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FILED ELECTRONICALLY

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Nicole Nason,
Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE
Washington, DC 20590

**Re: Petition for Reconsideration of Part 565 VIN Final Rule, 73 FR 23367; April 30, 2008;
Docket NHTSA-2008-0022**

Dear Ms Nason:

This is a petition for reconsideration under 49 CFR 553.35 regarding the April 30, 2008 final rule amending 49 CFR Part 565 regarding Vehicle Identification Numbers (VIN). Vehicle Services Consulting, Inc. (VSCI) assists numerous small volume vehicle manufacturers with US certification-related matters.

BACKGROUND

In the final rule at issue here, NHTSA stated as follows:

§ 565.2 Application.

(a) Subpart B of this part 565 [new regs] applies to passenger cars ... manufactured on or after October 27, 2008 whose VINs have a letter "A" or "B" in the 10th position [e.g. MY 10 or 11], and to passenger cars, ... manufactured on or after April 30, 2009. ...

(b) Subpart C of this part 565 [old regs] sets forth alternative VIN requirements for certain vehicles manufactured on or after April 30, 2008 and before April 30, 2009. For those vehicles, a manufacturer may, at its option, comply with the requirements of Subpart C instead of the requirements of Subpart B of this part, provided that the vehicle identification number (VIN) does not have a letter "A" or "B" in the 10th position of the VIN. [e.g. provided that the 10th position is numeric]

[OLD Regs] § 565.25 Content requirements.

(b) The second section shall consist of five characters, which occupy positions four through eight (4-8) in the VIN. This section shall uniquely identify the attributes of the vehicle as specified in Table VIII. For passenger cars, ..., the first and second characters [positions 4 and 5] shall be alphabetic and the third and fourth characters [positions 6 and 7] shall be numeric. The fifth character may be either alphabetic or numeric.

[Thus, manufacturers can have a numeric character in Position 7 only until April 30, 2009.]

[New regs] § 565.15 Content requirements.

(b) The second section shall consist of five characters, which occupy positions four through eight (4-8) in the VIN. This section shall uniquely identify the attributes of the vehicle as specified in Table I. For passenger cars, ..., the fourth character (position 7) of this section shall be alphabetic.

[Thus, starting in April 30, 2009, all VINs *must* have an alphabetic character in Position 7.]

In addition, the Note to Table VII to 49 CFR 565.15 states as follows:

“For passenger cars, and for multipurpose passenger vehicles and trucks with a gross vehicle weight rating of 4536 kg (10,000 lb) or less, if Position 7 is numeric, the Model Year in Position 10 of the VIN refers to a year in the range 1980- 2009. If Position 7 is alphabetic, the Model Year in Position 10 of the VIN refers to a year in the range 2010-2039.

The sum total of the above is that:

1. Starting April 30, 2009, Position 7 of the VIN MUST BE alphabetic.
2. Per the Note to Table VII in 49 CFR 565.15, if Position 7 is alphabetic, then the VIN MUST REFER to a MY 2010+ vehicle.
3. Points 1 and 2 above taken together force manufacturers to start their MY 2010 no later than with April 30, 2009 production.
4. Even if the Note to Table VII were deleted, then for MY 2009 production after April 30, 2009, manufacturers would have to change their VIN system so that Position 7 was alphabetic rather than numeric.

RECONSIDERATION REQUESTED:

We believe that NHTSA did not intend to force manufacturers to start their MY 2010 no later than April 30, 2009. Indeed, manufacturers may continue MY 2009 production until December 31, 2009, and routinely the change-over of model years occurs at various times during the

permitted window depending on technical and commercial considerations. **In order to allow manufacturers the flexibility to decide when to change from MY 2009 production to MY 2010 production (of course assuming this will be no later than Dec. 31, 2009), we request that Part 565 be amended to read as follows (deletions in gray strikethrough, additions in bold underline):**

§ 565.2 Application.

(a) Subpart B of this part 565 applies to passenger cars, multipurpose passenger vehicles, trucks, buses, trailers (including trailer kits), incomplete vehicles, low speed vehicles, and motorcycles manufactured on or after October 27, 2008 whose VINs **are assigned as 2010 Model Year or later** have a letter “A” or “B” in **based on the character appearing** in the 10th Position, and to ~~passenger cars, multipurpose passenger vehicles, trucks, buses, trailers (including trailer kits), incomplete vehicles, low speed vehicles, and motorcycles manufactured on or after April 30, 2009.~~ Vehicles imported into the United States under 49 CFR 591.14(f), other than by the corporation responsible for the assembly of that vehicle or a subsidiary of such a corporation, are excluded from requirements of § 565.13(b), § 565.13(c), § 565.13(g), § 565.13(h), § 565.14 and § 565.15.

(b) Subpart C of this part 565 sets forth ~~alternative~~ VIN requirements for ~~certain vehicles~~ **passenger cars, multipurpose passenger vehicles, trucks, buses, trailers (including trailer kits), incomplete vehicles, and motorcycles** manufactured on or after April 30, 2008 **that are assigned as 2009 Model Year or earlier based on the character appearing in the 10th Position** and ~~before April 30, 2009.~~ ~~For those vehicles, a manufacturer may, at its option, comply with the requirements of Subpart C instead of the requirements of Subpart B of this part, provided that the vehicle identification number (VIN) does not have a letter “A” or “B” in the 10th position of the VIN.~~

§ 565.11 Applicability.

See Subpart A of this part ~~572~~ **565** regarding the general applicability of this subpart. This ~~part~~ **Subpart B** applies to passenger cars, multipurpose passenger vehicles, trucks, buses, trailers (including trailer kits), incomplete vehicles, low speed vehicles, and motorcycles manufactured on or after October 27, 2008 whose VINs **are assigned as 2010 Model Year or later based on the character appearing in the 10th Position** have a letter “A” or “B” in the 10th position, and to ~~passenger cars, multipurpose passenger vehicles, trucks, buses, trailers (including trailer kits), incomplete vehicles, low speed vehicles, and motorcycles manufactured on or after April 30 2009.~~ Vehicles imported into the United States under 49 CFR 591.14(f), other than by the corporation responsible for the assembly of that vehicle or a subsidiary of such a corporation, are excluded from requirements of § 565.13(b), § 565.13(c), § 565.13(g), § 565.13(h), § 565.14 and § 565.15.

Subpart C--~~Alternative~~ VIN Requirements In Effect for Limited Period

§ 565.21 Applicability.

See Subpart A of this part ~~572~~ **565** regarding the applicability of this subpart. This part applies to passenger cars, multipurpose passenger vehicles, trucks, buses, trailers (including trailer kits), incomplete vehicles, and motorcycles **manufactured on or after April 30, 2008 that are assigned as 2009 Model Year or earlier based on the character appearing in the 10th Position**. Vehicles imported into the United States under 49 CFR 591.24(f), other than by the corporation responsible for the assembly of that vehicle or a subsidiary of such a corporation, are excluded from requirements of § 565.23(b), § 565.23(c), § 565.23(g), § 565.23(h), § 565.24 and § 565.25.

Thank you.

Sincerely,

Lance Tunick

Lance Tunick