

Automotive & Mobility Update

August 2024

NHTSA Extends Manufacturer Record Retention to 10 Years

Key Notes:

- NHTSA published a new rule that extended the record retention period for manufacturers of vehicles and certain motor vehicle equipment from five to 10 years.
- Effective October 15, 2024, manufacturers will be required to retain all records that may be related to motor vehicle safety for a period of 10 years from the date the records were generated or acquired.

On August 16, 2024, the National Highway Traffic Safety Administration (NHTSA) issued a [final rule](#) that requires manufacturers of motor vehicles, child restraint systems and tires to maintain records regarding malfunctions that may relate to motor vehicle safety for at least 10 years, instead of five years as currently required.

The Fixing America's Surface Transportation Act (FAST Act), signed into law in December 2015, directed the agency to increase the record retention period to 10 years. The agency first proposed to increase the record retention period in May 2019, and this rule finalizes that proposal. Effective October 15, 2024, manufacturers are required to retain the applicable records for a period of at least 10 years from the date the records were generated or acquired.

Currently, manufacturers of motor vehicles, child restraint systems and tires must retain all records (e.g., materials, films, tapes and other information) that contain information concerning malfunctions that may be related to motor

vehicle safety. This record retention policy aims to ensure that NHTSA can effectively investigate disposition of defects regarding motor vehicle safety and noncompliance with safety standards.

The impetus behind the final rule is the increased average age of vehicles on the road today. NHTSA relies on manufacturer information to investigate safety-related defects in vehicles and equipment. By increasing the record retention policy, NHTSA can ensure that the vehicle's age does not interfere with NHTSA conducting investigations into vehicles and equipment. In a May 2019 proposal, NHTSA stated that the average age of the United States light vehicle fleet was 11.6 years in 2016. In 1974, the average age of a passenger car was 5.7 years, and the average age of a truck was seven years. In 2015, there were 44 million vehicles on the road between 16 and 25 years old and an additional 14 million vehicles at least 25 years old. NHTSA concluded that extending the record retention policy ensures NHTSA has access to safety defect records by starting the retention period from the date the records are generated. NHTSA weighed the importance of having access to these records against the burden that an extended record retention period would have on manufacturers. On balance, NHTSA determined that a ten-year record retention period did not impose an undue burden on manufacturers when compared with NHTSA's need to have access to older records and conduct defect investigations.

Importantly, there is no change in the types of records manufacturers must keep; they are simply required to keep information already mandated under 49 C.F.R. § 576 for at least 10 years. Notably, the final rule applies to documents in manufacturers' possession at the time the rule goes into effect (i.e., October 15, 2024) and records generated or acquired in the future.

FOR MORE INFORMATION

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