

CLIENT ALERT

NHTSA Finalizes Rule Requiring New Vehicles to Possess Rear Visibility Technology

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After more than three years of delay, on March 31, 2014, the U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA) finalized a rule that will require all new vehicles less than 10,000 pounds (including passenger cars, motorcycles, and trucks) manufactured on or after May 1, 2018 to have rear visibility technology. "Rear visibility technology" sufficient to satisfy the new federal standard must display a 10-foot by 20-foot area directly behind the vehicle no more than 2 seconds after the vehicle is put in reverse. Although the rule does not mandate the use of any specific technology, it is expected that most, if not all, manufacturers will comply with the rule by installing rearview cameras in their vehicles.

Although manufacturers have until May 1, 2018 for their entire fleets of new vehicles less than 10,000 pounds to comply with the rule, the requirements must be phased in prior to that. Specifically, each manufacturer must ensure that 10 percent of its vehicles comply between May 1, 2016, to May 1, 2017. In the following year, the percentage rises to 40 percent.

NHTSA estimates that installing a compliant camera in a model year 2018 vehicle that already has a suitable display screen will cost \$43 to \$45, but that installation of a full system, including a camera and a display screen, will cost \$132 to \$142 per vehicle.

The rule is designed to reduce the risk of death and serious injury caused by backover accidents. By statute in 2008, Congress attempted to obligate NHTSA to promulgate these final regulations by February 2011. The agency initially proposed these regulations in 2010, but delayed final promulgation multiple times under authority allowing the Secretary of Transportation to modify the timeline if he determines that the statutory deadline cannot be met.

The final rule was released the day before the Department of Transportation was scheduled to defend this delay against consumer groups that sought a writ of mandamus in the U.S. Court of Appeals for the Second Circuit to force NHTSA to finalize this rule. Once the rule was promulgated, the court denied the consumers' mandamus petition as moot. This was not the first instance in which the Administration appeared to time its rule-making in response to this lawsuit: the day before the consumer group formally filed its mandamus petition, NHTSA finalized its previously-announced decision to add rearview cameras as a recommended feature to its New Car Assessment Program (NCAP) list.

While NHTSA has now finalized the rear visibility technology rule, NHTSA remains behind schedule in publishing a number of other final rules, including those regarding the sound levels of hybrid and electric vehicles and presence of electronic data recorders.

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- [District Court Allows Class Action Lawsuit over '100% Natural' Claims to Proceed](#)
- [NHTSA Finalizes Rule Requiring New Vehicles to Possess Rear Visibility Technology](#)
- [Draft List of Priority Products Announced for California's Safer Consumer Products Program](#)

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