



NATIONAL AUTOMOBILE DEALERS ASSOCIATION  
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Legal & Regulatory Group

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DOT Docket Management Facility (M-30)  
US Department of Transportation  
West Building, Ground Floor, Room W12-140  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Re: Tire Registration and Recordkeeping; 49  
CFR Part 574; Doc. No. NHTSA-2008-0014

Ladies and Gentlemen:

The National Automobile Dealers Association (NADA) represents 20,000 franchised automobile and truck dealers who sell new and used motor vehicles and engage in service, repair and parts sales. Together they employ in excess of 1,300,000 people nationwide, yet a significant number are small businesses as defined by the SBA.

Earlier this year, NHTSA requested comment on a proposal to revise its tire registration and recordkeeping rules. 73 Fed. Reg. 4157, *et seq.* (January 24, 2008). To the extent automobile and truck dealers act as “independent tire dealers” (ITDs) when selling (i) new, non-original tires on new vehicles, (ii) new tires on used vehicles, and/or (iii) new tires to service customers, they have an interest in NHTSA’s proposal. 49 CFR §§574.8 and 574.9. Thus, NADA offers the following comments and suggestions.

In general, the proposal is a good one. It will appropriately update NHTSA’s tire registration and recordkeeping rules to reflect modern communication methodologies. Specifically, it will facilitate voluntary electronic registration by ITDs on behalf of tire purchasers and by tire purchasers themselves. In doing so, it will increase the effectiveness of potential tire recalls while avoiding significant new regulatory burdens.

The proposal allows ITD-sold tires to be registered in one of four ways:

1. An ITD partially fills out a paper form with tire I.D., ITD name, and address and gives it to the tire purchaser to complete and mail in to the tire manufacturer (or designate). This option exists now. Section 574.8(a)(1)(i).
2. An ITD partially fills out a paper form and gives it to the tire purchaser to register electronically with the tire manufacturer (or designate). Section 574.8(a)(1)(i).
3. An ITD completely fills out the paper form and sends it to the tire manufacturer (or designate) on behalf of the purchaser. Section 574.8(a)(1)(ii).

4. An ITD registers electronically with the tire manufacturer (or designate) on behalf of the purchaser. It requires a tire manufacturer's authorization. Section 574.8(a)(1)(iii).

These four options provide considerable flexibility without imposing significant burdens. A few modifications would enhance their usability and potential effectiveness:

1. Tire manufacturers should be allowed to voluntarily list on their forms as many electronic filing methods as they choose (e.g., website, phone, fax, etc.). This appears to be provided for by proposed Section 574.7(e), but not by Section 574.7(a)(2)(iii)(B)(4), which should be revised commensurately. Section 574.8(a)(1)(iii) should be revised to indicate that ITDs may voluntarily register by any electronic manner listed on the form or by such other means as may be authorized by a tire manufacturer.

2. NADA suggests that many ITDs will not register on behalf of purchasers without their prior understanding and/or acknowledgement, especially since obtaining a purchaser's name and address is not essential to a tire sale. See 73 Fed. Reg. at 4163. While NHTSA need not *mandate* that ITDs inform purchasers or get their permission before voluntarily registering on their behalf, nothing in the final rule should prevent ITDs from doing so.

3. To more appropriately distinguish between the different registration options, NHTSA should redraft Section 574.8(a)(1) to read:

Independent distributor and each independent dealer selling or leasing new tires to tire purchasers or lessors (hereinafter referred to as "tire purchasers") shall comply with paragraph (a)(1)(i) of this section. In the alternative, independent distributors and independent dealers may elect to voluntarily comply with paragraphs (a)(1)(ii) or (a)(2)(iii) of this section.

NHTSA has appropriately revised upward its total estimate of the number of regulated independent tire dealers and distributors. NADA suggests that approximately forty percent of the 22,000 dealerships nationwide fall within SBA's current small business definition of 26.5 million in annual gross receipts. 73 Fed. Reg. at 4166.

On behalf of NADA, I thank NHTSA for the opportunity to comment on this matter.

Sincerely,



Douglas I. Greenhaus  
Director, Environment, Health and Safety