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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 541

[Docket No. NHTSA-2017-0091]

RIN 2127-AL79

Federal Motor Vehicle Theft Prevention Standard; Final Listing of 2018 Light Duty Truck Lines Subject to the Requirements of This Standard and Exempted Vehicle Lines for Model Year 2018

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

ACTION: Final rule.

SUMMARY: This final rule announces NHTSA's determination that there are no new model year 2018 light duty truck lines subject to the parts-marking requirements of the Federal motor vehicle theft prevention standard. The agency determined no new models were high-theft or had major parts that are interchangeable with a majority of the covered major parts of passenger car or multipurpose passenger vehicle lines. This final rule also identifies those vehicle lines that have been granted an exemption from the parts-marking requirements because they are equipped with antitheft devices determined to meet certain criteria.

DATES: This final rule is effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Mr. Hisham Mohamed, Office of International Policy, Fuel Economy and Consumer Programs at 202-366-0307 or Ms. Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Programs at 202-366-5222.

SUPPLEMENTARY INFORMATION: The theft prevention standard (49 CFR part 541) applies to (1) all passenger car lines; (2) all multipurpose passenger vehicle (MPV) lines with a gross vehicle weight rating (GVWR) of 6,000 pounds or less; (3) low-theft light-duty truck (LDT) lines with a GVWR of 6,000 pounds or less that have major parts that are interchangeable with a majority of the covered major parts of passenger car or MPV lines; and (4) high-theft LDT lines with a GVWR of 6,000 pounds or less.

The purpose of the theft prevention standard is to reduce the incidence of motor vehicle theft by facilitating the tracing and recovery of parts from stolen vehicles. The standard seeks to facilitate such tracing by requiring that vehicle identification numbers (VINs), VIN derivative numbers, or other symbols be placed on major component vehicle parts. The theft prevention standard requires motor vehicle manufacturers to inscribe or affix VINs onto covered original equipment major component parts, and to inscribe or affix a symbol identifying the manufacturer and a common symbol identifying the replacement component parts for those original equipment parts, on all vehicle lines subject to the requirements of the standard.

Title 49 U.S.C. 33104(d) provides that once a line has become subject to the theft prevention standard, the line remains subject to the requirements of the standard unless it is exempted under 49 U.S.C. 33106. Section 33106 provides that a manufacturer may petition annually to have one vehicle line exempted from the requirements of Section 33104, if the line is equipped with an antitheft device meeting certain conditions as standard equipment. The exemption is granted if NHTSA determines that the antitheft device is likely to be as effective as compliance with the theft prevention standard in reducing and deterring motor vehicle thefts.

NHTSA annually publishes the names of LDT lines NHTSA has determined to be high theft pursuant to 49 CFR part 541, LDT lines that NHTSA has determined to have major parts that are interchangeable with a majority of the covered major parts of passenger car or MPV lines, and vehicle lines that NHTSA has exempted from the theft prevention standard. Appendix A to part 541 identifies those LDT lines subject to the theft prevention standard beginning in a given model year. Appendix A-I to part 541 lists those vehicle lines that NHTSA has exempted from the theft prevention standard.

For MY 2018, there are no new LDT lines that will be subject to the theft prevention standard in accordance with the procedures published in 49 CFR part 542.

For MY 2018, appendix A-1 identifies those vehicle lines that have been exempted by the agency from the parts-marking requirements of part 541 and is amended to include eleven vehicle lines newly exempted in full. The eleven exempted vehicle lines are the Acura MDX, BMW X2, Chevrolet Volt, Ford EcoSport, Jeep Wrangler, Kia Niro, Land Rover F-Pace, Mitsubishi Eclipse Cross, Nissan Kicks, Lexus NX, and the Volkswagen Atlas.

The agency is removing the Nissan Versa Note from the appendix A-1 listing because it was erroneously identified in appendix A-1 of the October 23, 2018 final rule. (See 83 FR 53396). Each year the agency also amends the appendices to part 542 to remove vehicle lines that have not been manufactured in over 5 years. We believe that including those vehicle lines would be unnecessary. Therefore, the agency is removing the Cadillac DTS, Mazda CX-7, Mitsubishi Eclipse, Mitsubishi Endeavor, Mitsubishi Galant, Nissan Versa Hatchback, Saab 9-3 and Saab 9-5 vehicle lines from the appendix A-I listing. However, NHTSA will continue to maintain a comprehensive database of all exemptions on our web site.

The changes made in this rule are purely informational. The eleven vehicle lines that will be added to appendix A-I of part 542 were granted exemptions in accordance with the procedures of 49 CFR part 543 and 49 U.S.C. 33106 and notices of the grants of those

exemptions were published in the Federal Register. Therefore, NHTSA finds good cause under 5 U.S.C. 553(b)(3)(B) that notice and opportunity for comment is unnecessary. Further, public comment on the listing of selections and exemptions is not contemplated by 49 U.S.C. Chapter 331. For the same reasons, since this revised listing only informs the public of previous agency actions and does not impose additional obligations on any party, NHTSA finds good cause under 5 U.S.C. 553(d)(3) to make amendment made by this rule effective on the date this rule is published in the Federal Register.

Regulatory Impacts

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This rulemaking document was not reviewed by the Office of Management and Budget (OMB) under Executive Order (E.O.) 12866. It is not considered to be significant under E.O. 12866 or the Department's Regulatory Policies and Procedures. The purpose of this final rule is to provide information to the public about vehicle lines that must comply with the parts marking requirements of NHTSA's theft prevention standard and vehicles that NHTSA has exempted from those requirements. Since the purpose of the final rule is to inform the public of actions NHTSA has already taken, either determining that new lines are subject to parts marking requirements or exempting vehicle lines from those requirements, the final rule will not impose any new burdens.

B. Executive Order 13771

Executive Order 13771 titled "Reducing Regulation and Controlling Regulatory Costs," directs that, unless prohibited by law, whenever an executive department or agency publicly proposes for notice and comment or otherwise promulgates a new regulation, it shall identify at least two existing regulations to be repealed. In addition, any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs. Only those rules deemed significant under section 3(f) of Executive Order 12866,

“Regulatory Planning and Review,” are subject to these requirements. As discussed above, this rule is not a significant rule under Executive Order 12866 and, accordingly, is not subject to the offset requirements of Executive Order 13771.

C. National Environmental Policy Act

NHTSA has analyzed this final rule for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant impact on the quality of the human environment as it merely informs the public about previous agency actions. Accordingly, no environmental assessment is required.

D. Executive Order 13132 (Federalism)

The agency has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 13132 and has determined that it does not have sufficient Federal implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. As discussed above, this final rule only provides information to the public about previous agency actions.

E. Unfunded Mandates Act

The Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually (\$120.7 million as adjusted annually for inflation with base year of 1995). The assessment may be combined with other assessments, as it is here.

This final rule will not result in expenditures by State, local or tribal governments or automobile manufacturers and/or their suppliers of more than \$120.7 million annually. This document informs the public of previously granted exemptions. Since the only purpose of this

final rule is to inform the public of previous actions taken by the agency, no new costs or burdens will result.

F. Executive Order 12988 (Civil Justice Reform)

Pursuant to Executive Order 12988, "Civil Justice Reform"¹, the agency has considered whether this final rule has any retroactive effect. We conclude that it would not have such an effect as it only informs the public of previous agency actions. In accordance with section 49 U.S.C. 33118, when a Federal theft prevention standard is in effect, a State or political subdivision of a State may not have a different motor vehicle theft prevention standard for a motor vehicle or major replacement part. 49 U.S.C. 33117 provides that judicial review of this rule may be obtained pursuant to 49 U.S.C. 32909. Section 32909 does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

G. Paperwork Reduction Act

The Department of Transportation has not submitted an information collection request to OMB for review and clearance under the Paperwork Reduction Act of 1995 (Pub.L. 104-13, 44 U.S.C. Chapter 35). This rule does not impose any new information collection requirements on manufacturers.

List of Subjects in 49 CFR Part 541

Administrative practice and procedure, Labeling, Motor vehicles, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR part 541 is amended as follows:

PART 541 -- [AMENDED]

1. The authority citation for part 541 continues to read as follows:

¹ See 61 FR 4729, February 7, 1996.

Authority: 49 U.S.C. 33101, 33102, 33103, 33104, 33105 and 33106; delegation of authority at 49 CFR 1.95.

2. Appendix A-I to part 541 is revised to read as follows:

Appendix A-I to Part 541 – Lines with Antitheft Devices Which Are Exempted from the Parts-Marking Requirements of This Standard Pursuant to 49 CFR Part 543

Manufacturer	Subject Lines
BMW.....	MINI MINI Countryman (MPV) X1 (MPV) X1 Car Line (2012-2015) X2 ¹ X3 X4 X5 Z4 1 Car Line 3 Car Line 4 Car Line 5 Car Line 6 Car Line 7 Car Line
CHRYSLER.	200 300C Dodge Charger Dodge Challenger Dodge Dart Dodge Journey Fiat 500 Jeep Cherokee Jeep Compass Jeep Grand Cherokee Jeep Patriot Jeep Wrangler/Wrangler JK ² Jeep Wrangler (new) ¹
Manufacturer	Subject Lines
FORD MOTOR CO	Town and Country MPV C-Max EcoSport ¹ Edge Escape Explorer Fiesta

	Focus
	Fusion
	Lincoln MKC
	Lincoln MKX
	Mustang
	Taurus
GENERAL MOTORS	Buick LaCrosse/Regal
	Buick Verano
	Cadillac ATS
	Cadillac CTS
	Cadillac SRX
	Cadillac XTS
	Chevrolet Bolt
	Chevrolet Camaro
	Chevrolet Corvette
	Chevrolet Cruze
	Chevrolet Equinox
	Chevrolet Impala/Monte Carlo
	Chevrolet Malibu
	Chevrolet Sonic
	Chevrolet Spark
	Chevrolet Volt ¹
	GMC Terrain
HONDA	Accord
	Acura MDX ¹
	Acura TL
	Civic
	CRV
	Pilot
HYUNDAI	Azera
	Equus
	Genesis ³
	IONIQ
JAGUAR	F-Type
	XE
	XF
	XJ
	XK
	Land Rover Discovery Sport

Manufacturer	Subject Lines
	Land Rover F-Pace ¹
	Land Rover LR2
	Land Rover Range Rover Evoque
KIA.....	Niro ¹
MASERATI.....	Ghibli
	Levante (SUV)
	Quattroporte
MAZDA	2
	3
	5
	6
	CX-3
	CX-5
	CX-9
	Fiat 124 Spyder
	MX-5 Miata
MERCEDES-BENZ.....	smart USA fortwo
	smart Line Chassis
	SL-Line Chassis (SL-Class)
	(the models within this line are):
	SL400
	SL550
	SL 63/AMG
	SL 65/AMG
	SLK-Line Chassis (SLK-Class)
	(the models within this line are):
	SLK 250
	SLK 300
	SLK 350
	SLK 55 AMG
	S-Line Chassis (S/CL/S-Coupe Class)
	(the models within this line are):
	S450
	S500
	S550
	S600
	S55
	S63 AMG
	S65 AMG
	CL55
	CL65
	CL500
	CL550
	CL600

Manufacturer	Subject Lines
	NGCC Chassis Line (CLA/GLA/B- Class) (the models within this line are): B250e CLA250 CLA250 4MATIC CLA45 4MATIC AMG GLA250 GLA45 AMG C-Line Chassis (C-Class/CLK/GLK-Class) (the models within this line are): C63 AMG C240 C250 C300 C350 CLK 350 CLK 550 CLK 63AMG GLK250 GLK350 E-Line Chassis (E-Class/CLS Class) (the models within this line are): E55 E63 AMG E320 BLUETEC E350 BLUETEC E320/E320DT CDi E350/E500/E550 E400 HYBRID CLS400 CLS500 CLS55 AMG CLS63 AMG
MITSUBISHI	Eclipse Cross ¹ iMiEV Lancer Outlander Outlander Sport
NISSAN	Mirage Altima Cube Juke Leaf Maxima

Manufacturer	Subject Lines
	Murano NV200 Taxi Pathfinder Quest Rogue Kicks ¹ Sentra Infiniti G (2003-2013) Infiniti M (2004-2013) Infiniti Q70 Infiniti Q50/60 Infiniti QX60
PORSCHÉ	911
	Boxster/Cayman Macan Panamera
SUBARU	Forester Impreza Legacy B9 Tribeca Outback WRX XV Crosstrek/Crosstrek ⁴
SUZUKI	Kizashi
TESLA	Model 3 Model S Model X
TOYOTA.....	Camry Corolla Highlander Lexus ES Lexus GS Lexus LS Lexus NX ¹ Lexus RX Prius RAV4 Sienna
VOLKSWAGEN	Atlas ¹ Beetle Eos Jetta Passat Tiguan

Manufacturer	Subject Lines
	Audi A3 Audi A4 Audi A4Allroad MPV Audi A6 Audi A8 Audi Q3 Audi Q5 Audi TT Golf/Rabbit/GTI/R32
VOLVO.....	S60

¹ Granted an exemption from the parts marking requirements beginning with MY 2018.
² Jeep Wrangler (2007-2017) nameplate changed to Jeep Wrangler JK beginning with MY 2018
³ Hyundai discontinued use of its parts marking exemption for the Genesis vehicle line beginning with the 2010 model year.
⁴ Subaru XV Crosstrek nameplate changed to Crosstrek beginning with MY 2016.

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Heidi Renate King,
Deputy Administrator.

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