25 mm of the tire placard when the load carrying capacity modification label is used to correct load carrying capacity information. It requested that in cases where there is no room for the load carrying capacity modification label within 25 mm of the tire placard that the rule allow the load carrying capacity modification label to be placed in any location allotted for the tire placard. In such cases, a small label near the tire placard could refer the consumer to the other location.

In this final rule NHTSA has clarified that the tire placard, as well as other sources of load carrying capacity information may be corrected by replacing/modifying existing labels or adding the load carrying capacity modification label within 25 mm of the tire placard or original labeling. There are many location alternatives offered by FMVSS No. 110 for tire placard placement. It is suggested that a location be selected where there is room for placement of the load carrying capacity modification label within 25 mm if necessary. NHTSA declines to permit non-substantive labels that only direct consumers to the location of other labels.

F. Label Format and Content

1. NPRM - In the NPRM, we stated that we seek to provide purchasers of motor homes and travel trailers with information of the vehicles' CCC. NHTSA stated its belief that the labels should also provide consumers with a detailed explanation of how the CCC is calculated, thus enabling each consumer to adjust the values according to their particular applications. For example, if there are only two occupants riding in a motor home designed for six occupants, there would be more capacity for cargo. NHTSA proposed a label similar to the RVIA label that is currently voluntarily used by many companies. Although RVIA requires its labels on all member-manufactured RVs, in the NPRM, NHTSA proposed labels only for heavy RVs as it believed at the time, that these larger vehicles were more susceptible to overloading.

NHTSA also stated its belief that the proposed label formats have information consumers can use while comparison shopping for motor homes or travel trailers. The labels would also serve as a reference to recreation vehicle owners when the owners are loading cargo.

NHTSA proposed that the label for travel trailers would include the trailer tongue load rating and the statement: "The weight of cargo should never exceed XXX kilograms (XXX pounds)" in black lettering on yellow background. The travel trailer manufacturer would be responsible for determining the trailer tongue load rating and the cargo carrying capacity of its travel trailer, and for providing this information on its travel trailer label.

NHTSA proposed that the label for motor homes would include the statement: "The combined weight of occupants and cargo should never exceed XXX kilograms (XXX pounds)" in black lettering on yellow background. This statement is the same as that required for vehicles with GVWRs of 4,536 kilograms (10,000 pounds) or less under the required FMVSS No. 110 vehicle placard. The proposed motor home label would use the greater of the total number of safety belt-equipped seating positions or sleeping positions times 68 kilograms (150 pounds) to determine OCW. The motor home manufacturer would be responsible for determining the cargo carrying capacity of its motor home, and for providing this information on its motor home label.

All information on each of the proposed motor home and travel trailer labels would be required to be a minimum print size of 2.4 millimeters (3/32 inches) high and be printed on a contrasting background. The weights on the label would be required to be displayed to the nearest kilogram (with conversion to the nearest pound in parentheses) and must reflect the particular weight specifications of the motor home or travel trailer to which it is affixed as the vehicle leaves the factory.

It was proposed that both labels advise the purchaser that the weight of any dealer-installed equipment must be subtracted from the manufacturer's value of CCC and advise consumers to load cargo appropriately to prevent non-uniform side-to-side and forward-aft loading. In the case of motor homes, it was proposed that the label contain the weight of the maximum hitch load and the purchaser was advised that the "tongue weight" of trailers or vehicles being towed also subtracts

from the manufacturer's value of CCC. If the motor home is not delivered with a hitch, this block will be left blank.

NHTSA did not propose that the label refer to the owner's manual, but did not propose to prohibit manufacturers from adding references on the label that refer to specific information included in the owner's manual.

2. Revised RV Load Carrying Capacity Labels - In its comments to the NPRM, RVIA suggested a revised labeling format that would require varied information in three locations. RVIA's suggested format would require each RV to have an abbreviated label, a more detailed label and information in the vehicle owner's manual. Under the RVIA revised format, an abbreviated label would appear on each motorized and towable RV in locations similar to those specified for tire information under FMVSS Nos. 110 and 120. This abbreviated label was intended to provide essential information in a visible location. The abbreviated label for motorized RVs would contain the VIN, the weight value allotted for occupants and cargo and a referral to the vehicle owner's manual for additional information. The abbreviated label for towable RVs would be similar to the motor home label except that it would display the weight value allotted for cargo only, as occupants do not normally ride in a towed RV.

In addition, the RVIA's revised format would require more detailed labels that would be placed on the inside of a prominent cabinet door in the living quarters of the vehicle. The more detailed labels for motor homes and towable RVs would repeat the information that appears on the abbreviated labels; however, it would also provide the definitions of GVWR, UVW and CCC and the designated sleeping capacity (for motor

homes). In addition, the more detailed labels would provide advisory statements on the effects of dealer installed equipment on CCC and the distribution of cargo.

Also, under the revised format suggested by RVIA, each RV would be required to have information in the vehicle owner's manual. RVIA recommended that vehicle owner's manuals contain the information provided on both the abbreviated and more detailed labels, as well as, information about the loading of cargo, how to weigh a vehicle, towing guidelines and additional definitions.

The revised RVIA format also suggested that the weight of full propane be included in the vehicle's UVW weight and the weight of on-board water be treated as cargo.

NHTSA agrees, in part, with the revised format suggested by RVIA in its comments. However, as stated earlier, NHTSA favors a single label requirement with concise information in a prominent location on the vehicle. This final rule specifies the minimum information necessary to help consumers make informed RV purchasing decisions. Based on comments to the NPRM, NHTSA will add some additional information to the RVIA suggested abbreviated labels, and make them the only labels required by this final rule.

Thus, the motor home label will include the VIN and the weight value that the combined weight of occupants and cargo should never exceed. To this, in this final rule, NHTSA adds requirements for the safety belt equipped seating capacity (number of safety belt equipped seating positions), the weight of a full load of water, the unit weight

of water and an advisory that the weight of water and towed vehicle tongue weight is part of cargo[7].

The label for RV trailers will include the VIN and the weight value that the weight of cargo should never exceed. To this, in this final rule, NHTSA adds the weight of a full load of water, the unit weight of water and a caution that the weight of water is part of cargo[8].

Information about on-board water weight is important because filled water tanks can be a significant portion of the vehicle's total cargo capacity. The safety belt equipped seating capacity is provided because the combined weights of motor home occupants are part of the load carrying capacity equation.

These labels will follow RVIA's suggestions that the weight of a full propane tanks be included in the vehicle's UVW and the weight of on-board water be treated as cargo. It is not easy to determine the weight of partially filled propane tanks and propane is usually not off-loaded to make room for additional cargo. Therefore, it is less confusing to include the weight of full propane tanks in the UVW. The level of on-board water can be assessed by the consumer. Campgrounds often provide water hook-ups, making it unnecessary to carry water. In such cases, the absence of water provides more capacity for cargo.

The load carrying capacity information provided on these abbreviated labels for RVs is also consistent with the FMVSS No. 110 load carrying capacity information required on the tire placards of light vehicles. NHTSA believes that the motor home OCCC label and the RV trailer CCC label specified in this final rule promotes

[7] Throughout this document, this label will be known as the motor home occupant and cargo carrying capacity label or the motor home OCCC label.
[8] Throughout this document, this label will be known as the RV trailer cargo carrying capacity label or the RV trailer CCC label.

commonality of load carrying capacity information between light vehicles and heavy RVs and provides concise, essential, non-confusing information to consumers.

The information provided by these labels is the only information consumers need for a quick assessment of a RV's load carrying capacity. Providing load carrying capacity information in this simple form requires that consumers only think about the total weight of occupants, cargo and on-board water for motor homes and the total weight of cargo and on-board water for RV trailers. The definitions and other information on the labels originally proposed in the NPRM are not needed for a quick assessment of load carrying capacity and are best left to manufacturers to provide voluntarily. This simple format allows consumers to easily arrive at a more accurate load carrying capacity value for a particular trip as the weight of occupants and on-board water are based on actual quantities and are not automatically based on maximum capacities.

NHTSA believes that by specifying one concise, visible label it is unnecessary to require the additional more detailed label on the inside of a cabinet door in the living quarters of the vehicle or the additional information in the vehicle owner's manual as suggested by RVIA. The advisory regarding dealer installed equipment that appeared on the CCC labels proposed in the NPRM is addressed by the load carrying capacity modification label required by this final rule. Definitions are not necessary for consumers to understand the simple statement of occupant and cargo limitations on the label. Also, the need to specify the number of designated sleeping positions has been made moot.

The vehicle owner's manual information suggested by RVIA would also repeat information from the abbreviated and more detailed labels, including definitions not

needed for the load carrying capacity determination and other general requirements. Such information should be provided to consumers in ways determined by manufacturers and organizations such as the RVIA. Imposing a collection of information burden by requiring varying levels of information in several locations that is not directly relevant to the weight allotted for cargo or occupants and cargo will not be as effective in helping consumers to purchase and load vehicles wisely.

For these reasons, the labels specified in this final rule are as follows:

MOTOR HOME OCCUPANT AND CARGO CARRYING CAPACITY
VIN: ##################
THE COMBINED WEIGHT OF OCCUPANTS AND CARGO SHOULD NEVER EXCEED:
XXX kg or XXX lbs
Safety belt equipped seating capacity: XXX
CAUTION:
A full load of water equals XXX kg or XXX lbs of cargo @ 1 kg/L (8.3 lb/gal) and the tongue weight of a towed trailer counts as cargo

Motor home occupant and cargo carrying capacity label:

Recreation vehicle trailer cargo carrying capacity label:

RECREATION VEHICLE TRAILER CARGO CARRYING CAPACITY
VIN: ##################
THE WEIGHT OF CARGO SHOULD NEVER EXCEED:
XXX kg or XXX lbs
CAUTION:
A full load of water equals XXX kg or XXX lbs of cargo @ 1 kg/L (8.3 lb/gal)

G. Addition of Weight to FMVSS No. 110 Vehicles and to FMVSS No. 120 Motor Homes and Travel Trailers Between Vehicle Certification and First Retail Sale of the Vehicle

1. FMVSS No. 110 - September 1, 2005 is the effective date of an amendment to FMVSS No. 110, Tire selection and rims, which requires manufacturers to affix a tire placard to the vehicle's driver-side B-pillar or to the edge of the driver's door (if no B-pillar exists) which adds the statement: "The combined weight of occupants and cargo

should never exceed XXX kg or XXX lbs." to the information previously required on the existing tire placard. Vehicle manufacturers are required to disclose the amount of load carrying capacity that is available on the vehicle for passengers and cargo. The vehicle manufacturer installs this label when the vehicle is certified.

Recently, manufacturers and dealers have inquired as to what must be done when optional equipment and accessories are added to a vehicle before between final vehicle certification and first retail sale which increases the vehicle's weight and decreases the weight allotted for passengers and cargo. NHTSA's response to such inquiries has been that the label must be replaced as necessary so that the vehicle has a label with accurate information. NHTSA believes, however, that small increases in weight are insignificant. Moreover, requiring dealers to reprint labels with new information each time a small amount of weight is added to a vehicle is unnecessarily burdensome.

To address the issues, in the NPRM, NHTSA proposed that for FMVSS No. 110 vehicles, if weight equal to or less than 0.5 percent of GVWR is added by the dealer before first retail sale, no additional action is required. If weight greater than 0.5 percent of GVWR is added by the dealer before first retail sale, the dealer would have the option of adding a label to the vehicle within 25 millimeters (1 inch) of the FMVSS No. 110 tire placard, which discloses the total weight of added items to the nearest kilogram (pound) rather than replacing the tire placard. NHTSA proposed that the label be visible when the FMVSS No. 110 tire placard is read. The label, as proposed, included blank spaces. Dealers could enter the value for total added weight when the threshold for compliance was exceeded (0.5 % GVWR). The label would state the amount that the LCD was reduced.

2. FMVSS No. 120 - In the NPRM, NHTSA stated its belief that the proposed changes to FMVSS No. 110 concerning additional dealer added weight are also appropriate for RVs under FMVSS No. 120. If weight equal to or less than 0.5 percent of GVWR is added by the dealer to a FMVSS No. 120 motor home or travel trailer between certification and first retail sale, no additional action is required. If weight greater than 0.5 percent of GVWR is added by the dealer to a FMVSS No. 120 motor home or travel trailer between certification and first retail sale, in lieu of replacing the CCC label, the dealer would have the option of adding the load carrying capacity modification label within 25 millimeters (1 inch) of the FMVSS No. 120 motor home or travel trailer cargo carrying capacity label which discloses the total weight of added items to the nearest kilogram (pound). It was proposed that the label be visible when the FMVSS No. 120 motor home or travel trailer cargo carrying capacity label is read.

The label as proposed included blank spaces where the value for total added weight would be entered. The total added weight would be provided by the dealer when it installs optional accessories and equipment in excess of 0.5 per cent of the vehicle's GVWR. To fill out the blank spaces, dealers need only know the total weight of added items. NHTSA stated its belief that dealers can provide the information without weighing vehicles as shipping weight or the manufacturers stated weight of added items may be used.

3. Weight Added to Heavy RVs and All Light Vehicles After Final Vehicle Certification and Before First Retail Sale - NHTSA received comments from numerous sources indicating that the 0.5 % GVWR threshold for triggering re-labeling requirements was too low. Most comments suggested that the threshold be the lesser of 3 % GVWR or

100 kg (220 lb). This suggested threshold is based on the 49 CFR 595.7 threshold afforded to those who modify vehicles to accommodate persons with disabilities. NMEDA suggested that the threshold be 20 % of the vehicle's load carrying capacity. RMA commented that weight equivalent to 0.5 % of the vehicle's GVWR should be added to the vehicle's UVW which would automatically accommodate add-ons. NATM indicated that trailer manufacturers understate the load carrying capacity of trailers so dealers would not have to worry about optional equipment installed.

Toyota commented that the proposal for adding the load carrying capacity modification label to correct load carrying capacity information when weight is added is burdensome to passenger vehicle manufacturers, distributors and dealers due to the large number of potential labels. The number of combinations of vehicle model weights, optional equipment and accessories greater than the threshold is large. The number of labels required to accommodate all of the various combinations of weights will be in the thousands.

Many of the commenters asked NHTSA to clarify the following issues: to whom the threshold applies; whether CCC information must be corrected when vehicle weight is reduced and load carrying capacity is increased; whether the shipping weight of added items can be used to update load carrying capacity values; and whether the label can still be updated or replaced in lieu of applying the load carrying capacity modification label.

As previously mentioned, the purpose of the load carrying capacity modification label and its applicability threshold is to relieve dealers/service facilities from having to correct load carrying capacity information when insignificant amounts of weight are added to vehicles between final vehicle certification and first retail sale. It is also

necessary to keep the load carrying capacity information reasonably accurate when significant amounts of weight are added to vehicles between final vehicle certification and first retail sale. It is anticipated that dealers/service facilities that handle vehicles such as RVs may have to correct the load carrying capacity information when equipment such as awnings, generators, spare water tanks, and spare fuel tanks are added between final vehicle certification and first retail sale. It is anticipated that dealers/service facilities that handle vehicles such as passenger cars will not have to correct load carrying capacity information very often.

In response to the many comments that the threshold value is too low, NHTSA has reconsidered the reporting threshold for reductions in load carrying capacity. This rulemaking was undertaken to address larger changes to vehicles such as conversion vans or heavy dealer-installed equipment on RVs. For the following reasons, we are raising the threshold to the lesser of 1.5 % GVWR or 100 pounds to distinguish between common transactions for trailer hitches and less common transactions causing larger changes in load carrying capacity.

The most commonly installed heavy item by light vehicle dealers before first retail sale is a heavy duty Class IV trailer hitch for a pickup truck. Such hitches have an advertised shipping weight of less than 36.3 kg (80 lbs). A relatively small pickup truck for this hitch application would have a GVWR of 2721.6 kg (6000 lbs) or greater. This installation would involve equipment representing 1.33 % of the vehicle's GVWR or less. However, 5th wheel hitches which are much heavier would still exceed the threshold. NHTSA does not favor basing the threshold on a percentage of load carrying capacity. Although NHTSA would prefer that the load carrying capacity information be as accurate

as possible, there is no requirement that prevents manufacturers from understating the load carrying capacity value. Of course, load carrying capacity statement must be stated to prevent overloading and thus, the load carrying capacity value cannot be overstated.

Therefore, if the total combined weight added between final vehicle certification and first retail sale exceeds the lesser of 1.5 % of the vehicle's GVWR or 100 pounds, the load carrying capacity information must be corrected. This threshold applies to anyone who adds weight to a vehicle after the final vehicle certification and before first retail sale.

The load carrying capacity modification label which shows the amount by which the load carrying capacity is reduced and the compliance threshold would not apply to alterers of light vehicles. Under FMVSS No. 110, S4.3.2, the tire placard must be replaced when the alteration makes the original stated weight ratings invalid. Any reduction in load carrying capacity is disclosed by the new tire placard. Also, an alterer recertifies the vehicle and the cargo carrying capacity modification label/compliance threshold applies only to modifications made between the final vehicle certification and the first retail sale. However, if after the alteration, the vehicle qualifies as a motor home or RV trailer, the alterer is required to apply the motor home OCCC label or RV trailer CCC label as specified in this final rule.

Manufacturers that build heavy RVs are required to install a motor home OCCC label or RV trailer CCC label which will provides accurate load carrying capacity information for each vehicle as it is shipped to the dealer. The load carrying capacity modification label/compliance threshold is then available to dealers/service facilities that add additional weight between final vehicle certification and first retail sale.

When a dealer/service facility adds weight that exceeds the lesser of 1.5 % GVWR or 100 pounds, the load carrying capacity information on the motor home OCCC label or the RV trailer CCC label and the tire placard (if a light vehicle) must be corrected. The dealer/service facility may accomplish this by label replacement, label modification, or the addition of the load carrying capacity modification label near the original label/tire placard.

Replacement labels must be identical to the labels being replaced except for the corrected values. Label modification must be accomplished by a pre-printed overlay which, when applied, obscures the original values while maintaining the original appearance of the label or tire placard. The overlay may have blanks where the original values were, and corrected values may be legibly written in the blanks of the overlay with a black, fine-point, indelible marker. Original labels/placards cannot be modified simply by crossing out incorrect values on the original label/placard and writing in new values on the original label/placard.

If the load carrying capacity modification label option is used, the modification label must be placed within 25 mm of the original label it is modifying. Added load carrying capacity modification labels may be pre-printed with the load carrying capacity values blank, and the correct load carrying capacity values may be legibly printed on the label with a black, fine point, indelible marker at the time it is applied.

Because the “handwritten” method has proved to be successful in the past, we believe that permitting the “handwritten” method to be used for the load carrying capacity modification label will provide consumers with necessary information. Machine printed load carrying capacity modification labels with corrected machine printed values

are more desirable than labels with handwritten corrected values. However, requiring only machine printed corrected values on load carrying capacity modification labels would require manufacturers to produce and stock thousands of labels with various values in order to accommodate the variety of accessory combinations on various vehicle models. Such a requirement would be an enormous financial and collection of information burden on both manufacturers and dealers/service facilities. Manufacturers such as Ford have successfully used the "handwritten" method to allow dealers to correct vehicle tire information when customers request different tires before first retail sale.

Manufacturers are not prohibited from using load carrying capacity modification labels with machine printed corrected values if they choose. Corrected motor home OCCC labels, RV trailer CCC labels, tire placards and load carrying capacity modification labels must reflect the total weight added after final vehicle certification and before first retail sale.

Correcting load carrying capacity information is not required in cases where vehicle weight is reduced and load carrying capacity is increased. Dealers/service facilities may use the stated shipping weight or the manufacturer's stated weight of the item or reasonably accurate scales to determine the weight of added items and subsequently, the total amount the load carrying capacity will be reduced. Most consumer electronic bathroom scales have ranges from 0 to 350 pounds and provide repeatable readings within plus or minus one percent of the actual weight. Such scales would be suitable for weighing most added items. The load carrying capacity modification label specified in this final rule is provided below:

CAUTION: LOAD CARRYING CAPCITY REDUCED

Modifications to this vehicle have reduced the original load carrying capacity by _____ kilograms _____ pounds

Load carrying capacity modification label

NATM commented that the load carrying capacity modification label installed by dealers when additional weight is added should identify the dealer/service facility installing the label for traceability.

NHTSA does not support a requirement for dealer/service facility identification on the load carrying capacity modification label described in this final rule. The lack of such a requirement however does not prevent dealers/service facilities from supplying identifying information on load carrying capacity modification labels or voluntarily applying a dealer identification label near the load carrying capacity modification label. Requiring dealers to provide identifying information on load carrying capacity modification labels will negate the label's generic qualities and will greatly increase the burden to manufacturers and dealers/service facilities.

To summarize, in this final rule, when the load carrying capacity is modified between final vehicle certification and the first retail sale, NHTSA permits the use of generic labels where corrected values can be legibly entered using a black, fine point, indelible marker. This permits dealers to stock one generic load carrying capacity modification label. Also, in this final rule, the addition of the load carrying capacity modification label is one of three options that can be used to correct load carrying capacity information on the tire placards of light vehicles and on motor home OCCC labels or RV trailer CCC labels of all RVs. Dealers/service facilities are permitted to: 1) replace existing tire placards, motor home OCCC labels or RV trailer CCC labels with

new placard/labels containing correct load carrying capacity information; 2) modify existing tire placards, motor home OCCC labels or RV trailer CCC labels so they display correct load carrying capacity information; or 3) add a load carrying capacity modification label within 25 mm of existing tire placards and/or motor home OCCC labels or RV trailer CCC labels.

In addition, this final rule raises the threshold for correcting load carrying capacity information to the lesser of 1.5 per cent of GVWR or 100 pounds, greatly decreasing the frequency of load carrying capacity information correction.

H. Other Issues

1. The Final Rule Should Protect Against Overloading Tires, Wheels, Axles and Suspensions on RVs - NHTSA received numerous comments to the NPRM which suggested other possible actions that may be taken in addition to or in lieu of the proposed labeling approach. Weston, a private citizen who during his first long trip with a 2005, 36-foot, 5th wheel travel trailer experienced two rim failures resulting in tire deflation, suggested that NHTSA address common practices for suspension component sizing to include a safety factor built into the design of axles, suspension components, wheels and tires to accommodate horizontal and vertical dynamic loads that are higher than the static loads normally measured.

Weston also indicated that to allow for adequate load carrying capacity, manufacturers should be required to add a minimum safety factor of 20 to 25 percent when sizing axles on RV trailers. Weston further mentioned that motorized and towable RVs should be equipped with tire pressure monitoring systems (TPMS), that manufacturers of RVs should be required to provide “adequacy of design,” and that

NHTSA should consider the situation where dealers add weight to RVs that do not exceed the vehicle's GVWR but still exceeds the vehicle's gross axle weight rating (GAWR). In addition, Weston commented that a government oversight office should be formed to police the RV industry and that upon discovery of a problem RV manufacturers should be required to notify customers with 48 hours.

Walker commented that drivers of RVs over a specified weight should be required to have specific training and license endorsements to demonstrate a minimum level of knowledge. Also, both the State DOT and Federal DOT should employ spot checks for RVs to assure that they are not over weight or over length.

RMA commented that the NPRM does not prevent individual tires on RVs from being overloaded. RMA further commented that a requirement of 10 to 25 percent tire reserve load above GVWR would assure sufficient capacity in the event of spot overloading and/or poor inflation pressure maintenance. RMA also suggested that consideration should be given to the labeling of major storage/cargo compartments with their load carrying capacity to assure proper load distribution.

NHTSA recognizes that there are numerous aspects to the RV overloading problem. Current requirements, as well as the requirements in this final rule do not specifically regulate suspension components. We believe, however, that the labeling requirements that appear in this final rule will improve consumer awareness, purchase decisions and RV loading practices. It is anticipated that the motor home OCCC label or RV trailer CCC label that will be provided on each RV will encourage consumers to purchase RVs with a load carrying capacity adequate for their needs.

NHTSA's Office of Defects Investigations (ODI) continually compiles data and responds to complaints from consumers regarding various RV issues. Many of these complaints and issues are related to the failure of RV suspension components, individual axles, rims and tires. Many complaints are investigated for defects in materials and design and all complaints become part of a permanent database that is used to trigger further investigations and recalls. NHTSA's Office of Vehicle Safety Compliance (OVSC) enforces current NHTSA regulations and will enforce the requirements in this final rule when it becomes effective. Actual RV crash data specific to crashes where an overloaded RV is a contributing factor are rare. Statistical databases and investigation techniques presently do not capture overloading related attributes. NHTSA continuously monitors all of its databases for issues relative to vehicle safety and takes appropriate action when necessary.

Weston commented that TPMS should be required on all RVs. NHTSA's TPMS requirements are specified in FMVSS No. 138, Tire pressure monitoring systems and are currently being phased in. Full compliance must occur by September 1, 2007. TPMS will be required on passenger cars, multipurpose passenger vehicles, trucks and buses with GVWRs of 4,536 kg (10,000 pounds) or less except those vehicles with dual wheels on an axle. Therefore, most light, motorized RVs will be required to have TPMS. NHTSA has announced no further actions to extend TPMS requirements to other vehicle types or weight classes.

ADA commented that NHTSA fails to address the situation where weight is added to a vehicle by a dealer so as to affect the GAWR but not necessarily affect the GVWR. It said that the situation can arise in the mobility industry when the dealer

installs an outside scooter lift on the rear of the vehicle. While the weight of the scooter and lift do not cause the vehicle to exceed its GVWR, it may cause the GAWR of the rear axle to be exceeded.

NHTSA recognizes that current requirements, as well as the requirements in this final rule do not specifically regulate suspension components or the load on individual axles, rims or tires. This final rule is intended to inform consumers of the load carrying capacity of the RVs that they are purchasing so that after these RVs are in use, consumers can avoid overloading the RVs. We believe that these labeling requirements will improve consumer awareness, purchase decisions and loading practices. Issues concerning the overloading of individual axles, rims and tires in order to modify vehicles for persons with disabilities is outside the scope of this rulemaking.

Comments concerning licensing of RV drivers and spot-checks for RVs that are over weight/length, address matters that are within the jurisdiction of the Federal Motor Carrier Safety Administration and the individual States.

2. RV Weight and Weighing Issues

Weston commented that individual RVs should actually be weighed to verify the UVW used to design the suspension and that compliance checks by other than the RVIA must occur to guarantee compliance by the industry. Walker commented that the use of generic floor plans to approximate RV weights should be prohibited as there are too many variables that may be overlooked or manipulated. He stated that relying on this method compromises the entire cargo carrying capacity calculation and may not provide the consumer with fair and equal information.

Walker also commented that if a hitch is installed on a motor home, the weight of the hitch, as well as the weight value of the hitch rating should be included in the UVW. He said that otherwise, this important information may be misunderstood or disregarded by consumers.

Walker further commented that RV manufacturers leave a variety of heavy items off of the vehicle until the vehicle has been weighed. He said that the add-ons are installed by a service or dealer facility. Items such as roof air conditioners, awnings, generators, surplus fuel tanks, surplus water tanks, microwave ovens, washer/dryers and dishwashers are installed and not included in the UVW or cargo carrying capacity calculations. Regarding the NPRM proposal that weight added by the dealer or service facility that exceeds 0.5 per cent of GVWR be documented on an additional label, Walker commented that this information will not be accurate if prior weight information is not accurate. Walker commented that when weight is added at a dealer or service facility, it should be a requirement that the vehicle be weighed to verify if the chassis has the capacity to handle the additional weight.

The RVDA commented that it would like to see NHTSA develop a consistent set of rules on weighing procedures for RVs.

In the NPRM, NHTSA proposed that the weight values provided by manufacturers be displayed to the nearest kilogram with conversion to the nearest pound, must be measured on scales with a minimum accuracy of plus or minus one percent of the actual value and reflect the weights of the RV as configured for delivery to the dealer/service facility. NHTSA notes that in the July 29, 2005 Joint Petition for Rulemaking and Interim Relief from FMVSS No. 110, it was stated that it was not

"financially possible" for all affected manufacturers, alterers and modifiers to have scales capable of weighing motor vehicles. However, no information on the extent of the financial burden, especially if methods other than weighing the entire vehicle were used, was provided.

The scale requirements proposed in the NPRM were necessary to insure that the many weight values required on the NPRM proposed label were accurate. However, as a result of comments to the NPRM, this final rule only requires manufacturers to report the allowable load carrying capacity. Therefore, in this final rule, in place of requiring scales with an accuracy of ± 1 % of the actual reading, we are requiring that the statement "The combined weight of occupants and cargo should never exceed XXX kg or XXX lbs" on motor homes and the statement "The weight of cargo should never exceed XXX kg or XXX lbs" on RV trailers state a weight that will not overload the vehicle. These requirements allow manufacturers to understate the weight value for load carrying capacity but do not permit manufacturers to overstate the weight value for load carrying capacity. This will assure that when the consumer loads the vehicle to the stated load carrying capacity, the GVWR will not be exceeded. When the manufacturer states that the load carrying capacity must not exceed a certain weight value, it means that the stated load carrying capacity weight value plus the UVW is less than or equal to the GVWR. If the manufacturer weighs the vehicle with a scale that has a tolerance of ± 1 % of the actual value then the load carrying capacity should be understated by at least 1 % to assure that the load carrying capacity plus the UVW does not exceed the GVWR. If variances exist in the manufacturing process, in materials used, in weight determination methods, etc. that effect the UVW of the completed vehicle and therefore, the weight

remaining for load carrying capacity, the load carrying capacity must be understated to accommodate these variances and to insure that the vehicle's GVWR will not be exceeded. If, after the RV leaves the manufacturing facility and before first retail sale, additional weight is added whose total exceeds the threshold set by this final rule (the lesser of 1.5 percent of GVWR or 100 pounds), the load carrying capacity information must be corrected by the dealer. The total weight added by the dealer, however, cannot exceed the load carrying capacity weight value initially provided by the vehicle manufacturer.

Regarding Walker's comments which stated that if a hitch is installed on a motor home, the weight of the hitch, as well as the weight value of the hitch rating should be included in the UVW, NHTSA does not favor such a requirement. If a hitch is installed by a manufacturer on any vehicle before final vehicle certification and delivery to the dealer/service facility, the physical weight of the hitch must be included in the vehicle's UVW value. If a hitch is installed by a dealer/service facility on any vehicle after final vehicle certification, the weight of the hitch contributes to the weight of added items installed after final vehicle certification and before first retail sale. When the weight of such items exceeds the threshold set by this final rule (the lesser of 1.5 per cent of GVWR or 100 pounds), the load carrying capacity information is corrected by the dealer/service facility.

If the consumer installs a hitch or has a hitch installed after taking delivery of the vehicle, the consumer should subtract the physical weight of the hitch from available load carrying capacity. When the consumer applies tongue weight to any hitch in the form of a towed vehicle or cargo carrier, the consumer must subtract such weight from the

available load carrying capacity. The intent of the motor home OCCC label and the RV trailer CCC label on the vehicle is to encourage consumers to determine an accurate value of load carrying capacity according to their particular loading situation. Therefore, a consumer whose vehicle is equipped with a hitch, but is not towing a vehicle or using a hitch mounted cargo carrier, will know that additional load carrying capacity is available. An advisory statement on the motor home OCCC label informs consumers that towed vehicle tongue weight is cargo that counts against the total load carrying capacity.

Regarding RVDA's request that NHTSA develop a consistent set of rules or weighing procedures for RVs, NHTSA believes that such information is best left up to manufacturers to provide. Other sources for weighing information include organizations such as the Recreation Vehicle Safety Education Foundation and the RVIA.

3. Numbering in Proposed FMVSS No. 110 Regulatory Text - Comments from AIAM and the Alliance indicated that the proposed changes to FMVSS No. 110 regulatory text in the NPRM will eliminate the current requirement in S4.3 (a) that relates to vehicle tire placards. Both sought clarification regarding the proposed amendment.

NHTSA agrees with AIAM, and the Alliances' comments. In this final rule the language has been moved to separate sections (S9 and S10) where it won't affect existing tire placard requirements.

4. Scope of Notice for Joint Petition Issues - Comments from Kastner asked if the August 31, 2005 NPRM has a broad enough scope to encompass all of the issues presented in the previously submitted Joint Petition[9] that was placed in the docket or whether the issues will be addressed in a supplemental notice of proposed rulemaking

[9] "Joint Petition" means the "Joint Petition for Rulemaking and Interim Relief; Federal Motor Vehicle Safety Standard (FMVSS) No. 110; Vehicle Capacity Weight and Tire Information" dated July 29, 2005 which was submitted to NHTSA by a group of trade organizations through Mike Kastner (NTEA) and Douglas Greenhaus (NADA). The document is available in docket NHTSA-2005-22242-3.

(SNPRM). NATM expressed concern that NHTSA will not be able to consider many of the Joint Petition's requested changes as the changes may be out of scope of the present rulemaking. NADA urged NHTSA to consider whether an SNPRM should be issued addressing the concerns expressed in the Joint Petition in order to provide interested parties with the opportunity for notice and comment.

NHTSA originally drafted the cargo carrying capacity NPRM to specifically require load carrying capacity information on a label for heavy RVs. Before the NPRM was published, issues surfaced regarding the load carrying capacity information required on the tire placard for light vehicles. According to FMVSS No. 110 and a subsequent interpretation, any added weight that made the load carrying capacity information on the tire placard inaccurate, required the dealer/service facility to replace the tire placard in order to correct the load carrying capacity weight values. Theoretically, this meant that even the addition of car mats would require re-placarding.

As the Joint Petition issue was somewhat related to the NPRM in process, a proposed solution was drafted and included in the heavy RV cargo carrying capacity NPRM that proposed a threshold for weight added to a vehicle before first retail sale over which the load carrying capacity information must be corrected to reflect the added weight. This solution was proposed for all light vehicles and all heavy RVs.

Some comments to the NPRM and parts of the Joint Petition are out of scope of this rulemaking. They attempt to revive old issues related to previous tire placarding rulemakings and/or raise new issues that are not related to the current rulemaking. NHTSA has elected to proceed with a final rule that responds to the joint petition but otherwise addresses only issues within the scope of the current rulemaking.`

5. Response to Issues of the Joint Petition – The Joint Petition that appears in docket NHTSA-2005-22242-3 raises five basic issues to which NHTSA wants to clearly respond.

The Joint Petition indicates that the load carrying capacity statement required by FMVSS No. 110 should allow for a reasonable tolerance in the calculation of the load carrying capacity or not require action unless load carrying capacity is reduced by at least 100 kg (220 pounds). This final rule addresses this issue by denying the request for a threshold of 100 kg (220 pounds). However, for reasons stated previously in this document, this final rule increases the threshold from the 0.5 % of GVWR proposed in the NPRM to the lesser of 1.5 % of GVWR or 100 pounds. Also, in the NPRM we proposed that the unloaded vehicle weight for heavy RVs be determined with scales that have a minimum accuracy of ± 1 % of the actual reading. However, now that the label format has changed and manufacturers will only be reporting the weight allotted for passengers and cargo or simply cargo in the case of RV trailers, we are requiring that the stated load carrying capacity not overload the vehicle. The GVWR of the vehicle must not be exceeded when the vehicle is loaded with the stated load carrying capacity. Manufacturers are permitted to understate the value of load carrying capacity to compensate for variances in manufacturing techniques, materials and weighing techniques, however, under no circumstances is an overstated value of load carrying capacity permitted. Any inaccuracies due to scale tolerances and variances in manufacturing techniques/materials must be compensated for by appropriately increasing the safety factor between the allotted weight for occupants and cargo (or just cargo in the case of RV trailers) and the GVWR. Accordingly, the probability of moisture absorption

by wooden structures before first retail sale should be considered in assigning the load carrying capacity.

The Joint Petition also requested that the weight value listed on the original tire placard be labeled as "estimated." This request is denied because the load carrying capacity is not merely an estimate. The manufacturer must determine that the vehicle will not exceed GVWR when carrying the “load carrying capacity” weight. This final rule requires an accurate determination of load carrying capacity.

As an alternative to the first two issues, the Joint Petition requested that the load carrying capacity be labeled as "originally manufactured." This request is denied because it is not an accurate statement regarding load carrying capacity. The final rule does address the first issue of the Joint Petition, regarding a reporting threshold for added weight. Thus, the labeled load carrying capacity reflects both the vehicle as originally manufactured and any reduction in load carrying capacity that occurs beyond a given threshold before the first retail sale. Also, in an interpretation written to John Russell Deane III, Esq. on 7/5/05, NHTSA stated that regulations do not require changes to the tire safety information placard if the changes to the vehicle occur after it is first sold for the purposes other than retail sale.

The Joint Petition also requested clarification relative to whether placards/labels may still be modified in lieu of being replaced. This issue is addressed in this final rule. There are three methods available to dealers/service facilities for updating load capacity information:

- Replacement of original placard/label with identical placard/label with updated information

- Modification of original placard/label in order to update information. This must be accomplished with an overlay that maintains the original appearance of the placard/label. The overlay may have blanks where the updated weight values may be legibly printed by hand with a fine point indelible marker.
- Addition of the Load Carrying Capacity Modification Label within 25 mm of the placard/label being corrected which indicates the amount the load carrying capacity is reduced. The load carrying capacity modification labels may have blank spaces where the value of load carrying capacity reduction may be legibly printed by hand with a fine point indelible marker.

Finally, the Joint Petition asked if any revised cargo capacity weight may be calculated by subtracting total added weight from the stated load capacity weight on the existing tire placard or label. It also asked if the total added weight may be determined by using the supplier's stated shipping weight of the equipment**,** or its weight as determined by commercially reasonable scales. This issue is addressed in this final rule. Dealers/service facilities may determine total added weight by use of shipping weight, manufacturer's stated weight or weight determined by scales such as a bathroom scale which typically has an accuracy of ± 1 % of the actual weight, displays weight in one pound increments and has a range of 0 to 300 pounds. If the total added weight exceeds the lesser of 1.5 % GVWR or 100 pounds, the load carrying capacity information must be corrected on tire placards and RV load carrying capacity labels.

6. Issue Relative to the Meaning of "Stated Weight Rating"

TO BE COMPLETED BY NCC

7. Issues Outside the Scope of This Rulemaking - The purpose of this rulemaking is to provide load carrying capacity information to purchasers of RVs. It also is intended to provide an alternate means to correct load carrying capacity information on all light vehicles and heavy RVs when weight exceeding the lesser of 1.5 percent of GVWR or 100 pounds is added between final vehicle certification and first retail sale. Some NPRM comments attempt to revive old issues related to previous tire placarding rulemakings that are considered outside the scope of this rulemaking. Therefore, they are not addressed in this final rule. Such unrelated issues must be submitted as separate petitions for rulemaking or requests for interpretation.

Some of the issues not addressed in this final rule are as follows:

- Comments requesting clarification of and/or resolution to a problem with the definition of “altered vehicles.”
- Comments related to tire inflation pressures on the FMVSS No. 110 tire placard.

IV. Final Rule

In this final rule, NHTSA amends 49 CFR 571.3 (Definitions), FMVSS No. 110, and FMVSS No. 120 as described above. We require manufacturers of all motor homes and recreation vehicle (RV) trailers to provide information to consumers in a label that informs the consumer about the vehicle's cargo carrying capacity. The final rule defines "recreation vehicle trailer," adds new language that considers the weight of water as cargo and adds new language that includes the weight of full propane tanks as part of the UVW. We also require that the size of tires on motor homes and RV trailers be the same as the size of tires listed on the tire placard/tire information label.

For motor homes, we adopt labels that display the VIN, the weight allotted for occupants and cargo, the weight of a full load of water, the unit weight of water and cautionary statements that the weight of water is part of cargo and the tongue weight of a towed trailer counts as cargo. In addition, for motor homes, NHTSA requires that the safety belt equipped seating capacity be included on the label.

For RV trailers we adopt labels that display the VIN, the weight allotted for cargo, the weight of a full load of water, the unit weight of water and a cautionary statement that the weight of water is part of cargo.

To promote a consistent label location, this final rule specifies that cargo carrying capacity labels be affixed to the interior of the forward-most exterior passenger door on the right side of the vehicle. As an alternative (due to aesthetic objections) NHTSA permits manufacturers to place a temporary label to the interior of the forward-most

exterior passenger door on the right side of the vehicle and apply a permanent label in the area of the vehicle specified by FMVSS Nos. 110 and 120 for tire information.

In addition, this final rule raises the threshold for correcting load carrying capacity information to the lesser of 1.5 per cent of GVWR or 100 pounds, greatly decreasing the need to correct the information. When the load carrying capacity is increased by the lesser of 1.5 percent of GVWR or 100 pounds, between final vehicle certification and the first retail sale, NHTSA permits the use of generic labels where corrected values can be legibly entered using a black, fine point, indelible marker. This permits dealers to stock one generic load carrying capacity modification label.

In this final rule, the addition of the load carrying capacity modification label is one of three options that can be used to correct load carrying capacity information. Dealers/service facilities are permitted to: 1) replace existing tire placards, motor home OCCC labels or RV trailer CCC labels with new placard/labels containing correct load carrying capacity information; 2) modify existing tire placards, motor home OCCC labels or RV trailer CCC labels so they display correct load carrying capacity information; or 3) add a load carrying capacity modification label within 25 mm of existing tire placards and/or the motor home OCCC label or RV trailer CCC label.

V. Leadtime

Since we had no public comment on the leadtime issue, the amendments in this final rule take effect 180 days (approximately six months) after the final rule is published but, as discussed in the NPRM, not before June 1, 2007. We note that the labeling requirements in this final rule do not require manufacturers to collect or provide any

information other than that already voluntarily provided by motor home and travel trailer manufacturers that are members of the Recreational Vehicle Industry Association.

The provisions in this final rule amending FMVSS No. 110 were made to provide regulatory relief to dealers that may add weight of less than 1.5 percent of gross vehicle weight rating after certification of vehicles and before first retail sale of the vehicles. Thus, optional compliance with this final rule is available as of the date this final rule is published in the FEDERAL REGISTER.

VI. Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

Executive Order 12866, "Regulatory Planning and Review" (58 FR 51735, October 4, 1993), provides for making determinations whether a regulatory action is ``significant" and therefore subject to Office of Management and Budget (OMB) review and to the requirements of the Executive Order. The Order defines a ``significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

We have considered the impact of this rulemaking action under Executive Order 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed by the Office of Management and Budget under E.O. 12866, "Regulatory Planning and Review." The rulemaking action is also not considered to be significant under the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

For the following reasons, we believe that this final rule will not have any quantifiable cost effect on manufacturers of motor homes or travel trailers. This rule will have no substantive effect on 95 percent of motor homes and travel trailers that are already manufactured for the U.S. market. As discussed earlier, the labeling requirements in this rule parallels the labels already required by the Recreational Vehicle Industry Association (RVIA) for RIVA members. Approximately 95 percent of affected motor home and travel trailer manufacturers are RVIA members. Thus, the final rule will have new labeling requirements on only approximately 5 percent of recreational vehicle manufacturers. The RV labels specified in this final rule are simpler, less complex versions of the labels proposed in the NPRM.

In addition, this provides regulatory relief for dealers from an existing labeling requirement in the safety standard on tire selection and rims. Dealers that add items to covered vehicles in excess of 1.5 percent of the vehicles' gross vehicle weight ratings will be required to disclose this extra weight on labels affixed to the vehicles. No labels

are required for the addition of weight less than 1.5 percent of the vehicle's gross vehicle weigh ratings.

In its NPRM comments, Toyota stated that NHTSA has not provided a cost benefit analysis regarding load carrying capacity modification labels. NTEA commented that scales are too expensive for every dealership and final stage manufacturer to own.

For light vehicles, the requirements for the tire placard and the load carrying capacity information on the tire placard were established by previous FMVSS No. 110 rulemakings. The load carrying capacity modification label proposed in the August 15, 2005 NPRM was not meant to be a requirement, but an option that may be used in lieu of replacing or modifying the original tire placard as directed by FMVSS No. 110 rulemakings and subsequent interpretations. This option was adopted in this final rule. Dealers/service facilities can choose to replace or modify the tire placard rather than apply the load carrying capacity modification label.

For motor home OCCC labels and RV trailer CCC labels required on RVs, members of the RVIA, which include 95 percent of the RV industry, have displayed cargo carrying capacity information voluntarily for years. This final rule standardizes and makes such information mandatory, and mandates its placement in a prominent location. Also, NHTSA has adopted the RVIA suggestion that the load carrying capacity labeling requirements in the NPRM be extended to all RVs.

As previously stated, dealers/service facilities are not required to purchase or own scales as the shipping weight of added items or manufacturer's specified weight of added items may be used to determine the total added weight. If a dealer/service facility would rather use a scale, it must have an accuracy of plus or minus one percent of the actual

weight. Most consumer electronic bathroom scales provide readings from 0 to 350 pounds and can provide repeatable readings within plus or minus one percent of the actual weight. Bathroom scales are inexpensive and would be suitable for weighing smaller items. If a dealer/service facility desires to purchase a larger scale to weight larger items, it should have the same minimum accuracy.

Because the economic impacts of this proposal are so minimal, no separate regulatory evaluation is necessary.

B. Executive Order 13132 (Federalism)

This agency has analyzed this rule in accordance with the principles and criteria contained in Executive Order 13132 and has determined that it does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. This rule has no substantial effects on the States, on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various local officials.

C. Executive Order 13045 (Economically Significant Rules Affecting Children)

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental, health or safety risk that NHTSA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, we must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by us.

This rule is not subject to the Executive Order because it is not economically significant as defined in E.O. 12866 and does not involve decisions based on environmental, health or safety risks that disproportionately affect children. This final rule makes changes affecting motor home manufacturers and travel trailer manufacturers. It has a beneficial impact on children traveling in motor homes and travel trailers because the new labeling requirements in this final rule provides information to help their parents or guardians keep from overloading the vehicles.

D. Executive Order 12988 (Civil Justice Reform)

This rule will not have any retroactive effect. Parties are not required to exhaust administrative remedies before filing suit in court.

E. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 et seq., as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996) whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule would not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule would not have a significant economic impact on a substantial number of small entities.

The Administrator considered the effects of this rulemaking action under the Regulatory Flexibility Act (5 U.S.C. §601 et seq.) and certifies that this rule will not have a significant economic impact on a substantial number of small entities. The factual basis for this certification is that this final rule, minimally affects small U.S. motor home manufacturers or small U.S. travel trailer manufacturers. The U.S. Small Business Administration's regulations at 13 CFR 121.201 defines a small "motor home manufacturer" (NAICS Code 336213) as a "business entity organized for profit, with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the U.S. economy through payment of taxes or use of American products, materials or labor." (See 13 CFR 121.105) that employs fewer than 1,000 employees. Travel trailer and camper manufacturers (NAICS Code 336214) on the other hand, have a size standard of fewer than 500 employees.

NHTSA believes that most RVIA members are small businesses. As earlier discussed, 95 percent of RVIA members are already providing to their customers, labeling information that parallel the information specified in this NPRM. The RV labels specified in this final rule are simpler versions of the labels proposed in the NPRM.

F. National Environmental Policy Act

We have analyzed this final rule for the purposes of the National Environmental Policy Act and determined that it would not have any significant impact on the quality of the human environment.

G. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid Office of Management and Budget (OMB) control number. This final rule introduces new information collection requirements in that the new regulation would require certain disclosures to third parties. Information collection under this final rule consists of a load carrying capacity label applied to all motor homes and recreation vehicle (RV) trailers. If the original information is changed, this information collection also requires a load carrying capacity modification label to correct the original load carrying capacity information on all RVs and light vehicles when significant additional weight is added between final vehicle certification and first retail sale.

If the total weight added by dealers/service facilities between final vehicle certification and first retail sale exceeds the lesser of 1.5 per cent of GVWR or 100 pounds, the original load carrying capacity information must be corrected. Corrections can be made via the load carrying capacity modification label described in this final rule or by provisions in a previous rulemaking which allows original labels to be corrected by modification or replacement. Our estimates of the burden that this rulemaking imparts on all motor home and RV trailer manufacturers and manufacturers of light vehicles other than motor homes are given below. There is no burden to non-manufacturers or non-dealers.

RV estimates are based on the fact that approximately 95 per cent of all RV manufacturers currently belong to RVIA and already voluntarily apply load carrying capacity labels to the vehicles they produce. When this rulemaking becomes a final rule, these 95 per cent of RVs will replace the current voluntary label with the NHTSA label at

no additional cost. Therefore, any additional cost for information collection imparted by this final rule is a result of the remaining 5 per cent of RV manufacturers to apply load carrying capacity labels and the cost to RV dealers/service facilities that choose to apply the load carrying capacity modification label. The cost to manufacturers of light vehicles other than RVs is minimal as most vehicles will not exceed the added-weight threshold and dealers/service facilities will not be required update load carrying capacity information. The additional cost for information collection to light vehicle manufacturers other than RV manufacturers result from those who choose to correct load carrying capacity information by applying the load carrying capacity modification label. The label is not mandatory; it is simply an alternative to correcting load carrying capacity information by replacing or updating the original tire placard/label when the weight threshold is exceeded.

The following are the cost and hour burden estimates resulting from the CCC information requirements in this final rule. Numbers are based on 2005 estimates.

RV manufacturers and manufacturers of light vehicles other than RVs already have the following knowledge, information and resources and therefore these items will not impose any additional costs and/or burden hours.

- Vehicle gross vehicle weight rating (GVWR)
- Means to print or procure labels
- Scale system for weighing vehicles

Estimated annual burden hours on the 5 per cent of RV manufacturers that are not RVIA members to weigh an RV in order to determine unloaded vehicle weight (UVW)

Estimated burden hours to weigh an RV = .16 hours/RV

Approximately 419,500 RVs shipped in 2005

It is estimated that 5 per cent or 20,975 RVs/year currently do not voluntarily display CCC information as their manufacturers are not members of RVIA.

20,975 RVs/year X .16 hours/RV = **3,356 hours/year**

Estimated annual cost to the 5 per cent of RV manufacturers that are not RVIA members to procure or produce motor home OCCC labels and RV trailer CCC labels

Estimated cost to produce labels = $0.15/ RV.

Approximately 419,500 RVs shipped in 2005

It is estimated that 5 % or 20,975 RVs/year currently do not voluntarily display CCC information as their manufacturers are not members of RVIA.

20,975 RVs/year X $ 0.15 /RV = **$3,146/year**

Estimated annual burden hours on the 5 per cent of RV manufacturers that are not RVIA members to install motor home OCCC labels and RV trailer CCC labels

Estimated burden hours to install labels = .02 hours/RV

Approximately 419,500 RVs shipped in 2005

It is estimated that 5 per cent or 20,975 RVs/year currently do not voluntarily display CCC information as their manufacturers are not members of RVIA.

20,975 RVs/year X .02 hours/RV = **420 hours/year**

Estimated annual cost to RV manufacturers to procure or produce the load carrying capacity modification labels when necessary

Estimated cost to procure or produce labels = $0.05/RV

Approximately 419,500 RVs shipped in 2005

An estimated 25 per cent or 104,875 RVs/year will receive the CCC modification label.

104,875 RVs/year X $0.05/RV = **$5,245/year**

Estimated annual burden hours on RV manufacturers to install the load carrying capacity modification labels when necessary

Estimated burden hours to install labels = .02 hours/RV

Approximately 419,500 RVs shipped in 2005

An estimated 25 per cent or 104,875 RVs/year will receive the CCC modification label.

104,875 RVs/year X .02 hours/RV = **2,098 hours/year**

Estimated annual cost to light vehicle manufacturers to procure or produce the load carrying capacity modification labels when necessary

Estimated cost to procure or produce labels = $0.05/light vehicle

Approximately 17,000,000 light vehicles shipped in 2005

An estimated 1 per cent or 170,000 light vehicles/year will receive the CCC modification label.

170,000 light vehicles/year X $0.05/light vehicle = **$8,500/year**

Estimated annual burden hours on light vehicle manufacturers to insert values and install the load carrying capacity modification labels when necessary/desired

Estimated burden hours to install labels = .02 hours/light vehicle

Approximately 17, 000,000 light vehicles shipped in 2005

An estimated 1 per cent or 170,000 light vehicles/year will receive the CCC modification label.

170,000 light vehicles/year X .02 hours/light vehicle = **3,400 hours/year**

Total estimated burden hours and cost

9274 hours/year

$16,891/year

H. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272) directs us to use voluntary consensus standards in our regulatory activities unless doing so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies, such as the Society of Automotive Engineers (SAE). The NTTAA directs us to provide Congress, through OMB, explanations when we decide not to use available and applicable voluntary consensus standards.

After conducting a search of available sources, we have decided to specify labels similar to those used by the Recreational Vehicle Industry Association, advising consumers of cargo carrying capacity for motor homes and travel trailers, and providing advisories.

I. Unfunded Mandates Reform Act

This rule will not impose any unfunded mandates under the Unfunded Mandates Reform Act of 1995. This rule will not result in costs of $100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA

J. Plain Language

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

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

In response to public comments on the NPRM, in this final rule, NHTSA includes an Appendix A that summarizes the label requirements for various vehicle/GVWR combinations. The scenarios assume use of the load carrying capacity modification label when load carrying capacity information is corrected. This explanation is offered as a Plain Language guide to the various labels and figure numbers. An explanation of the labels applicable to each vehicle type (i.e., light vehicles other than RVs, light RVs, and heavy RVs) is set forth in the appendix.

K. Regulation Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and

October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, the Federal Motor Vehicle Safety Standards (49 CFR Part 571), are amended as set forth below.

PART 571 - FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.3 of title 49, Code of Federal Regulations, is amended by revising the definition of "motor home" and adding a definition of "recreation vehicle trailer," in the appropriate alphabetical order, to read as follows:

§ 571.3 Definitions.

***** ***** ***** ***** *****

Motor home means a multi-purpose vehicle with motive power that is designed to provide temporary residential accommodations, as evidenced by the presence of at least four of the following facilities: cooking; refrigeration or ice box; self-contained toilet; heating and/or air conditioning; a potable water supply system including a faucet and a sink; and a separate 110-125 volt electrical power supply and/or propane.

* * * * *

Recreation vehicle trailer means a trailer, except a trailer designed primarily to transport cargo for commercial purposes, designed to be drawn by a vehicle with motive power by means of a bumper, frame or fifth wheel hitch and is designed to provide temporary residential accommodations, as evidenced by the presence of at least four of the following facilities: cooking; refrigeration or ice box; self-contained toilet; heating and/or air conditioning; a potable water supply system including a faucet and a sink; and a separate 110-125 volt electrical power supply and/or propane.

* * * * *

3. Section 571.110 of title 49, Code of Federal Regulations, is amended by: revising the section heading; by revising S1; by adding to the introductory paragraph of S4.3, ninth and tenth sentences; by adding to S4.3.5, fifth and sixth sentences; by adding S9; and by adding S10 to read as follows:

§ 571.110 Tire selection and rims and motor home/recreation vehicle trailer load carrying capacity information for motor vehicles with a GVWRs of ~~more than~~ 4,536 kilograms (10,000 pounds) or less.

S1. This standard specifies requirements for tire selection to prevent tire overloading and for motor home/recreation vehicle trailer load carrying capacity information.

* * * * *

S4.3 Placard. * * * If the vehicle is a motor home and is equipped with a propane supply, the weight of full propane tanks must be included in the vehicle's unloaded vehicle weight. If the vehicle is a motor home and is equipped with an on-board potable water supply, the weight of such on-board water must be treated as cargo.

* * * * *

S4.3.5 Requirements for trailers. * * * If the vehicle is a recreation vehicle trailer and is equipped with a propane supply, the weight of full propane tanks must be included in the vehicle's unloaded vehicle weight. If the vehicle is a recreation vehicle trailer and is equipped with an on-board potable water supply, the weight of such on-board water must be treated as cargo.

* * * * *

S9 Each motor home and recreation vehicle (RV) trailer must meet the applicable requirements in S9.

S9.1 On motor homes, the sum of the gross axle weight ratings (GAWR) of all axles on the vehicle must not be less than the gross vehicle weight rating (GVWR).

S9.2 On RV trailers, the sum of the GAWRs of all axles on the vehicle plus the vehicle manufacturer's recommended tongue weight must not be less than the GVWR. If tongue weight is specified as a range, the minimum value must~~will~~ be used.

S9.3 Each motor home and RV trailer final stage manufacturer must affix either a motor home occupant and cargo carrying capacity (OCCC) label (Figure 3) or a RV trailer cargo carrying capacity (CCC) label (Figure 4) to its vehicles that meets the following criteria:

S9.3.1 The RV load carrying capacity labels (Figures 3 and 4) and when applicable, the RV supplemental labels (Figures 5 and 6) must be legible, visible, moisture resistant, presented in the English language, have a minimum print size of 2.4 millimeters (3/32 inches) high and be printed in black print on a yellow background.

S9.3.2 The weight value for load carrying capacity on the RV load carrying capacity labels (Figures 3 and 4) ~~and when applicable, the motor home and RV trailer~~

~~supplemental labels (Figures 5 and 6)~~ must be displayed to the nearest kilogram with conversion to the nearest pound and must be such that the vehicle does not exceed its GVWR when loaded with the stated load carrying capacity. If variances and errors exist which affect the determination of weight allotted for cargo or occupants and cargo on the label then the weight value must be understated to compensate for such errors and variances. The UVW and the GVWR used to determine the RV's load carrying capacity ~~Weight values such as the unloaded vehicle weight and the weight of a full load of water which are used to determine the weight values on the load carrying capacity labels (Figures 1 and 2) and the motor home and RV trailer supplemental labels (Figures 5 and 6) must be measured with scales that have a minimum accuracy of ±1% of the actual weight and~~ must reflect the weights and design of the motor home or RV trailer as configured for delivery to the dealer/service facility. If applicable, the weight of full propane tanks must be included in the RV's UVW ~~unloaded vehicle weight~~ and the weight of on-board potable water must be treated as cargo.

S9.3.3 The RV load carrying capacity labels (Figures 3 or 4) must be permanently affixed and must be located on the interior of the forward most exterior passenger door on the right side of the vehicle. Alternatively, a temporary version of the RV load carrying capacity label (Figures 3 and 4) may be located on the interior of the forward most exterior passenger door on the right side of the vehicle if a permanent motor home or RV trailer supplemental label (Figures 5 or 6) is permanently affixed within 25 millimeters of the tire placard specified in S4.3 for motor homes and S4.3.5 for RV trailers.

S9.3.4 Permanent and temporary motor home OCCC labels must contain the following information in accordance with Figure 3:

(a) The statement. “MOTOR HOME OCCUPANT AND CARGO CARRYING CAPACITY” in block letters.

(b) The vehicle identification number (VIN).

(c) The statement “THE COMBINED WEIGHT OF OCCUPANTS AND CARGO SHOULD NEVER EXCEED: XXX kg or XXX lbs” in block letters with appropriate values in place of XXX.

(d) The statement “Safety belt equipped seating capacity: XXX” with the appropriate value in place of XXX. This is the total number of safety belt equipped seating positions.

(e) The statement “CAUTION: A full load of water equals XXX kg or XXX lbs of cargo @ 1 kg/L (8.3 lb/gal) and the tongue weight of a towed trailer counts as cargo” with appropriate values in place of XXX.

S9.3.5 Permanent and temporary RV trailer CCC labels must contain the following information in accordance with Figure 4:

(a) The statement. “RECREATION VEHICLE TRAILER CARGO CARRYING CAPACITY” in block letters.

(b) The VIN.

(c) The statement “THE WEIGHT OF CARGO SHOULD NEVER EXCEED: XXX kg or XXX lbs” in block letters with appropriate values in place of XXX.

(d) The statement “CAUTION: A full load of water equals XXX kg or XXX lbs of cargo @ 1 kg/L (8.3 lb/gal)” with appropriate values included.

S9.3.6 For RVs, the load carrying capacity weight values and the seating capacity values (motor homes only) on the tire placard required by S4.3 or S4.3.5 must agree with the load carrying capacity weight values and the safety belt equipped seating capacity (motor homes only) on the RV load carrying capacity labels (Figures 3 and 4).

S9.3.7 Permanent motor home supplemental labels must contain the following information in accordance with Figure 5:

(a) The statement "CAUTION: A full load of water equals XXX kg or XXX lbs of cargo @ 1 kg/L (8.3 lb/gal) and the tongue weight of a towed trailer counts as cargo" with appropriate values in place of XXX.

S9.3.8 Permanent RV trailer supplemental labels must contain the following information in accordance with Figure 6:

(a) The statement "CAUTION: A full load of water equals XXX kg or XXX lbs of cargo @ 1 kg/L (8.3 lb/gal)" with appropriate values in place of XXX.

S10 Weight added to vehicles between final vehicle certification and first retail sale of the vehicle.

S10.1 If weight exceeding the lesser of 1.5 percent of GVWR or 45.4 kg (100 pounds) is added to a vehicle between final vehicle certification and first retail sale of the vehicle, the load carrying capacity weight values on the tire placard required by S4.3 or S4.3.5 and the load carrying capacity weight values on the RV load carrying capacity labels (Figures 3 and 4) required by S9.3 must be corrected using one or a combination of the following methods:

(a) Permanently affix ~~a~~ load carrying capacity modification labels (Figure 7), which display the amount the load carrying capacity is reduced to the nearest kilogram

with conversion to the nearest pound, within 25 millimeters of the original, permanent RV load carrying capacity label (Figures 3 or 4) and the original tire placard. The load carrying capacity modification label~~s~~ must be legible, visible, permanent, moisture resistant, presented in the English language, have a minimum print size of 2.4 millimeters (3/32 inches) high and be printed in black print on a yellow background. If applicable, ~~also~~ apply a temporary version of the load carrying capacity modification label (Figure 7) within 25 millimeters of the original, temporary RV load carrying capacity label (Figures 3 or 4) on the interior of the forward ~~most~~ exterior passenger door on the right side of the vehicle. Both temporary and permanent versions of the load carrying capacity modification label (Figure 7) may be printed without values and values may be legibly applied to the label with a black, fine point, indelible marker. The label must contain the statements "CAUTION – LOAD CARRYING CAPACITY REDUCED" in block letters and "Modifications to this vehicle have reduced the original load carrying capacity by XXX kg or XXX lbs" as shown in Figure 7 with appropriate values in place of XXX. If two load carrying capacity modification labels are required (one permanent and one temporary), the weight values on each must agree, or

(b) Modify the original~~,~~ permanent and if applicable, the temporary RV load carrying capacity labels (Figures 3 or 4) and the tire placard with correct load carrying capacity weight values. Modification of labels requires a machine printed overlay with printed corrected values or blanks for corrected values that may be legibly entered with a black, fine-point, indelible marker. Crossing out old values and entering corrected values on the original label does not meet the requirement~~s~~, or

(c) Replace the original, permanent and if applicable, the temporary RV load carrying capacity labels and the tire placard with the same labels/placard containing correct load carrying capacity weight values.

S10.2 Corrected load carrying capacity weight values or the weight amount the load carrying capacity is reduced, must reflect the total weight added between final vehicle certification and first retail sale and may be obtained using the added item's shipping weight, the manufacturer's specified weight for added items or the weight obtained from scales with a minimum resolution of 1 kilogram (2.2 pounds) and a minimum accuracy of plus or minus one percent of the actual weight (typical bathroom scale). No re-labeling is required if the weight of the vehicle is reduced between final vehicle certification and first retail sale.

4. Section 571.110 of title 49, Code of Federal Regulations, is amended by adding, after S10, Figure 3, Figure 4, Figure 5, Figure 6, and Figure 7 to read as follows:

MOTOR HOME OCCUPANT AND CARGO CARRYING CAPACITY
VIN: ##################
THE COMBINED WEIGHT OF OCCUPANTS AND CARGO SHOULD NEVER EXCEED:
XXX kg or XXX lbs
Safety belt equipped seating capacity: XXX
CAUTION:
A full load of water equals XXX kg or XXX lbs of cargo @ 1 kg/L (8.3 lb/gal) and the tongue weight of a towed trailer counts as cargo

Figure 3 - Motor Home Occupant and Cargo Carrying Capacity Label

RECREATION VEHICLE TRAILER CARGO CARRYING CAPACITY
VIN: ##################
THE WEIGHT OF CARGO SHOULD NEVER EXCEED:
XXX kg or XXX lbs
CAUTION:
A full load of water equals XXX kg or XXX lbs of cargo @ 1 kg/L (8.3 lb/gal)

Figure 4 - RV Trailer Cargo Carrying Capacity Label

CAUTION:
A full load of water equals XXX kg or XXX lbs of cargo @ 1 kg/L (8.3 lb/gal) and the tongue weight of a towed trailer counts as cargo

Figure 5 - Motor Home Supplemental Label

CAUTION:
A full load of water equals XXX kg or XXX lbs of cargo @ 1 kg/L (8.3 lb/gal)

Figure 6 - RV Trailer Supplemental Label

CAUTION: LOAD CARRYING CAPACITY REDUCED
Modifications to this vehicle have reduced the original load carrying capacity by XXX kg or XXX lbs

Figure 7 - Load Carrying Capacity Modification Label

5. Section 571.120 of title 49, Code of Federal Regulations, is amended by revising the section heading, by revising S1, by revising S2, and by adding S10 to read as follows:

§ 571.120, Tire selection and rims and motor home/recreation vehicle trailer load carrying capacity information for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds).

S1. This standard specifies tire and rim selection requirements, rim marking requirements and motor home/recreation vehicle trailer load carrying capacity information.

S2. The purpose of this standard is to provide safe operational performance by ensuring that vehicles to which it applies are equipped with tires of adequate size and

load rating and with rims of appropriate size and type designation, and by ensuring that consumers are informed of motor home/recreation vehicle trailer load carrying capacity.

* * * * *

S10. Each motor home and recreation vehicle (RV) trailer must meet the applicable requirements in S10.

S10.1 On motor homes, the sum of the gross axle weight ratings (GAWR) of all axles on the vehicle must not be less than the gross vehicle weight rating (GVWR).

S10.2 On RV trailers, the sum of the GAWRs of all axles on the vehicle plus the vehicle manufacturer's recommended tongue weight must not be less than the GVWR. If ~~the manufacturer specifies the~~ tongue weight is specified as a range, the minimum value must be used.

S10.3 The tires on each motor home and RV trailer at first retail sale must be the same size as the tire size on the labeling required by S5.3.

S10.4 Each motor home and RV trailer final stage manufacturer must affix either a motor home occupant and cargo carrying capacity (OCCC) label (Figure 1) or a RV trailer cargo carrying capacity (CCC) label (Figure 2) to its vehicles that meets the following criteria:

S10.4.1 The RV load carrying capacity labels (Figures 1 and 2) must be legible, visible, moisture resistant, presented in the English language, have a minimum print size of 2.4 millimeters (3/32 inches) high and be printed in black print on a yellow background.

S10.4.2 The weight value for load carry capacity on the RV load carrying capacity labels (Figures 1 and 2) must be displayed to the nearest kilogram with

conversion to the nearest pound and must be such that the vehicle does not exceed its GVWR when load with the stated load carrying capacity. ~~.~~If variances and errors exist which affect the determination of weight allotted for cargo or occupants and cargo on the label then the weight value must be understated to compensate for such errors and variances. ~~-~~The UVW and the GVWR used to determine the RV's load carrying capacity ~~Weight values such as the unloaded vehicle weight and the weight of a full load of water which are used to determine the weight values on the RV load carrying capacity labels (Figures 1 and 2) must be measured with scales that have a minimum accuracy of plus or minus one percent of the actual weight and~~ must reflect the weights and design of the motor home or RV trailer as configured for delivery to the dealer/service facility. If applicable, the weight of full propane tanks must be included in the RV's ~~trailer's~~ UVW ~~unloaded vehicle weight~~ and the weight of on-board potable water must be treated as cargo.

S10.4.3 The RV load carrying capacity label (Figures 1 or 2) must be:

(a) permanently affixed and must be located on the interior of the forward most exterior passenger door on the right side of the vehicle; or

(b) if a permanent RV load carrying capacity label (Figures 1 and 2) is affixed in the location specified at S5.3(b), a temporary version of the RV load carrying capacity label (Figures 1 and 2) may be located on the interior of the forward most exterior passenger door on the right side of the vehicle.

S10.4.4 Permanent and temporary motor home OCCC labels must contain the following information in accordance with Figure 1:

(a) The statement: "MOTOR HOME OCCUPANT AND CARGO CARRYING CAPACITY" in block letters.

(b) The Vehicle Identification Number (VIN).

(c) The statement "THE COMBINED WEIGHT OF OCCUPANTS AND CARGO SHOULD NEVER EXCEED: XXX kg or XXX lbs" in block letters with appropriate values in place of the XXX.

(d) The statement "Safety belt equipped seating capacity: XXX" with the appropriate value in place of XXX. ~~in place of the XXX~~. This is ~~statement represents~~ the total number of safety belt-equipped seating positions ~~in the vehicle~~.

(e) The statement: "CAUTION: A full load of water equals XXX kg or XXX lbs of cargo @ 1 kg/L (8.3 lb/gal) and the tongue weight of a towed trailer counts as cargo" with appropriate values in place of the XXX.

S10.4.5 Permanent and temporary RV trailer CCC labels must contain the following information in accordance with Figure 2:

(a) The statement: "RECREATION VEHICLE TRAILER CARGO CARRYING CAPACITY" in block letters.

(b) The VIN.

(c) The statement: "THE WEIGHT OF CARGO SHOULD NEVER EXCEED: XXX kg or XXX lbs" in block letters with appropriate values in place of XXX.

(d) The statement: "CAUTION: A full load of water equals XXX kg or XXX lbs of cargo @ 1 kg/L (8.3 lb/gal)" with appropriate values in place of the XXX.

S10.5 Weight added to motor homes and RV trailers between final vehicle certification and first retail sale of the vehicle.

S10.5.1 If weight exceeding ~~the lesser of one per cent of GVWR or~~ 45.4 kg (100 pounds) is added to a motor home or RV trailer between final vehicle certification and first retail sale of the vehicle, the load carrying capacity weight values on the RV load carrying capacity labels (Figures 1 and 2) required by S10.4 must be corrected using one or a combination of the following methods:

(a) Permanently affix load carrying capacity modification labels (Figure 3) which displays the amount the load carrying capacity is reduced to the nearest kilogram with conversion to the nearest pound, within 25 millimeters of the original, permanent RV load carrying capacity label (Figure 1 or 2). The load carrying capacity modification labels must be legible, visible, permanent, moisture resistant, presented in the English language, have a minimum print size of 2.4 millimeters (3/32 inches) high and be printed in black print on a yellow background. If applicable, apply a temporary version of the load carrying capacity modification label (Figure 3) ~~may be placed~~ within 25 millimeters of the original, temporary RV load carrying capacity label (Figure 1 or 2) on the interior of the forward most exterior passenger door on the right side of the vehicle. Both temporary and permanent versions of the load carrying capacity modification label (Figure 3) may be printed without values and values may be legibly ~~later be~~ applied ~~legibly~~ to the label with a black, fine point, indelible marker. The label must contain the statements “CAUTION – LOAD CARRYING CAPACITY REDUCED” in block letters and “Modifications to this vehicle have reduced the original load carrying capacity by XXX kg or XXX lbs” as shown in Figure 3 with appropriate values in place of XXX. If two load carrying capacity modification labels are required~~placed~~ (one permanent and one temporary), the weight values on each must be agree~~identical~~, or

(b) Modify the original, permanent and if applicable, the temporary RV load carrying capacity labels (Figure 1 or 2) with correct load carrying capacity weight values. Modification of labels requires a machine printed overlay with printed corrected values or blanks for corrected values that may be legibly entered with a black, fine-point, indelible marker. Crossing out old values and entering corrected values on the original label does not meet the requirements of S10.5, or

(c) Replace the original, permanent and if applicable, the temporary RV load carrying capacity labels (Figure 1 or 2) with the same label containing correct load carrying capacity weight values.

S10.5.2 Corrected load carrying capacity weight values or the weight amount the load carrying capacity is reduced, must reflect the total weight added between final vehicle certification and first retail sale and may be obtained using the added item's shipping weight, the manufacturer's specified weight for added items or the weight obtained from scales with a minimum resolution of 1 kilogram (2.2 pounds) and a minimum accuracy of plus or minus one percent of the actual weight (typical bathroom scale).

S10.5.3 No re-labeling is required if the weight of the vehicle is reduced between final vehicle certification and the first retail sale.

6. Section 571.120 of title 49, Code of Federal Regulations, is amended by adding, after S10, Figure 1, Figure 2, and Figure 3 to read as follows:

MOTOR HOME OCCUPANT AND CARGO CARRYING CAPACITY
VIN: ##################
THE COMBINED WEIGHT OF OCCUPANTS AND CARGO SHOULD NEVER EXCEED: XXX kg or XXX lbs
Safety belt equipped seating capacity: XXX
CAUTION:
A full load of water equals XXX kg or XXX lbs of cargo @ 1 kg/L (8.3 lb/gal) and the tongue weight of a towed trailer counts as cargo

Figure 1 - Motor Home Occupant and Cargo Carrying Capacity Label

RECREATION VEHICLE TRAILER CARGO CARRYING CAPACITY
VIN: ##################
THE WEIGHT OF CARGO SHOULD NEVER EXCEED:
XXX kg or XXX lbs
CAUTION:
A full load of water equals XXX kg or XXX lbs of cargo @ 1 kg/L (8.3 lb/gal)

Figure 2 - RV Trailer Cargo Carrying Capacity Label

CAUTION: LOAD CARRYING CAPACITY REDUCED
Modifications to this vehicle have reduced the original load carrying capacity by XXX kg or XXX lbs

Figure 3 - Load Carrying Capacity Modification Label

APPENDIX A – LABEL REQUIREMENTS FOR VARIOUS VEHICLE/GVWR COMBINATIONS (Not Part of the Final Rule Regulatory Text)

The following scenarios summarize the label requirements for various vehicle/GVWR combinations. The scenarios assume use of the load carrying capacity modification label when load carrying capacity information is corrected.

Note: This explanation is offered as a guide to the various labels and figure numbers. An explanation of the labels applicable to each vehicle type (i.e., light vehicles other than RVs, light RVs, and heavy RVs) is set forth below.

Except for the motor home and RV trailer supplemental labels in the amendment to FMVSS No. 110 (figures 5 and 6), light RVs and heavy RVs use the same motor home OCCC label and the same RV trailer CCC labels. Also both light and heavy RVs use the same load carrying capacity modification label. As light vehicles are addressed by FMVSS No. 110 and heavy vehicles are addressed by FMVSS No. 120, regulatory text and figures containing labels had to be placed in each of the two standards. FMVSS No. 110 already contained two figures therefore the new labels begin with Figure 3. FMVSS No. 120 had no existing figures therefore the new labels begin with Figure 1. For example:

- The motor home OCCC label in FMVSS No. 110, Figure 3 is the same as the motor home OCCC label in FMVSS No. 120, Figure 1.
- The RV trailer CCC label in FMVSS No. 110, Figure 4 is the same as the RV trailer CCC label in FMVSS No. 120, Figure 2.

- The load carrying capacity modification label FMVSS No. 110, Figure 7 is the same as the load carrying capacity modification label in FMVSS No. 120, Figure 3.

Figure numbers in the following scenarios refer to the figures in the regulatory text for the amendments to FMVSS Nos. 110 and 120 at the end of this document.

Light vehicles other than RVs

- If weight added after final vehicle certification and before first retail sale exceeds the lesser of 1.5 % of GVWR or 100 pounds, then
    - Correct the load carrying capacity information by modifying or replacing the FMVSS No. 110 tire placard, or
    - Install the load carrying capacity modification label (amendment to Standard No. 110, Figure 7) within 25 mm of the FMVSS No. 110 tire placard showing the amount the load carrying capacity is reduced.

Light RVs

- Option 1 - Install a permanent motor home OCCC label or RV trailer CCC label (amendment to Standard No. 110, Figure 3 or 4) on the interior of the forward most exterior passenger door on the right side of the vehicle.
    - If weight added after final vehicle certification and before first retail sale exceeds the lesser of 1.5 % of GVWR or 100 pounds, then
        - Correct the load carrying capacity information by modifying or replacing the FMVSS No. 110 tire placard and the permanent motor home OCCC label or RV trailer CCC label, or

        - Install load carrying capacity modification labels (amendment to Standard No. 110, Figure 7) within 25 mm of the FMVSS No. 110 tire placard and within 25 mm of the permanent motor home OCCC label or RV trailer CCC label showing the amount the load carrying capacity is reduced (two load carrying capacity modification labels are required because on a light RV, load carrying capacity information appears on both the tire placard and the motor home OCCC label or RV trailer CCC label).

- Option 2 - Install a temporary version of the motor home OCCC label or RV trailer CCC label (amendment to Standard No. 110, Figure 3 or 4) on the interior of the forward most exterior passenger door on the right side of the vehicle and install a permanent motor home or RV trailer supplemental label (amendment to Standard No. 110, Figure 5 or 6) within 25 mm of the FMVSS No. 110 tire placard (motor home and RV trailer supplemental labels do not duplicate information that already exists on the tire placard).
    - If weight added after final vehicle certification and before first retail sale exceeds the lesser of 1.5 % of GVWR or 100 pounds, then
        - Correct the load carrying capacity information by modifying or replacing the tire placard and the temporary version of the motor home OCCC label or RV trailer CCC label, or
        - Install a permanent load carrying capacity modification label (amendment to Standard No. 110, Figure 7) within 25 mm of the tire placard and install a temporary version of the load carrying

capacity modification label (amendment to Standard No. 110, Figure 7) within 25 mm of the temporary version of the motor home OCCC label or RV trailer CCC label in the specified location. The load carrying capacity modification label will display the amount the load carrying capacity is reduced.

Heavy RVs

- Option 1 - Install a permanent motor home OCCC label or RV trailer CCC label (amendment to Standard No. 120, Figure 1 or 2) on the interior of the forward most exterior passenger door on the right side of the vehicle.
    - If weight added after final vehicle certification and before first retail sale exceeds 100 pounds, then
        - Correct the load carrying capacity information by modifying or replacing the permanent motor home OCCC label or RV trailer CCC label, or
        - Install a permanent load carrying capacity modification label (amendment to Standard No. 120, Figure 3) within 25 mm of the permanent motor home OCCC label or RV trailer CCC label showing the amount the load carrying capacity is reduced.
- Option 2 - Install a temporary version of the motor home OCCC label or RV trailer CCC label (amendment to Standard No. 120, Figure 1 or 2) on the interior of the forward most exterior passenger door on the right side of the vehicle and install a permanent motor home OCCC label or RV trailer CCC label in the area specified for tire information by FMVSS No. 120.

- If weight added after final vehicle certification and before first retail sale exceeds 100 pounds, then
  - Correct the load carrying capacity information by modifying or replacing both the permanent and temporary motor home OCCC labels or RV trailer CCC labels, or
  - Install a permanent load carrying capacity modification label (amendment to Standard No. 120, Figure 3) within 25 mm of the permanent motor home OCCC label or RV trailer CCC label and install a temporary version of the load carrying capacity modification label (amendment to Standard No. 120, Figure 3) within 25 mm of the temporary motor home OCCC label or RV trailer CCC label showing the amount the load carrying capacity is reduced.

Issued on:

_____

Nicole C. Nason
Administrator

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