e: 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA-2025-0038]

RIN 2127-AM89

Federal Motor Vehicle Safety Standard No. 214; Side Impact Protection; Federal Motor Vehicle Safety Standard No. 305a; Electric-Powered Vehicles: Electric Powertrain Integrity; Federal Motor Vehicle Safety Standard No. 307; Fuel System Integrity of Hydrogen Vehicles

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

ACTION: Final Rule.

SUMMARY: On May 30, 2025, NHTSA published a notice of proposed rulemaking (NPRM) proposing to remove obsolete requirements from Federal Motor Vehicle Safety Standard (FMVSS) No. 214, "Side Impact Protection." The agency received two comments that supported the changes to FMVSS No. 214. In addition, one of the commenters suggested amendments to remove additional obsolete regulatory text. NHTSA is adopting the proposed changes with amendments made in response to the comments. The final rule also amends FMVSS No. 305a, "Electric-Powered Vehicles: Electric Powertrain Integrity" and FMVSS No. 307, "Fuel System Integrity of Hydrogen Vehicles" to delete reference to sections of FMVSS No. 214 removed by this final rule.

DATES: *Effective date*: **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

Petitions for Reconsideration: If you wish to petition for reconsideration of this rule, your petition must be received by **[INSERT DATE 45 DAYS AFTER THE PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: You may submit comments identified by the Docket No. NHTSA-2025-0038 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 and Instructions for Submission of Confidential Information heading below.

Docket: For access to the docket to read background documents, go to http://www.regulations.gov, or the street address listed above. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: For technical issues, you may contact Cristina Echemendia (email: Cristina.Echemendia@dot.gov). For legal issues, you may contact John Piazza at John.Piazza@dot.gov. You can reach these officials by phone at 202-366-1810. Address: National Highway Traffic Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, S.E., West Building, Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: NHTSA published an NPRM[1] on May 30, 2025, that proposed revising sections of Federal Motor Vehicle Safety Standard (FMVSS) No. 214 and 49 CFR Part 571.5, Matter incorporated by reference. The agency proposed revising paragraphs S3, S5(b)(3), S7.1, S7.2(a), S7.2(b), S7.2.1, S7.2.2, S7.2.4, S9.1.1, S9.1.2, S9.1.3, S11.5(a), S12.1, and S13 of FMVSS No. 214 and amending paragraph (l)(23) of Part 571.5. The proposed revisions were intended to remove obsolete requirements from FMVSS No. 214. NHTSA received two comments in response to the NPRM: an anonymous comment in support of removal of obsolete requirements and comments from the Alliance for Automotive Innovation (Auto Innovators). Auto Innovators supported the proposal to amend FMVSS No. 214 because the text being removed is no longer applicable to vehicles being produced. Auto Innovators suggested that S8.3.2 of FMVSS No. 214 be removed because it pertains to a test device no longer used in compliance tests (the 50th Percentile Male SID Dummy defined in 49 CFR Part 572 Subpart F), and that S11.5(a) be removed because it relates to data processing requirements for that unused test device. Auto Innovators also noted a typographical error in the NPRM that incorrectly referred to § 571.214 as "571.14."

In this final rule, NHTSA is removing paragraph S11.5(a) from FMVSS No. 214 as suggested by Auto Innovators. This final rule is removing, reserving, or revising the other paragraphs of FMVSS No. 214 as proposed in the NPRM except for S7.2.2, S8.3.2 and S12.1. NHTSA is revising rather than removing S7.2.2, retaining S12.1 unedited, and making no changes to S8.3.2 because those sections are referenced in other FMVSSs. FMVSS No. 214 paragraphs S8.3.2 and S12.1 are referenced by FMVSS No. 201, "Occupant protection in interior impact" which is not being amended by this final rule. FMVSS No. 214 paragraph S7.2.2 is referenced by both FMVSS No. 305a, "Electric-powered vehicles: Electric powertrain integrity; mandatory applicability begins on September 1, 2027," and FMVSS No. 307, "Fuel system

[1] 90 FR 22995.

integrity of hydrogen vehicles." While these FMVSS are being amended by this final rule to remove references to S7.1.1 and S7.2.1, the reference to S7.2.2 remains. As a consequence of retaining S12.1, NHTSA is also not including any changes to incorporations by reference in this final rule because those are located in S12.1.

As proposed in the NPRM, the definition of "raised roof" is being revised. Currently, FMVSS No. 214 defines the term by referencing paragraph S4 of FMVSS No. 216, "Roof crush resistance; Applicable unless a vehicle is certified to § 571.216a." A separate deregulatory action will remove FMVSS No. 216 from the Code of Federal Regulations.[2] As a result, the definition of "raised roof" must be included in FMVSS No. 214.

This final rule also amends FMVSS No. 305a and FMVSS No. 307 to remove reference to sections of FMVSS No. 214 that are being removed by this final rule. Previously, 49 CFR 571.305a S9.3 and 49 CFR 571.307 S6.1.3 referred to, "positions required for testing by S7.1.1, S7.2.1, or S7.2.2 of Standard 214 (§ 571.214)". Because this final rule removes sections S7.1.1 and S7.2.1 of FMVSS No. 214, we are revising the respective sections of FMVSS No. 305a and FMVSS No. 307 to read, "positions required for testing by S7.2.2 of FMVSS No. 214 (§ 571.214)." This amendment makes no change in requirements because S7.1.1 and S7.2.1 are no longer valid. The same amendment is also being made to FMVSS No. 301 in a separate deregulatory action.[3]

NHTSA finds good cause pursuant to 5 U.S.C. 553(b)(B) to publish the amendments to FMVSS Nos. 305a and 307, which were not proposed in the May 30, 2025 NPRM, without prior notice and opportunity for public comment. NHTSA finds that prior notice and opportunity for public comment is unnecessary because the provisions being amended refer to obsolete requirements that are being deleted and do not result in changes to any existing requirements.

---

[2] 90 FR 22983 (May 30, 2025)

[3] 90 FR 22999 (May 30, 2025)

Deletion of obsolete regulatory text is nonsubstantive and unlikely to generate public interest or comment. NHTSA has made the deletions to keep its regulations current.

Authority: 49 U.S.C. §§ 322, 30111, 30115, 30117, 30166; delegation of authority at 49 CFR 1.95.

Regulatory Analyses

Executive Orders 12866 and 13563

This rule does not meet the criteria of a "significant regulatory action" under Executive Order 12866, as amended by Executive Orders 14215 and 13563. Therefore, the Office of Management and Budget (OMB) has not reviewed this rule under those orders. This regulation is an E.O. 14192 deregulatory action.

Promoting International Regulatory Cooperation

The policy statement in section 1 of Executive Order 13609 provides that the regulatory approaches taken by foreign governments may differ from those taken by the United States to address similar issues, and that in some cases the differences between them might not be necessary and might impair the ability of American businesses to export and compete internationally. It further recognizes that in meeting shared challenges involving health, safety, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation and can reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

In addition, section 24211 of the Infrastructure, Investment, and Jobs Act, Global Harmonization, provides that DOT "shall cooperate, to the maximum extent practicable, with foreign governments, nongovernmental stakeholder groups, the motor vehicle industry, and consumer groups with respect to global harmonization of vehicle regulations as a means for improving motor vehicle safety."[4]

[4]Pub. L. 117-58.

Because the changes adopted in this final rule are deleting obsolete regulatory text, they do not implicate any issues regarding international regulatory cooperation.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601-612) (as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996; 5 U.S.C. 601 et seq.), for any rulemaking where publication of a proposed rule is required by 5 U.S.C. 553 or any other law, agencies 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 government jurisdictions). No regulatory flexibility analysis is required, however, if the head of an agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. I have concluded and hereby certify that this rule, which removes obsolete regulatory text, will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not required.

Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 et. seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. NHTSA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. This rule does not meet the criteria in 5 U.S.C. 804(2) to be considered a major rule.

Unfunded Mandates Reform Act

This final rule does not contain Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local and Tribal governments, or the private sector of $206

million (the value equivalent of $100 million in 1995, adjusted for inflation to 2025) or more in any one year. Thus, the rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order 13175

Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. NHTSA has assessed the impact of this final rule on Indian tribes and determined that this rule would not have tribal implications that require consultation under Executive Order 13175.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid Office of Management and Budget (OMB) control number. This final rule is deregulatory and would only remove obsolete requirements; the rule will not impose any additional information collection requirements.

E-Government Act Compliance

NHTSA is committed to complying with the E-Government Act, 2002 to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes. The E-Government Act of 2002 (Pub. L. 107-347, sec. 208, 116 Stat. 2899, 2921, Dec. 17, 2002), requires Federal agencies to conduct a privacy impact assessment for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. No new or

substantially changed technology would collect, maintain, or disseminate information as a result of this final rule. Accordingly, NHTSA has not conducted a privacy impact assessment.

Executive Order 13132; Federalism Summary Impact Statement

NHTSA has examined this final rule pursuant to Executive Order 13132 (64 FR 43255; Aug. 10, 1999) and concluded that no additional consultation with States, local governments, or their representatives is mandated beyond the rulemaking process. The agency has concluded that the final rule does not have sufficient federalism implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. This final rule does not have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

NHTSA rules can have preemptive effect in two ways. First, the National Traffic and Motor Vehicle Safety Act contains an express preemption provision: When a motor vehicle safety standard is in effect under this chapter, a State or a political subdivision of a State may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle or motor vehicle equipment only if the standard is identical to the standard prescribed under this chapter. 49 U.S.C. 30103(b)(1). It is this statutory command by Congress that preempts any non-identical State legislative and administrative law address the same aspect of performance.

The express preemption provision described above is subject to a savings clause under which "[c]compliance with a motor vehicle safety standard prescribed under this chapter does not exempt a person from liability at common law." 49 U.S.C. 30103(e). Pursuant to this provision, State common law tort causes of action against motor vehicle manufacturers that might otherwise be preempted by the express preemption provision are generally preserved. However, the Supreme Court has recognized the possibility, in some instances, of implied

preemption of State common law tort causes of action by virtue of NHTSA's rules—even if not expressly preempted.

This second way that NHTSA rules can preempt is dependent upon the existence of an actual conflict between an FMVSS and the higher standard that would effectively be imposed on motor vehicle manufacturers if someone obtained a State common law tort judgment against the manufacturer—notwithstanding the manufacturer's compliance with the NHTSA standard. Because most NHTSA standards established by an FMVSS are minimum standards, a State common law tort cause of action that seeks to impose a higher standard on motor vehicle manufacturers will generally not be preempted. However, if and when such a conflict does exist - for example, when the standard at issue is both a minimum and a maximum standard - the State common law tort cause of action is impliedly preempted. See Geier v. American Honda Motor Co., 529 U.S. 861 (2000).

Pursuant to Executive Order 13132, NHTSA has considered whether this final rule could or should preempt State common law causes of action. The agency's ability to announce its conclusion regarding the preemptive effect of one of its rules reduces the likelihood that preemption will be an issue in any subsequent tort litigation.

To this end, the agency has examined the nature (e.g., the language and structure of the regulatory text) and objectives of this final rule and does not foresee any potential State requirements that might conflict with it. NHTSA does not intend that this final rule preempt state tort law that would effectively impose a higher standard on motor vehicle manufacturers than that established by this final rule. Establishment of a higher standard by means of State tort law would not conflict with the standards in this final rule. Without any conflict, there could not be any implied preemption of a State common law tort cause of action.

National Environmental Policy Act

The Department has analyzed the environmental impacts of this final rule pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.). NHTSA has

determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4). Categorical exclusions are categories of actions that the agency has determined normally do not significantly affect the quality of the human environment and therefore do not require either an environmental assessment (EA) or environmental impact statement (EIS). In analyzing the applicability of a categorical exclusion, the agency must also consider whether extraordinary circumstances are present that would warrant the preparation of an EA or EIS. The Department's Operating Administrations (OAs) may apply CEs established in another OA's procedures. To do so, the Operating Administration "must evaluate the action for extraordinary circumstances identified in the OA procedures in which the CE is established to determine if a normally excluded action may have a significant impact and coordinate with the originating OA to ensure that the CE is being applied correctly." This rulemaking, which removes unnecessary regulatory text from FMVSS Nos. 214, 305a, and 307, is categorically excluded pursuant to 23 CFR 771.118(c)(4): "Planning and administrative activities not involving or leading directly to construction, such as: Training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand." NHTSA has coordinated with the Federal Transit Administration (FTA) FTA to ensure that this CE is being applied correctly. NHTSA does not anticipate any environmental impacts, and there are no extraordinary circumstances present in connection with this rulemaking.

Executive Order 12988 (Civil Justice Reform)

With respect to the review of the promulgation of a new regulation, section 3(b)(2) of Executive Order 12988, "Civil Justice Reform" (61 FR 4729, February 7, 1996) requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect; (2) clearly specifies the effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct, while promoting

simplification and burden reduction; (4) clearly specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

NHTSA has reviewed this rulemaking action and determined that it conforms to the applicable standards in section 3(b)(2) of EO 12988, Civil Justice Reform. The issue of preemption is discussed above in connection with E.O. 13132 (Federalism). NHTSA believes that this final rule specifies clearly the removal of the obsolete requirements of FMVSS Nos. 214, 305a, and 307; changes made to FMVSS No. 205; defines any necessary key terms; and provides a clear legal standard for manufacturers to follow. The amendments do not take effect retroactively. NHTSA notes further that there is no requirement that an individual submit a petition for reconsideration or pursue other administrative proceedings before they may file suit in court.

National Technology Transfer and Advancement Act

Under the National Technology Transfer and Advancement Act of 1995 (NTTAA) (Public Law 104-113), "all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments." 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 SAE (formerly, the Society of Automotive Engineers). The NTTAA directs this agency to provide Congress, through OMB, explanations when the agency decides not to use available and applicable voluntary consensus standards. Because the changes in this final rule are deleting obsolete regulatory text, they do not implicate any issues regarding consensus standards.

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.

Privacy Act and Instructions for Submission of Confidential Information

NHTSA will place any petitions for reconsideration received into the docket. Anyone can search the electronic form of all documents 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, or other organization). For information on DOT's compliance with the Privacy Act, see https://www.transportation.gov/privacy.

You should submit a redacted "public version" of your petition (including redacted versions of any additional documents or attachments) using any of the methods identified under ADDRESSES. This "public version" should contain only the portions for which no claim of confidential treatment is made and from which those portions for which confidential treatment is claimed has been redacted. See below for further instructions on how to do this.

If you submit confidential information, you also need to submit a request for confidential treatment directly to the Office of Chief Counsel. Requests for confidential treatment are governed by 49 CFR Part 512. Your request must set forth the information specified in Part 512. This includes the materials for which confidentiality is being requested (as explained in more detail below); supporting information, pursuant to Part 512.8; and a certificate, pursuant to Part 512.4(b) and Part 512, Appendix A.

You are required to submit to the Office of Chief Counsel one unredacted "confidential version" of the information for which you are seeking confidential treatment. Pursuant to Part 512.6, the words "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" or "CONFIDENTIAL BUSINESS INFORMATION CONTAINED WITHIN BRACKETS" (as

applicable) must appear at the top of each page containing information claimed to be confidential. In the latter situation, where not all information on the page is claimed to be confidential, identify each item of information for which confidentiality is requested within brackets: "[ ]." You are also required to submit to the Office of Chief Counsel one redacted "public version" of the information for which you are seeking confidential treatment. Pursuant to Part 512.5(a)(2), the redacted "public version" should include redactions of any information for which you are seeking confidential treatment (i.e., the only information that should be unredacted is information for which you are not seeking confidential treatment). NHTSA is currently treating electronic submission as an acceptable method for submitting confidential business information to the agency under Part 512. Please do not send a hardcopy of a request for confidential treatment to NHTSA's headquarters. The request should be sent to Dan Rabinovitz in the Office of the Chief Counsel at Daniel.Rabinovitz@dot.gov. You may either submit your request via email or request a secure file transfer link. If you are submitting the request via email, please also email a courtesy copy of the request to John Piazza at John.Piazza@dot.gov.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles

In consideration of the foregoing, NHTSA amends 49 CFR Part 571 as follows:

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 1.95.

2. Amend § 571.214 as follows:

a. Revise definition of "raised roof" in S3;

b. Revise paragraph S5(b)(3);

c. Remove and reserve paragraph S7.1;

d. Remove paragraphs S7.1.1 and S7.1.2;

e. Remove and reserve paragraph S7.2.1;

f. Revise paragraph S7.2.2;

g. Remove and reserve paragraphs S7.2.4 and S9.1.1;

h. Revise paragraph S9.1.2;

i. Remove paragraph S9.1.3;

j. Remove and reserve paragraph S11.5(a); and

k. Remove paragraph S13.

The revisions read as follows:

§ 571.214; Standard No. 214; Side impact protection.

* * * * *

S3. *Definitions*

* * * * *

Raised roof means, with respect to a roof which includes an area that protrudes above the surrounding exterior roof structure, that protruding area of the roof.

* * * * *

S5 * * *

(b) * * *

(3) Passenger cars, multipurpose passenger vehicles, trucks and buses need not meet the requirements of S7 (moving deformable barrier test) as applied to the rear seat for side-facing rear seats and for rear seating areas that are so small that a Part 572 Subpart V dummy representing a 5th percentile adult female cannot be accommodated according to the positioning procedure specified in S12.3.4 of this standard.

* * * * *

S7.2.2 Each vehicle must meet the requirements of S7.2.5 and S7.2.6, when tested with the test dummy specified in those sections. Place the Subpart U ES-2re 50th percentile male dummy in the front seat and the Subpart V SID-IIs 5th percentile female test dummy in the rear

seat. The test dummies are placed and positioned in the front and rear outboard seating positions on the struck side of the vehicle, as specified in S11 and S12 of this standard (49 CFR 571.214).

* * * * *

S9.1.2 Each vehicle must meet the requirements of S9.2.1, S9.2.2 and S9.2.3, when tested under the conditions specified in S10 into a fixed, rigid pole of 254 mm (10 inches) in diameter, at any speed up to and including 32 km/h (20 mph).

* * * * *

3. Amend § 571.305a by revising paragraph S9.3 to read as follows:

§ 571.305a; Standard No. 305a; electric-powered vehicles: Electric powertrain integrity; mandatory applicability begins on September 1, 2027.

* * * * *

S9.3 *Side moving deformable barrier impact*. The test vehicle, with the appropriate 49 CFR part 572 test dummies specified in FMVSS No. 214 (§ 571.214) at positions required for testing by S7.2.2 of FMVSS No. 214, is impacted laterally on either side by a moving deformable barrier moving at any speed between 52.0 km/h and 54.0 km/h.

* * * * *

4. Amend § 571.307 by revising paragraph S6.1.3 to read as follows:

§ 571.307; Standard No. 307; Fuel system integrity of hydrogen vehicles.

* * * * *

S6.1.3. *Side moving deformable barrier impact*. The test vehicle, with the appropriate 49 CFR part 572 test dummies specified in FMVSS No. 214 (§ 571.214) at positions required for testing by S7.2.2 of FMVSS No. 214, is impacted laterally on either side by a moving deformable barrier moving at any speed between 52.0 km/h and 54.0 km/h.

* * * * *

Issued under authority delegated in 49 CFR 1.95 and 501.7.

Jonathan Morrison,

Administrator.

[FR Doc. 2026-11072 Filed: 6/2/2026 8:45 am; Publication Date: 6/3/2026]