

APR 11 2003

Ms. Kimberly Boucher
Compliance Administrator
Spartan Motors Chassis, Inc.
1165 Reynolds Road
Charlotte, MI 48813

Dear Ms. Boucher:

This is in reply to your e-mail of October 10, 2002, to Taylor Vinson of this Office. You related that Spartan Motors is an incomplete vehicle manufacturer, whose annual production of incomplete vehicles (fire truck cab/chassis and RV chassis) exceeds 500 annually. You are unclear as to whether Spartan has "full reporting responsibilities or just injuries/deaths due to the fact that we are not the final manufacturer."

The reporting responsibilities of incomplete vehicle manufacturers were not specifically addressed in the preamble or regulatory text of the final rule. However, we do not view incomplete vehicle manufacturers as manufacturers of "motor vehicles" for purposes of the early warning reporting final rule. To be sure, our regulations provide that when a vehicle is manufactured in two or more stages, a defect or noncompliance report (and quarterly reports) may be filed by either the manufacturer of the incomplete vehicle or any subsequent manufacturer of the vehicle (49 CFR 573.3(c)). However, pre-decisional information that may lead to defect or noncompliance determinations, as contemplated by the TREAD Act, is much more likely to be received by the manufacturer who completes the vehicle (and certifies its compliance with all applicable Federal motor vehicle safety standards) than by the incomplete vehicle manufacturer. It is our opinion that most relevant claims, notices, and reports regarding completed vehicles would go in the first instance to the manufacturer completing the vehicle, and not to the incomplete vehicle manufacturer. Therefore, incomplete vehicle manufacturers such as Spartan do not have "full reporting responsibilities" under the early warning reporting rule.

Spartan does have limited reporting responsibilities under 49 CFR 579.27. Our regulation covering vehicles manufactured in two or more stages (49 CFR Part 568) defines "incomplete motor vehicle" (49 CFR 568.3) as an "assemblage" of various vehicle components that require further manufacturing operations to become a completed vehicle. This assemblage comprises "original equipment," and if Spartan receives a claim against it regarding an incident involving death, or receives a notice alleging or proving that a death was caused by a possible defect in an incomplete vehicle of its manufacture, it must report according to the requirements of 49 CFR 579.27.

If you have further questions, you may call Taylor Vinson of this Office (202-366-5263).

Sincerely,

Original Signed By

Jacqueline Glassman
Chief Counsel