



USDOT Proposes New Federal Motor Vehicle Safety Standard

May 16, 2012

On May 16, 2012, the United States Department of Transportation's National Highway Safety Administration (NHSTA) proposed a new standard to require electronic stability control (ESC) on large commercial trucks, motor coaches and other large buses. This new requirement is the result of an NHTSA research program on stability control technology and is intended to prevent rollover crashes by these vehicles. As proposed, the rule would take effect between two and four years after the standard is finalized, depending on the type of vehicle.

The new standard would affect truck tractors and certain buses with a gross vehicle weight rating of greater than 11,793 kilograms (26,000 pounds). ESC systems use engine torque control and computer controlled braking of individual wheels to help maintain control of the vehicle in potentially unstable conditions including wheel lifts, over steering, trailer swing or other motions leading to loss of control.

The applicability of the standard to buses is limited to those with 16 or more designated seating positions (including the driver), at least two rows of passenger seats that are rearward of the driver's seating position and forward-facing or can convert to forward-facing. The rule excludes school buses and urban transit buses sold for operation as a common carrier along a fixed route with frequent stops.

The agency's Notice of Proposed Rulemaking follows research the agency has been involved with since 2006. The notice is being published in the Federal Register and contains a review of the safety issues intended to be addressed, the various stability control technologies currently available, and NHSTA's research. There will be a ninety (90) day comment period. NHTSA also announced that it will hold a public hearing on the proposed safety standard in the summer of 2012 to solicit further public comment.

If you have questions about this alert, please contact your Lathrop Gage attorney or the attorney listed above.