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Docket Management Facility (M-30)
U.S. Department of Transportation
West Building, Ground Floor
Room W12-140
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

RE: Pilot Program to Inform Consumers of Open Motor Vehicle Recall at the Time of Motor Vehicle Registration [NHTSA-2016-0042]

The American Association of Motor Vehicle Administrators (AAMVA) welcomes the opportunity to comment on the National Highway Traffic Safety Administration's (NHTSA) request for information on the feasibility and effectiveness of a state process for informing consumers of open motor vehicle recalls at the time of motor vehicle registration. AAMVA is very aware of the global implications unsatisfied recalls can have on the safety of the nation's roadways and is dedicated to ensuring motor vehicle safety remains a priority.

AAMVA notes that the information request itself cites the National Traffic and Motor Vehicle Safety Act (49 USC 30101 *et. seq.*) as the "requirement that a *motor vehicle manufacturer* notify the owners and purchasers of its vehicles of a safety-related defect or that the vehicle does not comply with an applicable Federal motor vehicle safety standard." AAMVA cautions that this pilot program should in no way alleviate the motor vehicle manufacturers from their solitary obligation to notify consumers as the manufacturer of the nonconforming or defective product. Further, the pilot program should take into consideration the liability concerns associated with potential public agency failure to notify at the time of vehicle registration. While manufacturers are hoping to use the registration process as a touchpoint for the notification of faulty products, the legal obligation must ultimately reside with the manufacturers alone.

AAMVA emphasizes that there is no national network of vehicle registration information. There is no existing way for states are able to associate registration with ownership on a national scale. A national system associating Vehicle Identification Number (VIN) with the state of title exists for *titling* information (the National Motor Vehicle Title Information System), but does NOT exist for registration purposes. Further, there are important distinctions between a titling transaction and a vehicle registration transaction. A titling transaction takes place upon changes in ownership for a vehicle. A registration transaction takes place upon registering a vehicle for use within the state. The association of a national vehicle recall process with a traditionally state-based transaction combines federal system requirements with numerous disparate systems built solely to accommodate in-state transactions. This intersection of data is extremely complex and the establishment of such a system would be extremely costly. Further, states would not benefit from a national system providing information on paid in-state registration use (Information they already have in-state). Its establishment would likely only open the doors for further data creep and serve only the purposes of manufacturer notification.

Under 49 USC 30119, a vehicle manufacturer must provide notification of recall in a manner prescribed through regulation by NHTSA to “each person registered under State law as the owner and whose name and address are reasonably ascertainable by the manufacturer through State records or other available sources.” AAMVA notes that the manufacturers already utilize a process with data compilers to provide the most recent DMV data to the manufacturers for notification purposes in the event of a recall. Under the proposal of notification requirements by a public agency, we are concerned that this process may ultimately flip the data flow, whereby public agencies will be reliant upon manufacturer-provided data that the DMVs must then actively engage to satisfy notification requirements.

To date, AAMVA is not aware of a single, centralized resource of recall data from all manufacturers. The recall flat files currently provided to NHTSA may not be inclusive of all manufacturers and upon inspection appear to have differing data standards for how the vehicles are reported. If reliance upon recall data is a requirement for vehicle specific notifications, there must be predefined manufacturer recall reporting data standards, located in an easily-accessible, centralized location for utilization - even if the expectations are to use the safercar.gov mechanism for notification.

AAMVA also reminds NHTSA that vehicle owner information is protected by the Driver’s Privacy Protection Act. In the event of a recall, information requests containing personally identifiable information must first adhere to one of the “acceptable uses” as defined in the DPPA. Provision of sensitive data to anyone before its use has been verified is precluded by law. Therefore, all data and records requests must originate with the vehicle manufacturer, and open data sets or the release of personally identifiable information cannot be provided to any outside party without the appropriate application approvals and privacy protections. Application for (and granting of) state-based information requests in the event of a recall may or may not lie with the Department of Motor Vehicles. In some instances, and dependent upon the government structure of the state, requests for record requests may instead be routed through a centralized state office that specializes in approval of requests for government data.

Based on the establishment of other national networks, the costs associated with the development of a national, VIN-specific, recall notification system that is tied into state vehicle registration systems is likely to be significant. Each state has systems that are vastly different in their technological capabilities. State systems were built to accommodate one aspect of the consumer-DMV transaction process. Extending functionality and interoperability between states with such disparate capabilities requires considerable development, testing, and maintenance resources.

AAMVA understands appropriations requests have been filed for the establishment of this type of a system. While AAMVA believes that the pilot program must be adequately funded to explore the issues associated with this notification, we object to the use of any public funds for the development, implementation, or ongoing costs associated with a recall notification program. The use of public funds to remedy an error caused by cash-infused corporations is counterintuitive and wrong. Any costs associated with any portion of this program should be supplied by the industry responsible for sale of a defective or nonconforming product. Manufacturers should be the sole provider of a remedy to this problem. While this pilot could help explore some of those costs – it is important that expectations for a standing solution is not reliant on public funds.

NHTSA notes through the request for information that “an increase in the demand on NHTSA’s VIN look-up tool from a large enterprise submitting numerous queries could compromise its performance for its intended purpose.” AAMVA echoes those sentiments exactly. Increased demand or modification to state registration systems to satisfy vehicle recall notification requirements has the potential to disrupt a state’s ability to process vehicle registrations effectively. Wait times are the currency of effective DMVs. State DMVs process millions of vehicle registrations each day. A single disruption or outage of state registration systems has long-standing impacts on customer service and their ability to efficiently serve the public.

NHTSA has posed a specific set of questions regarding state registration processes and registration system functionality. With each state having varying aspects associated with their registration systems, AAMVA has conducted a survey of its member jurisdictions to gather more specific data regarding each state's variations, such as third party provision of inspection programs, availability of online transactions, etc. While this information may not be completed prior to comment deadline, AAMVA offers NHTSA these responses as they become more readily available.

NHTSA also requests comment on a state's methodology for determining performance, specifically, ways to measure whether a consumer had a defect remedied following notification of an open recall. AAMVA member jurisdictions would have no way of knowing whether a motor vehicle defect had been remedied at any point during the vehicle lifecycle. Only the manufacturer, and their certified service providers who remedy the defect are able of detecting whether a recall has been satisfied. No vehicle repair history is associated with DMV records. Assessment of whether a recall has been satisfied can only be verified by the manufacturer and satisfaction of the recall should not be associated with the registration process. AAMVA urges NHTSA to measure the notification of consumers by notification volume rather than using the registration process as a means to track recall satisfaction. Doing otherwise would again mandate expensive process and system changes that the public agencies should not undertake on behalf of the manufacturers. Manufacturers should remain the only party providing the remedying services and tracking their efficacy. It is imperative that NHTSA separate the notion of notification of open recall from satisfaction of open recall for purposes of this pilot.

One of the most readily available methods for satisfaction of an open recall relies upon education of the consumer. This method does not specifically rely upon record-matching the owner of the vehicle to the recalled vehicle as reported by a manufacturer. Instead, this method could rely on simply providing educational materials available through registration reminders that a customer's vehicle may be subject to a recall. These materials could reference links to tools such as safercar.gov where each individual can check the status of their specific vehicles. This method would also forego the monumental cost associated with automation of vehicle-specific information, acclimate customers with the process for self-checking the status of their vehicles, and cover a broader swath of the public.

AAMVA believes that consideration of a broad range of proposals from applicants may best serve the purposes of this pilot program. For maximum effectiveness, a state may need to apply for the pilot in conjunction with private entities or the manufacturers themselves. AAMVA encourages NHTSA to weigh consideration of proposals inclusive of methods that may assist the states in alleviating cost, increasing the saturation of vehicle registrants, and relieving any administrative burden placed upon the DMVs.

Developing a comprehensive proposal may require a bit more direction prior to NHTSA's delivery of the pilot framework. With this in mind, a meeting between stakeholders - including NHTSA, the manufacturers, private data providers, and the DMVs - may assist in helping define the pilot parameters. Such a meeting may also encourage participation by clarifying expectations and ensuring unnecessary obstacles to participation are avoided.

AAMVA thanks NHTSA for the opportunity to comment on the pilot program. AAMVA has long dedicated its service towards its core mission of safe drivers, safe vehicles, secure identities and saving lives. We look forward to continuing our safety partnership with NHTSA and finding the best way to help the agency remove unsafe products from the nation's roadways.