



National Highway Traffic Safety Administration

[Docket No. NHTSA-2026-1189]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Request for Comment; Information Collection Request: Criminal Penalty Safe Harbor Provision

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

ACTION: Notice and request for comments on a request for renewal of a previously approved information collection.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) summarized below will be submitted to the Office of Management and Budget (OMB) for review and approval. The ICR describes the nature of the information collection and its expected burden. This collection of information for which NHTSA intends to seek OMB approval concerns NHTSA's Criminal Penalty Safe Harbor Provision. It is a renewal of a previously approved information collection.

DATES: Comments must be submitted on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: You may submit comments identified by the Docket No. NHTSA-2026-1189 through any of the following methods:

- Electronic submissions: Go to the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- Fax: (202) 493-2251.
- Mail or Hand Delivery: Docket Management, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Suite W58-213, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. To be

sure someone is there to help you, please call (202) 366-9826 or (202) 366-9317 before coming.

Instructions: All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

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

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or the street address for DOT that is listed above. Follow the online instructions for accessing dockets via the Internet.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Daniel Rabinovitz, Office of the Chief Counsel, National Highway Traffic Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, SE, Washington, DC 20590, or via email at Daniel.Rabinovitz@dot.gov. Please identify the relevant collection of information by referring to its OMB Control Number (2127-0609).

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), a Federal agency must receive approval from OMB before it collects certain information from the public and a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. In compliance with these requirements, this notice announces that the following information collection request will be submitted to OMB.

Title: Criminal Penalty Safe Harbor Provision

OMB Control Number: 2127-0609

Form Number(s): N/A

Type of Request: Request for renewal of a previously approved information collection.

Type of Review Requested: Regular

Length of Approval Requested: 3 years from date of approval

Summary of the Collection of Information: The Transportation Recall Enhancement, Accountability, and Documentation (“TREAD”) Act (Pub. L. No. 106-414), codified at 49 U.S.C. § 30170, establishes criminal liability for intentionally misleading the Secretary of Transportation (the “Secretary”) regarding safety-related vehicle or motor vehicle equipment defects that result in death or serious injury. Section 30170 also contains a “safe harbor” provision that would shield a person from criminal penalties if they lacked knowledge that the violation would cause death or serious bodily injury and if they correct any improper or missing reports to the Secretary (NHTSA by delegation) within a reasonable time. To implement this requirement, NHTSA published a final rule defining a “reasonable time” and a sufficient manner of “correction” for safe harbor eligibility. 66 FR 38380 (July 24, 2001). The rule is codified at 49 CFR 578.7.

To seek this safe harbor, a respondent must submit a signed, dated document to NHTSA identifying: (1) each previous improper report, and each failure to report as required under 49 U.S.C. § 30166, including a regulation, requirement, request or order issued thereunder, for which protection is sought; and (2) the specific predicate under which the improper or omitted report should have been provided. Additionally, respondents must submit the complete and correct information and documents that were previously omitted or improperly submitted. If they cannot, they must provide a detailed description of that information and/or the content of those documents and the reason why the individual cannot provide them to NHTSA (e.g., the information or documents are not in the individual’s possession or control).

Description of the Need for the Information and Proposed Use of the Information:

This statutorily mandated collection also advances NHTSA's mission. It allows NHTSA to accept information from persons seeking "safe harbor." It further encourages the correction of violations and submission of corrections of any improper reports or failures to report, thereby increasing the likelihood of NHTSA receiving information about safety related defects.

NHTSA anticipates using the information collection to evaluate requests for protection from criminal prosecution and to aid in the identification of potential safety defects in motor vehicles and motor vehicle equipment.

Affected Public: Those affected are motor vehicle and motor vehicle equipment manufacturers, including officers or employees thereof, and other persons who respond to or have a duty to respond to an information collection pursuant to 49 U.S.C. § 30166 or a regulation, requirement, request, or order issued thereunder. The information collection applies to persons who seek "safe harbor" under § 30170.

Estimated Number of Respondents: One.

Frequency: As needed basis.

Number of Responses: One.

Estimated Total Annual Burden Hours: Two hours annually.

NHTSA estimates that one person per year will submit a report under this collection of information. NHTSA also estimates that a maximum of two hours would be needed to gather and provide the information. Thus, NHTSA estimates that two burden hours a year would be spent on this collection of information.

To calculate the labor cost associated with submitting the collection of information, NHTSA looked at wage estimates for the type of personnel involved with compiling and submitting the documents. NHTSA estimates the total labor costs associated with these burden hours by looking at the average wage for Management Occupations. The Bureau of Labor Statistics (BLS) estimates that the average hourly wage for Management Occupations (BLS Occupation code 11-0000) in the Management of Companies and Enterprises Industry

is \$79.82.¹ The Bureau of Labor Statistics estimates that private industry workers' wages represent 70.1% of total labor compensation costs.² Therefore, NHTSA estimates the hourly labor costs to be \$113.87 for BLS Occupation code 11-0000. NHTSA likewise estimates the total labor cost associated with the two burden hours to be \$227.74. Table 1 provides a summary of the estimated burden hours and labor costs associated with those submissions.

Table 1: Burden Estimates

Annual Responses	Estimated Burden Per Response	Average Hourly Labor Cost	Labor Cost Per Submission	Total Burden Hours	Total Labor Costs
1	2 hours	\$79.82	\$113.87	2	\$227.74

Estimated Total Annual Burden Cost: \$12.90.

Assuming the respondent uses the U.S. Postal Service, NHTSA estimates that each mailed response is estimated to cost \$12.90 (priority flat rate envelope from USPS). Accordingly, NHTSA estimates the total annual costs for this information collection to be \$12.90 (1 submission × \$12.90). If the respondent emails the report to NHTSA, the cost may be less than \$12.90.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of

¹ See Occupational Employment and Wage Statistics - Industry: Motor Vehicle Manufacturing (May 2024), available at <https://data.bls.gov/oes/industry/336100> (accessed May 5, 2026).

² See Table 1. Employer Costs for Employee Compensation by ownership (Dec. 2025), available at <https://www.bls.gov/news.release/ecec.t01.htm> (accessed May 5, 2026).

appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29A.

Peter Simshauser,
Chief Counsel.

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