Analysis&Perspective

Early-Warning Reporting Rules

Under the TREAD Act and recently adopted regulations, manufacturers of motor vehicle equipment must report a broad range of information to the National Highway Traffic Safety Administration, including allegations that their equipment has been involved in an incident resulting in death. Motor vehicle equipment manufacturers also must notify NHTSA of foreign safety recalls or other safety campaigns involving equipment that is substantially similar to equipment sold in the United States.

Failure to report this or other information could lead to significant penalties. The reporting requirements therefore demand attention. Authors Eric Rubel and Matthew Eisenstein describe the impact of the requirements on motor vehicle equipment manufacturers.

The TREAD Act and NHTSA's Implementing Regulations: What Motor Vehicle Equipment Manufacturers Need to Know

BY ERIC RUBEL AND MATTHEW EISENSTEIN

Consider the following: John Smith, a devoted drinker with a record of driving under the influence, finishes off his sixth scotch at a neighborhood bar in Seattle and gets behind the wheel. Smith goes through a red light at a busy intersection, is hit broadside by a tractor-trailer, and dies instantly.

Witnesses say that Smith did not slow down at all, and sped up as he approached the light, apparently either not seeing the light or mistakenly stepping on the gas instead of the brake. There are no skid marks from his car. The brake manufacturer (as well as the automobile manufacturer) then receive a claim letter from Smith's brother alleging that the brakes were defective and demanding $1 million for the fatality.

Must the brake manufacturer report the claim to the United States government in this hypothetical situation?

Before the Transportation Recall Enhancement, Accountability, and Documentation Act (the TREAD Act or Act) of 2000 and implementing regulations, the answer to this question would have been "no" (absent additional facts indicating that the brakes were defective or failed to comply with a safety standard).

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But under the TREAD Act and regulations adopted recently, the incident would have to be reported, and the penalties for failing to meet this and other reporting obligations demand attention. Moreover, even if the accident giving rise to the claim had occurred instead in São Paulo, Brazil, the equipment manufacturer still would be required to report it in the United States if the allegedly defective brakes were "substantially similar" to brakes that the manufacturer had sold in the United States.

This article provides an overview of the impact of the new reporting requirements on most equipment manufacturers. (The requirements for manufacturers of automobiles, tires, and child restraint systems are far more onerous than those for other equipment manufacturers and are not outlined here.)

BACKGROUND

In the fall of 2000, Congress conducted hearings to investigate the reporting and handling of information about the safety of Bridgestone/Firestone tires and Ford Explorer vehicles. The hearings followed Bridgestone/Firestone's now infamous recall during the previous summer of over fourteen million tires.[1] The recall was prompted, in part, by reports of tread separation in Firestone tires that allegedly caused vehicle rollovers, serious injuries, and deaths.

We may never know the full story to determine who, if anyone, dropped the ball and should be held account-

[1] Most of the recalled tires were original equipment on Explorers. *See* S. Rep. No. 106-423, at 1-2 (2000).

able. But we do know the opinion of the House Committee on Commerce, which concluded: (i) that "the data available to NHTSA [the National Highway Traffic Safety Administration] regarding the problems with Firestone was insufficient"; and (ii) that "NHTSA did not effectively use the data it did have in its possession to spot the trends related to the failure of these tires."[2]

Congress's solution (with President Clinton's blessing) was essentially to decree a pox on all your houses, imposing new reporting requirements on essentially the entire industry, and backing them up with the threat of dramatically increased civil penalties for the failure to report required information to NHTSA and criminal sanctions for misleading NHTSA.[3]

Importantly, the TREAD Act does not replace certain existing reporting obligations under the National Traffic and Motor Vehicle Safety Act of 1966. Automobile and equipment manufacturers still must notify NHTSA if they determine, or if a reasonable person would determine, that a vehicle or equipment: (i) contains a "defect" that is "related to motor vehicle safety";[4] or (ii) does not comply with an applicable motor vehicle safety standard.[5] In addition, under the TREAD Act, manufacturers of motor vehicle equipment—a term that includes any system, part, component, or accessory of a motor vehicle, as originally manufactured or for its replacement or improvement[6]—also must meet the new supplemental reporting requirements described below.

Key Provisions and Implementing Regulations

Early-Warning Reporting

On July 10, 2002, NHTSA issued a final rule to establish an early-warning reporting system for manufacturers of motor vehicles and motor vehicle equipment.[7] The rule defines "manufacturer" as "a person manufacturing or assembling motor vehicles or motor vehicle equipment, or importing motor vehicles or motor vehicle equipment for resale, [and] includes any parent corporation of the manufacturer, any subsidiary or affiliate, and any subsidiary or affiliate of a parent corporation of the manufacturer of such a person."[8] This broad definition, together with Congress's intent that the TREAD Act be applied "extraterritorially"— i.e., to companies and activities outside the United States—requires companies, including multinational corporations, to "adopt practices to ensure that all relevant information on matters for which reports are required is made available to that corporation's designated reporting entity."[9]

The rule divides manufacturers of motor vehicles and equipment into two groups, with different responsibilities for reporting information that could indicate the existence of potential safety-related defects. The first group consists of large manufacturers of motor vehicles (i.e., manufacturers of 500 or more vehicles annually) and all manufacturers of child-restraint systems and tires (hereinafter "Group One"). The second group consists of all other manufacturers of motor vehicles, and manufacturers of original and replacement motor vehicle equipment, other than child-restraint systems and tires (hereinafter "Group Two"). This article focuses on the requirements for equipment manufacturers in Group Two.

The rule specifies the following requirements for equipment manufacturers in Group Two:

Content and Scope.

- For each reporting period (defined below) manufacturers must submit to NHTSA a report on each incident involving one or more deaths occurring in the United States that is identified in: (i) "a claim against and received by the manufacturer," regardless of whether a product defect is alleged (let alone proven), or (ii) "a notice received by the manufacturer which notice alleges or proves that the death was caused by a possible defect" in the manufacturer's equipment.[10] Under the regulations, a "claim" is a request or demand for relief and does not require the filing of a lawsuit.[11] Thus, in our opening hypothetical, a letter to the brake manufacturer that identified the vehicle with reasonable specificity and sought compensation for the fatality would constitute a reportable claim. Further, the definition of "notice" is even broader, and includes a document, other than a media article, that does not include a demand for re-

[2] H.R. Rep. No. 106-954, at 7.

[3] P.L. 106-414, 114 Stat. 1800 (Nov. 1, 2000).

[4] *See* 49 U.S.C. § 30118(c)(1); 49 C.F.R. § 573.6. The term "defect" means "any defect in performance, construction, a component, or material of a motor vehicle or motor vehicle equipment." 49 U.S.C. § 30102(a)(2). "Motor vehicle safety" is defined as "the performance of a motor vehicle or motor vehicle equipment in a way that protects the public against unreasonable risk of accidents occurring because of the design, construction, or performance of a motor vehicle, and against unreasonable risk of death or injury in an accident, and includes nonoperational safety of a motor vehicle." *Id.* § 30102(a)(8). In *United States v. General Motors Corp.*, 656 F. Supp. 1555, 1559 n.5 (D.D.C. 1987), the court interpreted the precursor to Section 30118(c), which contained similar language, as imposing a reasonable person standard—i.e., requiring a manufacturer to notify NHTSA if the manufacturer "actually determined, or it should have determined, that its vehicles [or equipment] are defective and the defect is safety-related."

[5] *See* 49 U.S.C. § 30118(c)(2); 49 C.F.R. § 573.6. However, if a manufacturer decides that a defect or noncompliance with a Federal Motor Vehicle Safety Standard (FMVSS, as set forth in 49 C.F.R Part 571) is "inconsequential" to motor vehicle safety, then the manufacturer may request to be exempted from the notification (and remedy) requirements. *See* 49 U.S.C. §§ 30118(d), 30120(h).

[6] *Id.* § 30102(a)(7).

[7] *See* 67 Fed. Reg. at 45822 (July 10, 2002).

[8] 49 C.F.R. § 579.4(c). The rule defines "affiliate" to mean, "in the context of an affiliate of or person affiliated with a specified person, a person that directly, or indirectly through one or more intermediates, controls or is controlled by, or is under common control with, the person specified. The term person usually is a corporation." *Id.* § 579.4(b).

[9] 67 Fed. Reg. at 45825.

[10] 49 C.F.R. § 579.27(b).

[11] More specifically, the regulations define "claim" to mean:

"a written request or demand for relief, including money or other compensation, assumption of expenditures, or equitable relief, related to a motor vehicle crash, accident, the failure of a component or system of a vehicle or an item of motor vehicle equipment, or a fire originating in or from a motor vehicle or a substance that leaked from a motor vehicle. Claim includes, but is not limited to, a demand in the absence of a lawsuit, an assertion or notice of litigation, a settlement, a covenant not to sue or release of liability in the absence of a written demand, and a subrogation request. A claim exists regardless of any denial or refusal to pay it, and regardless of whether it has been settled or resolved in the manufacturer's favor." *Id.* § 579.4(c).

"Notice" refers to "a document, other than a media article, that does not include a demand for relief, and that a manufacturer receives from a person other than NHTSA." *Id.*

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lief and that the manufacturer receives from a person other than NHTSA.[12]

■ The report also must include each incident involving one or more deaths occurring in a foreign country that is "identified in a claim against and received by the manufacturer" involving the manufacturer's equipment, if the equipment is "identical or substantially similar" to "an item of equipment that the manufacturer has offered for sale in the United States."[13]

■ "An item of motor vehicle equipment sold or in use outside the United States is identical or substantially similar to equipment sold or offered for sale in the United States if such equipment and the equipment sold or offered for sale in the United States have one or more components or systems that are the same, and the component or system performs the same function in vehicles or equipment sold or offered for sale in the United States, regardless of whether the part numbers are identical."[14] However, a death that occurs outside the United States need not be reported "if the claim specifically alleges that the death was caused by a possible defect in a component other than the one that is common to the vehicle or equipment that the manufacturer has offered for sale in the United States."[15]

■ The reports must include incidents pertaining to equipment manufactured or sold during the calendar year of the reporting period and the four calendar years prior to the reporting period.[16] Therefore, a report submitted to NHTSA in 2005 would include claims and notices relating to equipment that was manufactured or sold between Jan.1, 2001, and the end of the reporting period in 2005.

■ A claim or notice is deemed to have been "received by the manufacturer" if and when the manufacturer obtains information needed to identify the product. In addition, if a manufacturer receives a claim or notice involving death in which the "equipment is not identified with minimal specificity and the matter is being handled by legal counsel retained by the manufacturer, the manufacturer shall attempt to obtain" the necessary missing information from counsel.[17]

Timing.

■ Early-warning reports must be submitted each quarter of the calendar year. The first reporting period for early-warning information begins April 1, 2003. Quarterly reports for calendar 2003 will be due 60 days following the end of the quarter.[18] Thus, the first quarterly report will be due Aug. 31, 2003. *See* Table 1.

■ Beginning with the first quarter of calendar 2004, information will be due within 30 days of the end of the reporting period.[19]

Manner of Reporting.

■ For each incident, equipment manufacturers must report the make, model, and model year of the equipment, the incident date, the number of deaths, the number of injuries for incidents occurring in the United States, the state or foreign country where the incident occurred, each system or component of the equipment that allegedly contributed to the incident, and whether there was a fire. The report must be organized alphabetically by make, within each make alphabetically by model, and within each model chronologically by model year.[20] Further, the regulations seek to require equipment manufacturers to report the information described above even if the fatality in question has been reported separately by the vehicle manufacturer.[21]

■ Reports may be submitted to NHTSA's early-warning data repository identified on NHTSA's Internet homepage (www.nhtsa.dot.gov), or by manually filling out an interactive form on NHTSA's early-warning Web site.[22]

Designation of Contacts.

■ Manufacturers must designate contacts not later than 30 days before a manufacturer makes its first quarterly submission. The manufacturer must designate two employees—including their names, office telephone numbers, postal and street mailing addresses, and electronic mail addresses—whom NHTSA can contact to resolve potential submission issues.[23] *See* Table 1.

Recordkeeping.

■ Equipment manufacturers also must retain all underlying records, generated or acquired on or after Aug. 9, 2002, upon which the manufacturer bases information reported under the early-reporting regulation, for a five-year period from the date generated or acquired by the manufacturer.[24] *See* Table 1.

NHTSA has recognized that some items of equipment are "fabricated by the vehicle manufacturer, some by independent parts manufacturers, and some parts are incorporated into systems or modules assembled by various suppliers."[25] Each of those entities, NHTSA stated, is a manufacturer of motor vehicle equipment, and therefore subject to the rule.[26] NHTSA also stated that manufacturers of replacement equipment "are within the scope of the early-warning reporting provisions of the statute," even though replacement equipment "comprises an even broader universe of parts than" original equipment.[27] It may be that NHTSA will not expect manufacturers of truly generic equipment (as opposed to components designed to function with a motor vehicle) to comply with the rule. It also appears

[12] *Id.* § 579.4(c).
[13] *Id.* § 579.27(b).
[14] *Id.* § 579.4(d)(2).
[15] *Id.* § 579.28(g).
[16] Non-equipment manufacturers in Group Two must submit a report covering vehicles manufactured or sold during the year of the reporting period and nine years prior to the reporting period. *Id.* § 579.27(b).
[17] *Id.* § 579.28(d).
[18] *Id.* § 579.28(a), (b).
[19] *Id.* § 579.28(b).
[20] *Id.* § 579.27(b), (c).
[21] *See* 67 Fed. Reg. at 45839.
[22] 49 C.F.R. § 579.29(a)(2).
[23] *Id.* § 579.29(c). According to representatives of NHTSA's Office of Defects Investigation, upon designating contact employees, the manufacturer will be assigned an identification number, user name, and password to submit information electronically to NHTSA.
[24] *Id.* § 576.5. Manufacturers need not retain copies of documents transmitted to NHTSA pursuant to the early-warning rule.
[25] 67 Fed. Reg. at 45832.
[26] *Id.* at 45833. NHTSA explained its rationale for requiring original equipment manufacturers to report under the Act:
"Pursuant to 49 CFR 573.3(f), if an OEM [i.e., original equipment manufacturer] sells an item of OE to more than one vehicle manufacturer and a defect or noncompliance is decided to exist in that OE, the OEM is required to notify us (as are the manufacturers of the vehicles in which the OE is installed). If the defective OE is used in the vehicles of only one vehicle manufacturer, the OEM may notify us on behalf of both itself and the vehicle manufacturer (Section 573.3(e)). . . . Thus, OEM can and do make determinations that OE contains safety-related defects, and they will have some information of the type that the TREAD Act authorizes us to require, such as claims alleging failures of their products. For this reason, we [NHTSA] did not propose to totally exempt OEMs from early-warning requirements." *Id.*
[27] *Id.*

that NHTSA will not likely require a Group Two manufacturer to submit reports or designate contacts unless the manufacturer has reportable information—e.g., notice of a fatality—for a particular claim or notice relating to death during a reporting period.[28]

Notices, Bulletins, Other Communications

Under NHTSA's new implementing regulation, all manufacturers of motor vehicles and motor vehicle equipment must submit to NHTSA information concerning consumer satisfaction campaigns, consumer advisories, recalls, or other activities involving the repair or replacement of motor vehicles or items of motor vehicle equipment.[29] Manufacturers also must provide NHTSA with such information, according to NHTSA's new rule, even if the campaign or other corrective action is not designed to address a safety defect.

Under the new rule, within five working days after the end of the month in which it was issued, each manufacturer must submit to NHTSA copies of:

- "all notices, bulletins, and other communications . . . other than those required to be submitted pursuant to § 573.5(c)(9) of this chapter [i.e., concerning a safety-related defect or noncompliance], sent to more than one manufacturer, distributor, dealer, lessor, lessee, owner, or purchaser, in the United States, regarding any defect in its vehicles or items of equipment (including any failure or malfunction beyond normal deterioration in use, or any failure of performance, or any flaw or unintended deviation from design specifications), whether or not such defect is safety-related"; and

- "each communication relating to a consumer satisfaction campaign, consumer advisory, recall, or other safety activity involving the repair or replacement of motor vehicles or equipment, that the manufacturer issued to, or made available to, more than one dealer, distributor, lessor, lessee, other manufacturer, owner, or purchaser, in the United States."[30]

Foreign Recalls, Other Safety Campaigns

Finally, the TREAD Act requires that manufacturers notify NHTSA of a foreign safety recall or "other safety campaign" if the equipment subject to the recall or campaign is the same or substantially similar to equipment for sale or in circulation within the United States.[31] Although this statutory reporting requirement became effective on the day that President Clinton signed the TREAD Act into law (Nov. 1, 2000), NHTSA recently issued a new rule to address the content, format, and scope of the foreign safety campaign reports.[32] The new rule, which became effective Nov. 12, 2002, sets forth the following:

Timing.

- Motor vehicle and equipment manufacturers must report to NHTSA within 5 five working days after: (i) determining to conduct a safety recall or other safety campaign in a foreign country; or (ii) receiving notification by a foreign government that a safety recall or other safety campaign must be conducted in that country, with respect to "a motor vehicle, item of motor vehicle equipment, or tire that is identical or substantially similar to a vehicle, item of equipment, or tire sold or offered for sale in the U.S."[33] NHTSA has broadly defined the term "other safety campaign" to include actions "in which a manufacturer communicates with owners and/or dealers in a foreign country with respect to conditions under which motor vehicles or equipment should be operated, repaired, or replaced that relate to safety (excluding promotional and marketing materials, customer satisfaction surveys, and operating instructions or owner's manuals that accompany the vehicle or child restraint system at the time of first sale; or advice or direction to a dealer or distributor to cease the delivery or sale of specified models of vehicles or equipment)."[34]

- Not later than Dec. 12, 2002, each manufacturer was required to make a one-time historical report of the following information for the period between Nov. 1, 2000, and Nov. 12, 2002: (i) any determination the manufacturer has made to conduct a recall or other safety campaign in a foreign country, or (ii) any receipt of written notification from a foreign government requiring a safety recall or other safety campaign to be conducted in that country, between Nov. 1, 2000, and Nov. 12, 2002. *See* Table 1. However, that report need not be made if the manufacturer previously reported "such determination or notification of determination to NHTSA" in a report that contained certain specified information.[35]

Exemptions.

- A manufacturer need not report a foreign safety recall or other safety campaign to NHTSA if:

(i) the component or system that gave rise to the foreign recall or other campaign does not perform the same function in any substantially similar vehicles or equipment sold or offered for sale in the U.S.; or

(ii) the sole subject of the foreign recall or other campaign is a label affixed to a vehicle, item of equipment, or a tire; or

(iii) the manufacturer has filed a defect or noncompliance information report with NHTSA for the same or substantially similar reasons that it is conducting a safety recall or other safety campaign in a foreign country, regarding identical or substantially similar products sold or offered for sale in the U.S., provided that the scope of the foreign action is not broader than the recall campaign in the U.S.[36]

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[28] A NHTSA representative conveyed this as an unofficial policy during a Sept. 24, 2002, public meeting held by the Office of Defects Investigation. Likewise, the NHTSA representative suggested that a company most likely would not be required to designate company contacts until the company first has reportable information.

[29] *Id.* § 579.5.

[30] *Id.*

[31] *See* 49 U.S.C. § 30166(l).

[32] *See* 67 Fed. Reg. at 63295 (Oct. 11, 2002).

[33] 49 U.S.C. § 30166(l); 49 C.F.R. § 579.11(a), (b).

[34] *Id.* § 579.4(c); *see also* 68 Fed. Reg. at 4111 (Jan. 28, 2003) (correcting rule to exclude from definition "advice or direction to a dealer or distributor to cease the delivery or sale of specified models of vehicles or equipment"). NHTSA has defined a foreign safety recall as "an offer by a manufacturer to owners of motor vehicles or equipment in a foreign country to provide remedial action to address a defect that relates to motor vehicle safety or a failure to comply with an applicable safety standard or guideline, whether or not the manufacturer agrees to pay the full cost of the remedial action." 49 C.F.R. § 579.4 (c). According to NHTSA, manufacturers must report determinations by foreign governmental entities, "whether proposed, interim, or final, that a recall or other safety campaign must be conducted and regardless of whether there has been a finding of a safety-related defect." 67 Fed. Reg. at 63305–06. Thus, such a determination must be reported even if it has not been made final or if it is being challenged by the manufacturer.

[35] *Id.* § 579.11(c).

[36] *Id.* § 579.11(d); *see also* 68 Fed. Reg. 4112.

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- Each report must be dated and include information specified in 49 C.F.R. § 573.6(c)(1)-(5)—e.g., identification of the items of equipment at issue, and a description of the defect or noncompliance.[37] Each report also must identify the foreign country in which the safety recall or other safety campaign is being conducted, state whether the foreign action is a safety recall or other safety campaign, state whether the determination to conduct the recall or campaign was made by the manufacturer or by a foreign government, describe the manufacturer's program for remedying the defect or noncompliance, specify the date of the determination and the date of the recall or other campaign in the foreign country, and identify all motor vehicles, equipment, or tires that the manufacturer sold or offered for sale in the U.S. that are identical or substantially similar to those subject to action abroad.[38]

- If a foreign government has determined that a recall is necessary, the report must also include a copy of the determination in the original language and, if the determination is in a language other than English, a copy translated into English.[39]

- Information that is not available within the five-working-day period after the manufacturer determines to conduct a safety recall or other safety campaign in a foreign country, or receives notification by a foreign government that a safety recall or other safety campaign is necessary "shall be submitted as it becomes available."[40]

Penalties

The TREAD Act significantly increases the penalties authorized by the statutes and regulations that NHTSA enforces, as follows:

- It increases the maximum civil penalty for violations relating to inspections, investigations, and records to $5,000 per violation per day, and $15 million for a related series of daily violations.[41] For violations of other provisions of the motor vehicle safety laws, TREAD increases the maximum civil penalty to $5,000 per violation, and $15 million for a related series of violations.[42] Under the motor vehicle laws, a "separate violation occurs for each motor vehicle or item of motor vehicle equipment."[43] Thus, the maximum civil penalty for failure to comply with the reporting requirements described above, or to notify NHTSA of a safety defect or failure to comply with a motor vehicle safety standard, is now $15 million for a related series of violations.

- The Act imposes criminal penalties (a fine, or imprisonment for not more than 15 years, or both) on individuals who intend to mislead NHTSA with respect to a defect that results in serious injury or death.[44]

- The Act provides a "safe harbor" from criminal sanctions to encourage reporting by those who "correct improper reports or failure to report within a reasonable time." This safe harbor applies so long as, at the time of the violation reporting, the person seeking the safe harbor does not know that the violation would result in an accident causing death or serious bodily injury.[45]

Conclusion

Although the most onerous requirements of the TREAD Act and implementing regulations are directed at manufacturers of automobiles, tires, and child restraint systems, the provisions described above affect other motor vehicle equipment manufacturers. In particular, equipment manufacturers must comply with new reporting regulations that relate to foreign safety recalls and campaigns, and the early-warning system, and are subject to increased penalties for violations of the motor vehicle safety laws.

It is important for equipment manufacturers to stay apprised of NHTSA's actions, and to begin to consider how to monitor their compliance with the new regulatory requirements. Finally, given the complexity of the regulations, it was not possible to summarize all of the provisions in this article. Thus, it is important that each company read the regulations in their entirety or work with someone to ensure that the company fully understands its obligations.

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[37] 49 C.F.R. § 573.6(c)(1)-(3), (5).
[38] *Id.* § 579.12(a).
[39] *Id.*
[40] *Id.* § 579.12(b).
[41] This increase applies to violations of 49 U.S.C. § 30166 (inspections, investigations, and records) and related regulations. *See* 49 U.S.C. § 30165(a); *see also* 65 Fed. Reg. at 68108, 68109 (Nov. 14, 2000) (final rule implementing maximum penalties).
[42] This increase applies to violations of any of Sections 30112, 30115, 30117 through 30122, 30123(d), 30125(c), and 30141 though 30147 of Title 49 of the United States Code, and regulations prescribed thereunder. *See* 65 Fed. Reg. at 68109. This includes, among other things, manufacturing, selling, or importing noncompliant motor vehicles or equipment; failing to certify vehicle or equipment compliance with applicable motor vehicle safety standards; failing to notify NHTSA of safety defects or of noncompliance with safety standards; and failing to properly remedy safety defects or noncompliance with safety standards.
[43] 49 U.S.C. § 30165; *see also* 65 Fed. Reg. at 68108 (Nov. 14, 2000) (final rule implementing maximum penalties).
[44] 49 U.S.C. § 30170(a)(1); *see also* 66 Fed. Reg. at 38380 (July 24, 2001) (final rule).
[45] 49 U.S.C. § 30170(a)(2); *see also* 66 Fed. Reg. at 38381.

Table 1: Key Dates for Group Two Equipment Manufacturers under the TREAD Act and Implementing Regulations

Date / Deadline	Required Actions
August 9, 2002	Start retaining records that will underlie early-warning reports. Such records must be retained for a five-year period.
December 12, 2002	Submit a one-time historical report of decisions, if any, to conduct safety recalls or other safety campaigns in foreign countries between Nov. 1, 2000, and Nov. 12, 2002.
August 1, 2003	If required to submit an early-warning report for the second period of 2003, designate two employees whom NHTSA may contact to resolve issues that may arise concerning the report's submission.
August 31, 2003	Submit an early-warning report for the second period of 2003 if reportable claims and notices relating to equipment manufactured or sold between Jan. 1, 1999, and June 30, 2003, have been received.