4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2021-0015; Notice 2]

Toyota Motor North America, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

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

ACTION: Grant of petition.

SUMMARY: Toyota Motor North America, Inc. (TMNA) on behalf of Toyota Motor Corporation (TMC) (collectively referred to as "Toyota"), has determined that certain model year (MY) 2020–2021 Toyota C-HR motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 110, *Tire Selection and Rims and Motor Home/ Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 Kilograms (10,000 pounds) or Less*. Toyota filed a noncompliance report dated February 3, 2021, and subsequently petitioned NHTSA on February 26, 2021, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This notice announces the grant of Toyota's petition.

FOR FURTHER INFORMATION CONTACT: Kamna Ralhan, Office of Vehicle Safety Compliance, NHTSA, (202) 366-6443.

SUPPLEMENTARY INFORMATION:

I. Overview:

Toyota has determined that certain MY 2020–2021 Toyota C-HR motor vehicles do not fully comply with the requirements of paragraph S4.3(d) of FMVSS No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 Kilograms (10,000 pounds) or Less* (49 CFR 571.110). Toyota filed a noncompliance report dated February 3, 2021, pursuant to 49 CFR part 573,

Defect and Noncompliance Responsibility and Reports. Toyota subsequently petitioned NHTSA on February 26, 2021, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance*.

Notice of receipt of Toyota's petition was published with a 30-day public comment period, on April 23, 2021, in the **Federal Register** (86 FR 21782). No comments were received. To view the petition and all supporting documents, log onto the Federal Docket Management System (FDMS) website at https://www.regulations.gov/. Then follow the online search instructions to locate docket number "NHTSA-2021-0015."

II. Vehicles Involved:

Approximately 3,981 MY 2020–2021 Toyota C-HR motor vehicles, manufactured between September 16, 2019, and November 30, 2020, were reported by the manufacturer.

III. Noncompliance:

Toyota explains that the noncompliance is that the subject vehicles are equipped with tire information pressure labels that incorrectly state the tire size information for the front and rear tires and, therefore, do not fully meet the requirements specified in paragraph S4.3(d) of FMVSS No. 110. Specifically, the subject vehicles were originally equipped with 17-inch wheels, however, the tire information pressure labels indicate that the vehicles were originally equipped with 18-inch tires.

IV. Rule Requirements:

Paragraph S4.3(d) of FMVSS No. 110 includes the requirements relevant to this petition. Each vehicle, except for a trailer or incomplete vehicle, shall show the information specified in S4.3 (a) through (g), and may show, at the manufacturer's option, the information specified in S4.3 (h) and (i) on a placard permanently affixed to the driver's side B-pillar. Specifically, tire

size designation, indicated by the headings "size" or "original tire size" or original size" must be shown.

V. Summary of Toyota's Petition:

The following views and arguments presented in this section, "V. Summary of Toyota's Petition," are the views and arguments provided by Toyota. They do not reflect the views of the Agency.

Toyota describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety. According to Toyota, it believes the intent of FMVSS No. 110 is to ensure that vehicles are equipped with tires appropriate to handle maximum vehicle loads and prevent overloading. Toyota notes that the purpose and scope section of FMVSS No. 110 indicates that the requirements for tire selection are to prevent tire overloading.

Toyota says that the subject vehicles are equipped with the correct tire/wheel combination and meet all other applicable FMVSS requirements. Toyota also says that all other information listed on the vehicle placard is correct, including the spare tire size, the cold tire inflation pressure, and the maximum combined weight of occupants and cargo.

Toyota explains that the tires installed on the subject vehicles "were designed for the subject vehicle and are appropriate for the maximum vehicle loads." Toyota says that only the front and rear tire size information listed on the vehicle placard is incorrect, as they correspond to the tire size used on other C-HR model vehicles.

Toyota argues that because the tires installed on the vehicle are the appropriate tires for the vehicle performance and maximum loading requirements, there is no risk to motor vehicle safety.

Toyota believes that if the vehicle owner was to replace the tires on the subject vehicle, the owner would "notice that the tire size specified on the placard does not match the tires installed on the vehicle." Toyota adds that the "18-inch wheels are visually different because they

are alloy wheels as opposed to the 17-inch wheels, which are steel." According to Toyota, the owner of the subject vehicle can find the correct tire size information on the sidewall of each tire or in the owner's manual.

Toyota says that the 18-inch replacement tire size incorrectly indicated on the placard cannot be mounted on the 17-inch wheels originally installed on the subject vehicle. To replace the tires, the vehicle owner would refer to other sources to find the correct tire size information, such as the tire sidewalls, the owner's manual, and the marking on the wheels. Alternatively, to replace the tires according to the incorrect size listed on the placard, the vehicle owner would also need to replace the original wheels with 18-inch wheels.

If the vehicle owner decided to replace both the original tires and wheels with ones corresponding to the incorrect vehicle placard, the replacement tires and wheels would be the same size as what is originally equipped on other C-HR model vehicles and would be appropriate for the vehicle maximum loads.

Toyota argues that NHTSA has granted similar petitions for FMVSS No. 110 requirements in the past and gives the following examples:

1. Volkswagen Group of America, Inc., (81 FR 88728, December 8, 2016).

   Toyota says that Volkswagen's petition involved a noncompliance with paragraph S4.3(d) where the tire placard stated an incorrect tire size that did not match the tires originally installed on the affected vehicles. Toyota says that NHTSA confirmed that the tire sizes indicated on the placard "would still have a load capacity sufficient to support the listed weight limitation of occupants and cargo that is printed on the placard." When inflated to the placard's recommended cold inflation pressure, both the original tires installed on the vehicle and the incorrect tire size listed on the placard are appropriate to handle the vehicle maximum loads. For these reasons, Toyota says NHTSA found that incorrect tire size

indicated by the placard should not cause any unsafe conditions. Toyota believes this reasoning can also be applied to the subject noncompliance.

2. BMW of North America, LLC., (84 FR 26505, June 6, 2019).

   Toyota explains that the noncompliance at issue in BMW's petition was that the tire information placards on the affected vehicles listed cold tire inflation pressure and tire size designation for the 18-inch tires instead of the 17-inch tires as intended and therefore did not comply with paragraphs S4.3(c) and 4.3(d) of FMVSS No. 110. Toyota says NHTSA decided to grant BMW's petition because the Agency agreed that if an owner of the affected vehicle "installed 18-inch tires on the vehicle, those tires, at the listed cold inflation pressure, would also be appropriate for the vehicle's front and rear GAWRs." Further, Toyota says NHTSA determined that if the vehicle owner inflated the tires to the incorrect inflation pressure listed on the placard, "the result would be an increase to 240 kPa/35 psi for the rear tires and a net increase in load capacity for the vehicle overall." If 18-inch tires were installed on the vehicles, "those tires at the listed cold inflation pressure would also be appropriate for the vehicle's front and rear GAWRs." Toyota says NHTSA agreed that the noncompliance was inconsequential and there would be no risk that the tires would be underinflated or overinflated because of the noncompliance. Additionally, the correct tire size and corresponding recommend cold tire inflation pressure can be found on the tire sidewall and in the owner's manual. Similarly, Toyota states that when inflated to the cold inflation pressure indicated by the placard, the incorrectly sized tires installed on the subject vehicles are appropriate to handle the vehicle maximum loads and the tire size information is available in places other than the placard, such as the sidewall and the owner's manual. However, unlike the

noncompliance at issue in BMW's petition, the placard on the subject vehicles contains the correct cold tire inflation pressure.

3. Daimler Chrysler Corporation (73 FR 11462, March 3, 2008); Mercedes-Benz USA, LLC (MBUSA), (78 FR. 43967, July 22, 2013); Mercedes-Benz USA, LLC (82 FR 5640, January 18, 2017); General Motors, LLC, (84 FR 25117, May 30, 2019).

   Toyota says that NHTSA has also granted at least four similar petitions for inconsequential noncompliance for the incorrect spare tire size indicated on the placard, such as those listed above. Toyota says NHTSA found those noncompliances to be inconsequential to motor vehicle safety for reasons that included the following: (1) Both the spare tire size indicated on the placard and the spare tire size installed on the vehicles meet the FMVSS No. 110 loading requirements when inflated to the pressure indicated on the placard; and (2) other than the vehicle placard error, the vehicles comply with all other safety performance requirements of FMVSS No. 110. Toyota believes that these reasons also apply to the tires installed on the subject vehicles.

VI. NHTSA's Analysis:

The burden of establishing the inconsequentiality of a failure to comply with a performance requirement in an FMVSS is substantial and difficult to meet. Accordingly, the Agency has not found many such noncompliances inconsequential.[1]

In determining the inconsequentiality of a noncompliance, NHTSA focuses on the safety risk to individuals who experience the type of event against which a recall would otherwise protect.[2] In general, NHTSA does not consider the absence of complaints or injuries when

---

[1] *Cf. Gen. Motors Corporation; Ruling on Petition for Determination of Inconsequential Noncompliance*, 69 FR 19897, 19899 (Apr. 14, 2004) (citing prior cases where noncompliance was expected to be imperceptible, or nearly so, to vehicle occupants or approaching drivers).

[2] *See Gen. Motors, LLC; Grant of Petition for Decision of Inconsequential Noncompliance*, 78 FR 35355 (June 12, 2013) (finding noncompliance had no effect on occupant safety because it had no effect on the proper operation of the occupant classification system and the correct deployment of an air bag); *Osram Sylvania Prods. Inc.; Grant of*

determining if a noncompliance is inconsequential to safety. The absence of complaints does not mean vehicle occupants have not experienced a safety issue, nor does it mean that there will not be safety issues in the future.[3] Further, because each inconsequential noncompliance petition must be evaluated on its own facts and determinations are highly fact-dependent, NHTSA does not consider prior determinations as binding precedent. Petitioners are reminded that they have the burden of persuading NHTSA that the noncompliance is inconsequential to safety.

The purpose of the placard requirements in paragraph 4.3(d) of FMVSS No. 110 is to identify the tire size designation for the tires installed at the time of the first purchase for purposes other than resale.

As described by Toyota, an internal audit found that the part number for the tire information placard for C-HRs equipped with 225/50R18 tires had been incorrectly specified in the parts list for certain C-HRs equipped with 215/60R17 tires and steel wheels.

The tire/wheel combination installed on the subject vehicles was designed for this vehicle and accordingly, meets all other applicable FMVSS. In addition, the cold tire inflation pressure specified on the placard is correct and is the recommended pressure for the tires installed on the vehicle.

In the event an owner or service technician followed the erroneous tire size information on the noncompliant label it would soon become obvious that an 18-inch tire will not fit on a 17-inch rim. Given that accurate tire fitment information would be available from other sources, so the proper 17-inch tire could be fitted, the printing error found here does not pose a safety risk. Moreover, the misprint is not indicative of the respective load capacity of the two tire sizes at issue as the load rating of 17-inch tire at 230 kPa is 20 kg more than 18-inch tires. Therefore,

---

Petition for Decision of Inconsequential Noncompliance, 78 FR 46000 (July 30, 2013) (finding occupant using noncompliant light source would not be exposed to significantly greater risk than occupant using similar compliant light source).

[3] *See Morgan 3 Wheeler Limited; Denial of Petition for Decision of Inconsequential Noncompliance*, 81 FR 21663, 21666 (Apr. 12, 2016); *see also United States v. Gen. Motors Corp.*, 565 F.2d 754, 759 (D.C. Cir. 1977) (finding defect poses an unreasonable risk when it "results in hazards as potentially dangerous as sudden engine fire, and where there is no dispute that at least some such hazards, in this case fires, can definitely be expected to occur in the future").

vehicle equipped with 17-inch tire doesn't pose any safety risk to the driver or passenger of the vehicle.

Alternatively, in the unlikely event a consumer chose to purchase four 18-inch rims to accommodate the misprinted tire size, the result would be a tire/wheel size combination that is appropriate for the vehicle maximum loads. The replacement tire/wheel combination would be the same 18" size that was originally equipped on other C-HR manufactured vehicles.

VII. NHTSA's Decision: In consideration of the foregoing, NHTSA has decided that Toyota has met its burden of persuasion that the incorrect tire size designation on the vehicle's Tire and Information placard, as required by paragraph S4.3(d) of FMVSS No. 110, is inconsequential to motor vehicle safety. Accordingly, Toyota's application is granted, and it is exempted from providing the notification of noncompliance that is required by 49 U.S.C. 30118, and from remedying the noncompliance, as required by 49 U.S.C. 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision applies to the subject vehicles that Toyota no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Toyota notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2026-16540 Filed: 8/12/2026 8:45 am; Publication Date: 8/13/2026]