

1. Installation of Used Tires As Original Equipment On New Utility Trailers

By way of background information, the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. §1381 et seq. (Safety Act), gives the National Highway Traffic Safety Administration (NHTSA) the authority to prescribe safety standards for new motor vehicles and new items of motor vehicle equipment. Section 108(a) (1) (A) of the Act provides that no person may “manufacture for sale, sell, offer for sale or introduce or deliver for introduction in interstate commerce, or import into the United States” any motor vehicle or item of motor vehicle equipment that does not conform with all applicable Federal Motor Vehicle Safety Standards. Violations of Safety Act provisions are punishable by civil fines of up to \$1,000 per violation, with a maximum fine of \$800,000 for a related series of violations.

Trailers are classified as motor vehicles under the terms of the Safety Act, and tires are classified as motor vehicle equipment. Both, therefore, are subject to our Federal Motor Vehicle Safety Standards (FMVSS).

Section 5.1.1 of Safety Standard No. 120, Tire Selection and Rims for Motor Vehicles With a GVWR of more than 4,536 Kilograms (10,000 pounds), provides that, except as provided in S5.1.3, each vehicle equipped with pneumatic tires for highway service must be equipped with tires that meet the requirements of Safety Standard No. 109, New Pneumatic Tires — Passenger Cars, or Safety Standard No. 119, New Pneumatic Tires for Vehicles Other Than Passenger Cars. Therefore, unless a new trailer with tires comes within the exception set forth in S5.1.3, it must be equipped with new tires that are certified to comply with Standard No. 109 or Standard No. 119. S5.1.3 reads as follows:

“In place of tires that meet the requirements of Standard 119, a truck, bus, or trailer may at the request of a purchaser be equipped at the place of manufacture of the vehicle with retreaded or used tires owned or leased by the purchaser, if the sum of the maximum load ratings meets the requirements of S5.1.2. Used tires employed under this provision must have been originally manufactured to comply with Standard 119, as evidenced by the DOT symbol.”

What this means is that each of the following five conditions must be met for a trailer manufacturer to install retreaded or used tires on a new trailer (or for a dealer to sell a new trailer equipped with retreaded or used tires):

1. The purchaser must request such retreaded or used tires;
2. The used or retreaded tires must be installed at the trailer’s place of manufacture;
3. The used or retreaded tires to be installed must be owned or leased by the purchaser;
4. The sum of the maximum load ratings of the used or retreaded tires on each axle must be not less than the gross axle weight rating of that axle (required by S5.1.2); and,

5. Used tires installed on the vehicle must have been originally manufactured to comply with Standard No. 119 and contain the DOT certification symbol on the sidewalls.

The five-part exception set forth in S5.1.3 accommodates a longstanding and widespread practice in which fleet operators send tires from their tire banks to vehicle manufacturers for installation on the new vehicles that they buy. A tire bank is composed of tires with usable tread left on them which have been removed from vehicles no longer in service.

[NATM Note: Manufacturers should also check with their insurance general liability underwriters to see if a written release from warranty is required to install used or reconditioned tires at the customers request.]