

§ 544.2

§ 544.2 Purpose.

The purpose of these reporting requirements in this part is to aid in implementing and evaluating the provisions of 49 U.S.C. Chapter 331 Theft Prevention to prevent or discourage the theft of motor vehicles, to prevent or discourage the sale or distribution in interstate commerce of used parts removed from stolen motor vehicles, and to help reduce the cost to consumers of comprehensive insurance coverage for motor vehicles.

[62 FR 33756, June 23, 1997]

§ 544.3 Application.

This part applies to the motor vehicle insurance policy issuers listed in appendices A or B, and to the motor vehicle rental and leasing companies listed in appendix C.

[55 FR 25609, June 22, 1990]

§ 544.4 Definitions.

(a) *Statutory terms.* All terms defined in 49 U.S.C. 33101 and 33112 are used in accordance with their statutory meanings unless otherwise defined in paragraph (b) of this section.

(b) *Other definitions.* (1) *Comprehensive insurance coverage* means the indemnification of motor vehicle owners by an insurer against losses due to fire, theft, robbery, pilferage, malicious mischief and vandalism, and damage resulting from floods, water, tornadoes, cyclones, or windstorms.

(2) *Gross vehicle weight rating* is used as defined at § 571.3 of this chapter.

(3) *Heavy truck* means a truck with a gross vehicle weight rating of more than 10,000 pounds.

(4) *Light truck* means a truck with a gross vehicle weight rating of 10,000 pounds or less.

(5) *Major part* means—

(i) In the case of passenger motor vehicles, any part listed in § 541.5(a) (1) through (14) of this chapter;

(ii) In the case of light trucks, any part listed in § 541.4(a) (1) through (14) of this chapter, or the cargo bed or transfer case;

(iii) In the case of heavy trucks, any part listed in § 541.5(a) (1) through (14) of this chapter, or the cargo bed, drive axle assembly, fifth wheel, sleeper, or the transfer case;

49 CFR Ch. V (10–1–02 Edition)

(iv) In the case of multipurpose passenger vehicles, any part listed in § 541.5(a) (1) through (14) of this chapter, or the cargo bed or transfer case; and

(v) In the case of motorcycles, the crankcase, engine, frame, front fork, or transmission.

(6) *Motorcycle* is used as defined at § 571.3 of this chapter.

(7) *Motorcycle vehicle* means a passenger motor vehicle, multipurpose passenger vehicle, truck, or motorcycle.

(8) *Multipurpose passenger vehicle* is used as defined at § 571.3 of this chapter.

(9) *Recovery* means regaining physical possession of a motor vehicle or a major portion of the superstructure of a motor vehicle with one or more major parts still attached to the superstructure, after that vehicle has been stolen.

(10) *Recovery-in-part* means a recovery in which one or more of the recovered vehicle's major parts is missing at the time of recovery.

(11) *Recovery intact* means a recovery with none of the recovered vehicle's major parts missing at the time of recovery, and with no apparent damage to any part of the motor vehicle other than those parts damaged in order to enter, start, and operate the vehicle, but with additional mileage and ordinary wear and tear.

(12) *Recovery-in-whole* means a recovery with none of the recovered vehicle's major parts missing at the time of recovery, but with apparent damage to some part or parts of the vehicle in addition to those parts damaged in order to enter, start, and operate the vehicle.

(13) *Reporting period* means the calendar year covered by a report submitted under this part.

(14) *Truck* is used as defined at § 571.3 of this chapter.

(15)(i) In the case of insurers that issue motor vehicle insurance policies, *vehicle theft* means an actual physical removal of a motor vehicle without the permission of its owner, but does not include the removal of component parts, accessories, or personal belongings from a motor vehicle which is not moved.

(ii) In the case of an insurer which has a fleet of 20 or more vehicles (other than a governmental entity) used primarily for rental or lease and not covered by theft insurance policies issued by insurers of motor vehicles, "vehicle theft" means an actual physical removal of a motor vehicle without the permission of its owner, or keeping possession of the motor vehicle without permission of its owner for a sufficient period of time so that the vehicle could have been reported as stolen to the State police in the State in which the vehicle was to have been returned. However, vehicle theft does not include the removal of component parts, accessories, or personal belongings from a motor vehicle which is not moved.

[52 FR 76, Jan. 2, 1987, as amended at 60 FR 33148, June 27, 1995; 61 FR 41987, Aug. 13, 1996; 62 FR 33756, June 23, 1997]

§ 544.5 General requirements for reports.

(a) Each insurer to which this part applies shall submit a report annually before October 25, beginning on October 25, 1986. This report shall contain the information required by § 544.6 of this part for the calendar year 3 years previous to the year in which the report is filed (e.g., the report due by October 25, 2002 will contain the required information for the 1999 calendar year).

(b) Each report required by this part must:

(1) Have a heading preceding its text that includes the words "Insurer Report";

(2) Identify the insurer, including all subsidiary companies, on whose behalf the report is submitted, and the designated agent, if any, submitting the report or that will submit further documents to complete the report;

(3) Identify the State or States in which the insurer did business during the reporting period;

(4) State the full name and title of the official responsible for preparing the report, and the address of the insurer;

(5) Identify the reporting period covered by the report;

(6) Be written in the English language;

(7) Include a glossary defining all acronyms and terms of art used in the

report, unless those acronyms and terms of art are defined immediately after they first appear in the report;

(8) Be submitted in three copies to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; and

(9) If the insurer wishes to submit certain information under a claim of confidentiality, be submitted in accordance with part 512 of this chapter.

[52 FR 76, Jan. 2, 1987, 60 FR 33149, June 27, 1995, as amended at 61 FR 41987, Aug. 13, 1996; 62 FR 33756, June 23, 1997; 63 FR 70053, Dec. 18, 1998; 65 FR 49507, Aug. 14, 2000; 66 FR 53733, Oct. 24, 2001; 67 FR 46611, July 16, 2002]

§ 544.6 Contents of insurer reports.

(a)(1) In the case of insurers that issue motor vehicle insurance policies, provide the information specified in paragraphs (b) through (g) of this section for each State in which the insurer, including any subsidiary, did business during the reporting period if the insurer is listed in appendix A, or for each State listed after the insurer's name if the insurer is listed in appendix B.

(2) In the case of a motor vehicle rental or leasing company listed in appendix C, provide the information specified in paragraphs (c), (d)(2)(iv), and (g) of this section for each vehicle type listed in paragraph (b) of this section, for each State in which the company, including any licensee, franchisee, or subsidiary, did business during the reporting period. The information for each listed company shall include all relevant information from any licensee, franchisee, or subsidiary.

(b) For each of the following vehicle types, provide the information specified in paragraphs (c) through (g) of this section for all vehicles of that type insured by the insurer during the reporting period—

(1) Passenger cars.

(2) Multipurpose passenger vehicles.

(3) Light trucks.

(4) Heavy trucks.

(5) Motorcycles.

(c)(1) List the total number of vehicle thefts for vehicles manufactured in the 1983 or subsequent model years, subdivided into model year, model, make, and line, for this type of motor vehicle.