



January 24, 2020

Docket Management Facility
United States Department of Transportation
1200 New Jersey Avenue, SE
West Building, Ground Floor
Room W12-140
Washington, DC 20590-0001

RE: Replica Motor Vehicles: Vehicle Identification Number (VIN) Requirements; Manufacturer Identification; Certification [Docket No. NHTSA-2019-0121]

The American Association of Motor Vehicle Administrators (AAMVA) welcomes the opportunity to provide comment on proposed requirements for vehicle identification number (VIN) assignment and manufacturer identification for replica motor vehicles.

AAMVA has previously developed a corresponding best practice associated with title and registration processes for reconstructed and replica vehicles. While developed in 2013, AAMVA submits its "[Best Practices for Title and Registration of Reconstructed and Replica Vehicles](#)" for the Department's consideration. Section 3 of this document deals specifically with Replica Vehicles and begins on page 7.

Authority provided under Section 24405 of the Fixing America's Surface Transportation Act (FAST Act) directed the Secretary of Transportation to exempt annually a limited number of replica motor vehicles manufactured or imported by low-volume manufacturers from Federal Motor Vehicle Safety Standards (FMVSS) that apply to motor vehicles, but not standards that apply to motor vehicle equipment. AAMVA urges NHTSA to prioritize safety and manufacture accountability in administering the program to ensure consumers are not unwittingly left purchasing unsafe vehicles that are otherwise indiscernible from their original vehicle counterparts. The potential for these vehicles to be masked representations of prime antique vehicles carries significant economic and safety concerns as the vehicles pass between various owners with differing levels of understanding regarding the vehicle's origin.

AAMVA concurs with NHTSA's determination that the "entity seeking to import replica motor vehicles could not register as a low-volume manufacturer of replica vehicles unless it is also the entity fabricating the replica vehicles." AAMVA feels this interpretation will provide important consumer and safety benefits.

NHTSA has requested comment on whether vehicles built in two or more stages should be excluded from the replica vehicle program. AAMVA would endorse exclusion of vehicles built in two or more stages from the replica program as the ability to determine accountability between fabrication and excepted FMVSS becomes increasingly complex for vehicles under continuous modification. The

application of safety standards or exemptions beyond an initial departure point makes enforcement against entirely unsafe vehicles problematic, and could skew agency discretion on whether a certain replica program participant is eligible for continued participation in good faith.

NHTSA sites that it is alternatively considering allowing joint registration submissions from two or more manufacturers wishing to manufacture replica vehicles. While AAMVA is impartial to the administration of the program from a NHTSA perspective, AAMVA does feel it is important to prioritize “end-stage” demarcation of the replica vehicle through VIN, and be able to tie that VIN to all applicable joint registrants involved in fabrication. This will ensure the joint registrants are collectively adhering to the limitations on volume of vehicles produced, as well as ensure they are aligning with federal program requirements to continue as an eligible participant.

AAMVA appreciates NHTSA attention to detail in describing how it will accommodate VIN requirements as part of the replica program in Section c. AAMVA requests clarity on whether NHTSA envisions any changes to current VIN coding, or whether the program is already equipped to accommodate the expanded replica program as envisioned by FAST Act authority. State regulators rely heavily on the current VIN standard for a variety of national safety programs. It is essential that the same standards that have been in place and utilized remain in place with no alteration without appropriate consideration. State and national safety system integration and interoperability could be drastically impacted by any variation to the standard – up to and including the ability to process any vehicle.

NHTSA requests comment on whether the agency should amend 49 CFR 591.5 to provide clarity and include specific language that states that replica vehicles may be imported pursuant to a declaration under 49 CFR 591.5(b). AAMVA supports NHTSA amending this section to provide clarity specifically stating that replica vehicles may be imported. Given the number and variety of vehicle types being imported, the more specific information jurisdictions have at their disposal to understand the origination and classification of the vehicle, the more prudent registering authorities can be in evaluating a vehicle for importation and public use, including appropriate titling of the vehicle and enforcement.

Currently, states permit an individual to build a vehicle as a replica. AAMVA requests clarity from NHTSA on whether an individual will have to register as a low-volume manufacturer in order to properly preserve program integrity. Further, AAMVA wonders whether there are additional needs to identify and differentiate between a single individual that built a replica vehicle in their garage, and a major manufacturer who was able to produce an apparently (but potentially very functionally different) replica vehicle. Given that we are unsure whether the manufacturer statement of origin, the permanent label requirements or the VIN will differentiate, how do we ensure consumers understand the difference between the entities that produced the vehicle throughout the vehicle’s entire lifecycle? Further, if individuals are able to register as replica program participants, does it increase the potential for fraud and manufacturer accountability on the production side? Some of the reporting requirements are fairly easy for a larger company to deal with, but individuals may not know whether or how to comply with them causing a potential gap in the number of exempted or replicated vehicles if individuals are expected to comply with the same annual reporting requirements.

AAMVA thanks NHTSA for the ability to comment on modified replica motor vehicle program requirements. As a partner in ensuring vehicles conform with the appropriate safety standards, we look forward to continued conversations on how we can best improve the safety of replica vehicles, ensure consumers are appropriately aware of the conditions under which the vehicle was manufactured, and the best way to ensure all program registrants are complying with the requirements of the replica program moving forward.

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