Who is Exempt From Vehicle Safety Certification?

Trick question – no vehicle manufacturers are exempt. The real question here is whether the National Highway Traffic Safety Administration (NHTSA) or Transport Canada considers you a vehicle manufacturer.

In some instances, commercial fleets, leasing companies, and truck dealers that upfit vehicles may not think of themselves as manufacturers. However, under motor vehicle safety regulations in the U.S. and Canada, organizations that perform work on new vehicles are considered manufacturers and have vehicle safety certification responsibilities as a result.

In the U.S., under 49 U.S.C. 30102, a manufacturer includes a person or company involved in manufacturing or assembling motor vehicles or motor vehicle equipment. Similarly, in Canada under the Motor Vehicle Safety Act (MVSA), a company is considered a manufacturer if it includes any process of assembling or altering the vehicle prior to its sale to the first retail purchaser and is required to certify the vehicle. Depending on the work being performed, this can include body installers, truck dealers, commercial fleets, and other businesses that upfit vehicles.

Once a company is considered a manufacturer by NHTSA, there are only a few exemptions from vehicle certification requirements and the exemptions apply to the vehicles themselves, not to the manufacturer. These include vehicles "manufactured for, and sold directly to, the Armed Forces of the United States in conformity with contractual specifications" as well as vehicles intended solely for export from the U.S. Exported vehicles that are just passing through Canada or those manufactured under an exemption granted by the Minister are excluded under the MVSR. Manufacturers in the U.S. can also apply to NHTSA for temporary exemptions from specific safety standards. However, these situations are uncommon in the work truck industry and apply only to the specific vehicles covered by the exemption. Manufacturers do not receive blanket exemptions from vehicle certification requirements.

In both countries, new vehicles may pass through several stages of manufacturing before they are completed, but every vehicle must ultimately be certified as complying with all applicable Federal Motor Vehicle Safety Standards (FMVSS) and Canada Motor Vehicle Safety Standards (CMVSS) in effect at the time of manufacture.

In some cases, a single manufacturer builds and certifies the entire vehicle, such as an OEM producing a passenger car, SUV or pickup truck. In another case, a vehicle begins as an incomplete vehicle, such as a chassis cab or cutaway, and passes through one or more manufacturing stages before a final-stage manufacturer completes and certifies it.

Certification is a representation that a vehicle complies with all applicable FMVSS based on vehicle type, gross vehicle weight rating (GVWR), and date of manufacture. Similar requirements exist in Canada under Transport Canada regulations and the CMVSS.

Ultimately, vehicle certification is about safety, and it's required by law. Except for the limited exemptions described above, all vehicles must be certified, and anyone who's part of putting new vehicles together is considered a manufacturer and has certification responsibilities as a result.

Could You Be Considered a Manufacturer?

Following are common examples of situations where organizations may not realize they are considered manufacturers.

1. **Installing a body on a new chassis.** An organization may assume that because it did not manufacture the body or chassis, it is not a manufacturer. However, when a body (new or used) is installed on a new incomplete vehicle, the business performing the work is considered a final-stage manufacturer and is responsible for certifying that the completed vehicle complies with all applicable F/CMVSS.

2. **Completing vehicles for your own fleet.** End-users and commercial fleets that install bodies or equipment on new chassis they purchase for their own use often assume certification requirements do not apply because they own the vehicle. However, a new chassis is an incomplete vehicle and cannot be certified by the chassis OEM as a completed vehicle. Whoever completes the vehicle — including the owner — is considered the final-stage manufacturer and is responsible for certifying compliance with all applicable F/CMVSS.

3. **Upfitting a new vehicle before it is licensed and titled.** Someone removing a pickup box and installing a flatbed or service body may view the work as simply replacing one body with another on a vehicle that has already been certified. However, they would be considered an altered-stage manufacturer (alterer) and must certify that the vehicle continues to comply with all applicable F/CMVSS after the installation. The same can apply to truck dealers that install equipment such as snowplows, bumper winches or other accessories on new vehicles before the first retail sale. Like final-stage manufacturers, alterers must understand which F/CMVSS apply to the vehicle and ensure their alterations do not affect compliance with those standards.

When Does the Certification Process End?

When a vehicle is considered “used”, which for certification purposes occurs when:

- The vehicle has been certified as complete
  AND
- The vehicle has been licensed and titled in a U.S. state or sold and delivered to a purchaser at the first retail level in a province or territory in Canada.

However, manufacturers, vehicle upfitters, truck dealers, rental companies, and motor vehicle repair businesses remain subject to NHTSA’s “make inoperative” prohibition, which means that those businesses may not knowingly take a vehicle or motor vehicle equipment out of compliance with standards it was required to meet as certified by the manufacturer.

If you believe you may be a manufacturer but are not familiar with the certification process, compliance with motor vehicle safety standards, and other requirements for manufacturers, NTEA can help.

Visit ntea.com/vehiclecertification for additional resources.