

§ 576.2

equipment, of claims, complaints, reports, and other records concerning alleged and proven motor vehicle or motor vehicle equipment defects and malfunctions that may be related to motor vehicle safety.

[67 FR 45872, July 10, 2002]

§ 576.2 Purpose.

The purpose of this part is to preserve records that are needed for the proper investigation, and adjudication or other disposition, of possible defects related to motor vehicle safety and instances of nonconformity to the motor vehicle safety standards and associated regulations.

§ 576.3 Application.

This part applies to all manufacturers of motor vehicles, with respect to all records generated or acquired on or after August 16, 1969, and to all manufacturers of motor vehicle equipment, with respect to all records in their possession, generated or acquired on or after August 9, 2002.

[67 FR 45873, July 10, 2002]

§ 576.4 Definitions.

All terms in this part that are defined in 49 U.S.C. 30102 and part 579 of this chapter are used as defined therein.

[67 FR 45873, July 10, 2002]

§ 576.5 Basic requirements.

(a) Each manufacturer of motor vehicles, child restraint systems, and tires shall retain, as specified in § 576.7 of this part, all records described in § 576.6 of this part for a period of five calendar years from the date on which they were generated or acquired by the manufacturer.

(b) Each manufacturer of motor vehicles and motor vehicle equipment shall retain, as specified in § 576.7 of this part, all the underlying records on which the information reported under part 579 of this chapter is based, for a period of five calendar years from the date on which they were generated or acquired by the manufacturer, except as provided in paragraph (c) of this section.

(c) Manufacturers need not retain copies of documents transmitted to NHTSA pursuant to parts 573, 577, and 579 of this chapter.

[67 FR 45873, July 10, 2002]

§ 576.6 Records.

Records to be maintained by manufacturers under this part include all documentary materials, films, tapes, and other information-storing media that contain information concerning malfunctions that may be related to motor vehicle safety. Such records include, but are not limited to, reports and other documents, including material generated or communicated by computer, telefax or other electronic means, that are related to work performed under warranties; and any lists, compilations, analyses, or discussions of such malfunctions contained in internal or external correspondence of the manufacturer, including communications transmitted electronically.

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§ 576.7 Retention.

Duplicate copies need not be retained. Information may be reproduced or transferred from one storage medium to another (e.g., from paper files to microfilm) as long as no information is lost in the reproduction or transfer, and when so reproduced or transferred the original form may be treated as a duplicate.

§ 576.8 Malfunctions covered.

For purposes of this part, “malfunctions that may be related to motor vehicle safety” shall include, with respect to a motor vehicle or item of motor vehicle equipment, any failure or malfunction beyond normal deterioration in use, or any failure of performance, or any flaw or unintended deviation from design specifications, that could in any reasonably foreseeable manner be a causative factor in, or aggravate, an accident or an injury to a person.

PART 577—DEFECT AND NONCOMPLIANCE NOTIFICATION

Sec.

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- 577.13 Notification to dealers and distributors.

AUTHORITY: 49 U.S.C. 30102-103, 30112, 30115, 30117-121, 30166-167; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.

EFFECTIVE DATE NOTE: At 69 FR 34959, June 23, 2004, the authority citation for part 577 was revised, effective Oct. 21, 2004. For the convenience of the user, the revised text is set forth as follows:

AUTHORITY: 49 U.S.C. 30102, 30103, 30116-30121, 30166; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.

SOURCE: 41 FR 56816, Dec. 30, 1976, unless otherwise noted.

§577.1 Scope.

This part sets forth requirements for notification to owners of motor vehicles and replacement equipment about the possibility of a defect which relates to motor vehicle safety or a non-compliance with a Federal motor vehicle safety standard.

EFFECTIVE DATE NOTE: At 69 FR 34959, June 23, 2004, §577.1 was revised, effective Oct. 21, 2004. For the convenience of the user, the revised text is set forth as follows:

§577.1 Scope.

This part sets forth requirements for manufacturer notification to owners, dealers, and distributors of motor vehicles and items of replacement equipment about a defect that relates to motor vehicle safety or a non-compliance with a Federal motor vehicle safety standard.

§577.2 Purpose.

The purpose of this part is to ensure that notifications of defects or non-compliances adequately inform and effectively motivate owners of potentially defective or noncomplying motor vehicles or items of replacement equipment to have such vehicles or equipment inspected and, where necessary, remedied as quickly as possible.

EFFECTIVE DATE NOTE: At 69 FR 34959, June 23, 2004, §577.2 was amended by adding a new sentence at the end of the section, effective Oct. 21, 2004. For the convenience of the user, the added text is set forth as follows:

§577.2 Purpose.

*** It is also to ensure that dealers and distributors of motor vehicles and items of replacement equipment are made aware of the existence of defects and noncompliances and of their rights and responsibilities with regard thereto.

§577.3 Application.

This part applies to manufacturers of complete motor vehicles, incomplete motor vehicles, and replacement equipment. In the case of vehicles manufactured in two or more stages, compliance by either the manufacturer of the incomplete vehicle, any subsequent manufacturer, or the manufacturer of affected replacement equipment, shall be considered compliance by each of those manufacturers.

§577.4 Definitions.

For the purposes of this part:

Act means 49 U.S.C. Chapter 30101-30169.

Administrator means the Administrator of the National Highway Traffic Safety Administration or his delegate.

First purchaser means the first purchaser in good faith for a purpose other than resale.

Leased motor vehicle means any motor vehicle that is leased to a person for a term of at least four months by a lessor who has leased five or more vehicles in the twelve months preceding the date of notification by the vehicle manufacturer of the existence of a safety-related defect or noncompliance with a Federal motor vehicle safety standard in the motor vehicle.

Lessee means a person who is the lessee of a leased motor vehicle as defined in this section.

Lessor means a person or entity that is the owner, as reflected on the vehicle's title, of any five or more leased vehicles (as defined in this section), as of the date of notification by the manufacturer of the existence of a safety-related defect or noncompliance with a Federal motor vehicle safety standard in one or more of the leased motor vehicles.