

in this standard” during that two-year period.² The reference in S14.3(a) to “requirements specified in this standard” was intended to refer to only the requirement to install the lower anchorages, and not to both that requirement and the requirement to install tether anchorages. However, RVIA interpreted S14.3 to exclude vehicles produced by final-stage manufacturers and alterers between September 1, 2000 and September 1, 2002 from both the lower anchorage and the tether anchorage requirements.

RVIA Petition

RVIA notified us in August 2000 that it had informed its members (conversion vehicle manufacturers and alterers who modify vans, pickup trucks and sport utility vehicles)³ that their vehicles were excluded from both tether anchorage and lower anchorage requirements until September 1, 2002, and had only learned in August 2000 that this advice was erroneous. RVIA further stated that conversion vehicle manufacturers would not be able to meet the September 1, 2000, compliance date for installation of tether anchorages, having relied on that advice. RVIA requested that NHTSA stay the compliance date for tether anchorages for 8 months, until May 1, 2001, for multistage manufacturers and alterers of conversion vehicles. RVIA stated that 8 months was needed to design, test, and manufacture tether anchorages that would satisfy the standard’s tether anchorage requirements.

Agency Decision on RVIA Petition

We decided to allow multistage manufacturers and alterers until May 1, 2001, to install tether anchorages in their vehicles. We promptly notified RVIA of that decision and placed that notification in the public docket.⁴ The phrase “[requirements specified] in this standard” in S14.3 lent itself to misinterpretation, when read apart from the context of S14, and contributed to RVIA’s erroneous advice. Instead of penalizing the affected manufacturers which acted in accordance with RVIA’s

advice, we decided to postpone the effective date of the tether anchorage requirement to provide the affected manufacturers time to meet the requirement. The affected manufacturers are typically small volume companies. RVIA stated that “[m]ost of these companies had neither the technical staffs nor the resources to respond rapidly to rule changes,” and none had known about the September 1, 2000, compliance date for installing tether anchorages. In view of the fact that most of the companies are small businesses that had acted in reliance on RVIA’s advice, we believed that providing relief to the manufacturers was warranted. If a delay had not been granted, the manufacturers would have had to stop production until compliance could be achieved. Cessation of production would have significant economic effects on the small businesses. For these reasons, we concluded that it was in the public interest to postpone the compliance date of the requirement for vehicles produced by final-stage manufacturers and alterers until May 1, 2001.⁵ Today’s document clarifies the language in S14, and similar language in S13.

II. Petition for Rulemaking From Accubuilt on Funeral Coaches

Standard No. 225 requires a vehicle to be equipped with tether anchorages in front passenger seating positions if: (1) The vehicle lacks a rear designated seating position (see S4.3(b)(3) and S4.4(c)); and (2) there is an air bag and no air bag on-off switch in the front passenger seating position. Accubuilt, a final-stage manufacturer of funeral coaches, submitted a petition for rulemaking requesting NHTSA to exclude funeral coaches from the requirement. Accubuilt stated that: “[s]ince a Funeral Coach is a single purpose vehicle, transporting a body and casket, children do not ride in the front seat.”

⁵ Mr. Harley Holt asked NHTSA about the degree to which anchorages voluntarily installed by final-stage manufacturers and alterers were subject to the requirements of Standard No. 225. Our answer was that the provisions of S4.1 as they relate to voluntarily-installed anchorages still applied. Thus, if a final-stage manufacturer or alterer voluntarily installed a tether anchorage system (or full child restraint anchorage system) in a vehicle from September 1, 1999 to April 30, 2001, the anchorage system would have to meet the configuration, location, marking and strength requirements of the standard. S4.1 also requires that information on using those anchorages must be provided to the vehicle owner. It is also our view that during the same period, a final-stage manufacturer or alterer voluntarily installing tether anchorages could have installed fewer than the minimum number of anchorages required by S4.3 and S4.5. On vehicles produced on or after May 1, 2001, the requisite number of anchorages must be installed.

Agency Decision on Accubuilt Request

It is implicit from Accubuilt’s petition that it would be appropriate to exclude funeral coaches from the requirement when the coaches only have one row of occupant seats, *i.e.*, the front row. We agree with Accubuilt that it is unlikely that child restraint systems would be installed in such a funeral coach. We are thus excluding “funeral coaches” from the standard.

To implement this exclusion, we are adding a definition of “funeral coach” to Standard No. 225. Accubuilt stated that a funeral coach is a “single purpose vehicle” equipped with heavy duty components to handle the additional mass of a body and casket. We were further informed by Accubuilt that manufacturers of funeral coaches conform to an industry standard that requires “front and rear stops” in the interior of the coach to keep the casket stationary. We are incorporating that information into the definition.

At the same time, while Accubuilt’s vehicles apparently have only 1 row of seats, it is conceivable that a funeral coach could be built with rear seating positions in which a young child might ride. We do not believe that a coach that has rear seating positions should be excluded from the standard, since the vehicle could be used to transport a child who should be in a child restraint. Therefore, based on the above, we are defining “funeral coach” as “a vehicle that contains only a front row of occupant seats, is designed exclusively for transporting a body and casket and that is equipped with features to secure a casket in place during operation of the vehicle.” Comments are requested on whether the definition is inclusive of all funeral coaches with no rear seating positions and whether it excludes any vehicles that should be subject to the requirements of Standard No. 225.

We have also determined that this amendment relieves an unnecessary restriction on a group of small manufacturers. Accordingly, NHTSA finds for good cause that an immediate exclusion of funeral coaches from the standard is in the public interest, and thus we are issuing this interim final rule. We are limiting the exclusion to a period ending one year after the publication of this rule. NHTSA will review the comments we receive on this document to determine whether to exclude funeral coaches from the standard on a permanent basis.

III. Enforcement Policy Statement

This agency will not take any enforcement against any multi-stage vehicle manufacturer or alterer for not

² This paragraph was later changed to S14.3(a)(2). See 65 FR 46628, 46642, July 31, 2000.

³ RVIA stated that there are 67 conversion vehicle manufacturer members, with an aggregate annual production of approximately 90,000 vehicles. RVIA stated that, with few exceptions, these companies are small volume manufacturers that each produce fewer than 5,000 total vehicles annually.

⁴ In response to RVIA’s petition, NHTSA wrote to RVIA on September 26, 2000, stating that it would publish a **Federal Register** document extending, until May 1, 2001, the date by which final-stage manufacturers and alterers must install tether anchorage in affected vehicles. See docket 7648 (document 7648–6).