

## 2007 SAE Government/Industry Meeting

### Counterfeit and Noncompliant Safety Equipment

### Lighting Enforcement



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[www.nhtsa.gov](http://www.nhtsa.gov)



National Highway Traffic Safety Administration

## National Highway Traffic Safety Administration



- Responsible for reducing deaths, injuries, and economic losses resulting from motor vehicle crashes
- Establishes and enforces safety performance standards for motor vehicles and equipment
- Promotes safe driving and use of safety equipment
- Conducts research on driver behavior and traffic safety
- Provides consumer information on vehicles and safety equipment

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## Counterfeit Equipment

Does the FMVSS regulate counterfeit equipment?

Can it comply with FMVSS?



## Why Counterfeit?

- Counterfeiting and intellectual property right violations are an apparent industry and Congressional concern
- There is a public perception that counterfeit equipment is also noncompliant



## Counterfeit equipment



- Is counterfeit equipment, motor vehicle equipment in accordance with the Motor Vehicle Safety Act (MVSA)\*?
  - **Yes!** If it is being manufactured or sold as replacement equipment for, or improvement of, a motor vehicle, then it is motor vehicle equipment.



\* 49 U.S.C. § 30102(a)(7)(B)- Motor vehicle equipment means any similar part or component manufactured or sold for replacement or improvement of a system, part, or component, or as an accessory or addition to a motor vehicle..." 5

## Counterfeit motor vehicle equipment



- Is counterfeit motor vehicle equipment required to comply with applicable FMVSS?
  - **Yes!** The MVSA\* prohibits the manufacture, offer for sale, sale, or importation of motor vehicle equipment unless it complies with applicable FMVSS.

\* See 49 U.S.C. 30112(a)

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**Does this replacement equipment comply?**



“Real”



“Counterfeit”

**Would it be eligible for import/sale in the U.S?**

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**In General...**



	<b><u>Assumption</u></b> Does it comply?	Eligible* for import/sale?
“Real”	Yes	Yes
“Real”	No	No
“Counterfeit”	No	No
“Counterfeit”	Yes	Yes

\* In accordance with the MVSA.

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## Bottom Line...



- NHTSA safety standards primarily ensure certain levels of performance based on safety, regardless of the manufacturer
- NHTSA has no authority to address counterfeiting issues

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## So who do I contact?



- Primarily...
  - U.S. Copyright Office
  - U.S. Patent and Trademark Office
  - Federal Bureau of Investigations
  - Department of Justice
  - Customs and Border Protection
- Find the complete list at [www.stopfakes.gov](http://www.stopfakes.gov)
  - [http://www.stopfakes.gov/sf\\_who.asp](http://www.stopfakes.gov/sf_who.asp)

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## Other Equipment

- The same analysis would also apply to other regulated equipment.



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## Lighting Enforcement Program



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## Congressional Interest\*



“...the U.S. is facing a growing number of imports of motor vehicle products, primarily in the lighting sector, that do not meet U.S. [FMVSS]...and the number of existing product violations in the domestic market is rapidly rising.”

\*House Report 108-671 – Departments of Transportation and Treasury and Independent Agencies Appropriations Bill, 2005

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## Investigations



- Over the last 3 FY
  - 70% of the lighting enforcement team investigations dealt with headlamps and replaceable light sources.
- Most common compliance issues
  - Combination lamps missing functions (e.g., side reflex)
  - Photometry
  - Replaceable light source luminous flux and base dimensions (e.g., HID conversion kits)

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## Lighting Enforcement



	FY2004	FY2005	FY2006
Investigations	36 (86%*)	42 (81%*)	59 (90%*)
Recalls	13 (85%*)	17 (71%*)	27 (96%*)
Affected Population	45,386 (97%*)	92,140 (73%*)	598,354 (97%*)

\* Imported products

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## Lighting Enforcement in the Field



- FY07 Field Inspections/Outreach
  - AAPEX/MEMA
  - SEMA
  - HDAW07
  - Mid-America Trucking Show
  - Dealer Expo (motorcycles)
  - SAE lighting committee participation

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## Lighting Enforcement



- Designated agents\*
  - Imports from foreign manufacturers without designated agents
- Continue compliance testing

\* See (49 CFR 551)

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## Administrative Rewrites...



- FMVSS 108
  - Organize sections by lamp type
  - Incorporate popular interpretations and performance requirements from referenced SAE standards
  - Target publishing date not later than end of CY 2007
- TP 108
  - Conversion to MSWord format
  - Modifications to accommodate FMVSS 108 rewrite
  - Target publishing date not later than end of CY 2007
  - Future effort: expand existing test procedures

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## **NHTSA is moving!**



- OVSC's New Address

1200 New Jersey Avenue, SE  
West Building - 4th Floor  
Washington, DC 20590

- Phone numbers/email to stay the same.
- Metro: Across the street from the Navy Yard stop on the Green Line.

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# **QUESTIONS?**

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