

STATE OF MINNESOTA  
DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption  
of Rules of the State Department of  
Public Safety Governing Requirements  
for the Approval of Motor Vehicle  
Equipment Used and Sold in Minnesota.

STATEMENT OF NEED AND RESONABLENESS

The above captioned rules amend existing rules of the Department of Public Safety regulating items of vehicle equipment for sale and use in Minnesota. These rules were originally adopted in 1959 by the Department of Highways, and they were readopted by the Department of Public Safety in 1974 pursuant to the statutory transfer of functions effected in 1969 by the creation of the Department of Public Safety.

These rules are needed to ensure that vehicle lighting devices and other items of vehicle equipment meet minimum standards of performance. Defective or sub-standard vehicle equipment poses a serious threat to highway safety. Uniform standards for type, usage, and quality enhance highway safety and at the same time make it possible for motor vehicle equipment manufacturers to legally market their products in all states. These rules are also needed to update the existing rules to state of the art standards and to federally required standards.

The need for and reasonableness of the substantive portion of each rule is explained in the following paragraphs:

7425.0110 defines terms as used in 7425.0110 to 7425.6000.

7425.0500 grants approval for federally regulated equipment meeting the federal standards for sale and use in Minnesota. Federal law prohibits states from requiring pre-sale approval of federally regulated items of vehicle equipment. States are also pre-empted from setting standards not identical to existing federal standards. An opinion issued by the National Highway Traffic Safety Administration (NHTSA) published in the January 7, 1982, Federal Register states, "Congress intended NHTSA to play the exclusive role in ensuring compliance of new motor vehicles and equipment with the FMVSS (Federal Motor Vehicle Safety Standards)... Whenever a federal motor vehicle safety standard... is in effect, no state or political subdivision of a state shall have any authority either to establish, or to continue in effect, with respect to any motor vehicle . . . equipment, any safety standard applicable to the same aspect of such . . . equipment which is not identical to the federal standard." This position is further stated in the Motor Vehicle Safety and Cost Savings Authorization Act of 1982 as reported by the Committee of Energy and Commerce, May 19, 1982. Appellate court decisions have also upheld this position in Truck Safety Equipment Institute v. Kane, 466F. Supp. 1242 (M.D. PA. 1979).

7425.0600, 7425.0700, 7425.0800 specify the parameters of compliance requirements for manufacturers of non-federally regulated vehicle equipment and provides the mechanism through which the Commissioner may prohibit the sale of any device if the manufacturer fails to provide proof of compliance with these rules. As authorized by Minn. Stat. 169.468, manufacturers are required to submit proof of compliance and to have test data showing compliance with these rules before the equipment is offered for sale in Minnesota. Test results or certificates of approval issued by the American Association of Motor Vehicle



Administrators (AAMVA) are authorized. Minn. Stat. 169.468 also gives the Commissioner the discretion to require testing and approval of new vehicle equipment for which federal safety standards do not exist. Since Federal preemption has been in existence it has been the department's experience that most of this equipment is submitted with AAMVA certification. Therefore mandatory presale testing is eliminated. Self testing is allowed. While actual pre-sale approval is not required it is necessary to require compliance with these rules in order to provide the enforcement mechanism necessary to maintain the consistent level of standards intended for highway safety purposes.

7425.0900 establishes a five year period of validity for approval of non-federally regulated equipment, after which proof of compliance must be submitted. This rule is needed in order to maintain a degree of currency without being unreasonably frequent with reapproval. This rule prevents approvals and the equipment from becoming outdated and therefore possibly unsafe by the standards in force at the time.

7425.1000 allows the commissioner to purchase and test equipment to verify compliance with these rules. This rule is needed to give the department the tools it needs to enforce the rules, especially since the testing and approval process is relaxed.

7425.1100 waives the statutory authorized fee for equipment approval. Minn. Stat. 169.468 authorizes the Commissioner to set and collect a reasonable fee for testing and approval of equipment. The existing vehicle equipment rules specify a fee, however it has not been collected since federal preemption and AAMVA certification has been in existence. Federal law prohibits states from charging a fee for approval of federally regulated equipment. Under existing federal and state statutory structure, and as indicated in the listing of equipment in rule 7425.2100, a great many items of equipment are federally regulated. Of those that are not, the vast majority are approved via AAMVA certification, for which the fee is waived by statute.

7425.2000 establishes general requirements which must be met by all items of equipment regulated by these rules. Each device must comply with the standards adopted in 7425.2100. This rule clarifies the inclusion of original, replacement and after market equipment in the compliance requirements, a differentiation which was not clearly delineated in the previous rules.

7425.2100 incorporates by reference a nationally recognized standard for each item of vehicle equipment covered by these rules. For federally regulated equipment, the federal standard is incorporated; for non-federally regulated equipment, another standard (often a Society of Automotive Engineers (S.A.E.) Standard) is incorporated. This rule clearly delineates the specific items of equipment covered by these rules and the specific standard that applies to each item.

7425.2200 requires, with certain exceptions, a model designation on lighting devices. The model designation is necessary to identify each device. This requirement serves as a means of enforcement of the applicable requirements of the rules.

7425.2300 establishes identification and marking requirements for all lighting devices. Federally regulated devices must be marked to conform with federal requirements. Non-federally regulated devices must be marked in accordance with S.A.E. marking requirements. Markings are necessary to properly identify lighting devices for enforcement purposes as well as aid in repairs and servicing.

7425.2400 establishes minimum construction standards for non-federally regulated devices. These standards are intended to provide greater safety by making repairs as easy as possible and preventing premature failure of the device.

7425.2500 establishes additional requirements not elsewhere covered in the rules for certain specific devices. These requirements are intended to insure proper performance and usage of these devices.

7425.2600 establishes requirements for lighting devices permitted under Minnesota Statutes for which no nationally recognized standards exist. Since these are not covered in federal regulations, SAE or other nationally recognized standard, it is necessary to specify requirements in this rule to provide for safe manufacturing and operating standards.

7425.5000 adopts federal standards for safety glass. This is included for clarity, since federal standards take precedence.

7425.6000 incorporates standards for towing devices. Federal standards are adopted for federally regulated devices. Vehicle Equipment Safety Commission Standards (VESC) are adopted for non-federally regulated towing devices.

These rules may have some impact on small businesses, and the department has considered the methods for reducing the impact as required by Minn. Stat. 14.115, Subd. 2. The universe of small businesses potentially affected by these rules are manufacturers of vehicle equipment and lighting devices. These rules will benefit small business because less stringent schedules, compliance and reporting requirements are implemented and requirements are simplified. It will no longer be necessary to obtain pre-sale approval of vehicle equipment. Manufacturers of federally regulated equipment are automatically approved, pursuant to federal law, and manufacturers of non federally regulated equipment are required to submit self-test data as proof of compliance. The state approval process is eliminated, therefore the previously required testing approval fee is dropped and the fiscal impact is eliminated.