

SUPPORTING STATEMENT
OMB No. 2127-0044
Names and Addresses of First Purchasers of Motor Vehicles

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The compilation and maintenance of first purchaser information that is the subject of this information collection is required by statute. Specifically, under 49 U.S.C. § 30117(b) a manufacturer of a motor vehicle or tire must maintain a record of the name and address of the first purchasers of each vehicle or tire it produces and, to the extent prescribed by regulation of the Secretary, must maintain a record of the name and address of the first purchaser of replacement equipment (except a tire) that the manufacturer produces.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate actual use the agency has made of the information received from the current collection.

Motor vehicle dealers collect the name and address of vehicle purchasers at the time of a new vehicle's sale. The information is commonly sent electronically to the vehicle manufacturer.

Irrespective of the statutory requirement, manufacturers collect and maintain new vehicle purchaser names and addresses for a number of commercial reasons, including for warranty and marketing purposes. Manufacturers also use this information, in conjunction with state motor vehicle records, to satisfy their statutorily-imposed obligation to notify owners and purchasers if and when there is ever a safety recall conducted on their vehicles. See 49 U.S.C. § 30118.

The agency does not collect or use the first purchaser information that manufacturers collect from dealers, and manufacturers are not required to submit this information to the agency absent a specific request which would not be the subject of this information collection.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The manufacturers are free to use any technology they wish to collect the names and addresses. The statute does not specify any means by which manufacturers are to collect and maintain purchaser information. In the agency's estimation, almost all vehicle manufacturers use using some form of electronic media to receive first purchaser information from their dealers.

For its part, and as explained in Supporting Statement No. 2, the agency does not collect or use the first purchaser information manufacturers collect and maintain.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.

This collection concerns only the collection and maintenance of first purchaser information related to new vehicles and their tires. As such, there is no similar or duplicative information to be had since the first sale would be the only sale for which this information is required.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

Some dealers and a few of the smallest vehicle manufacturers may qualify as small businesses. The statute does not distinguish small businesses and, therefore, they must comply with the statute as any larger manufacturer must. Every manufacturer and its dealers are free to choose the least burdensome means of collecting, conveying and maintaining first purchaser information. Since small businesses likely manufacture and sell fewer vehicles, the burden on them in terms of collecting and maintaining first purchaser information is necessarily lower.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

From a policy perspective, if manufacturers were to ignore the requirement that they retain first purchaser information, there would be the possibility that manufacturers would be unable to notify some owners and purchasers of a safety related defect or a noncompliance with Federal Motor Vehicle Safety Standards (FMVSS) in vehicle they sold, which would present an obvious public safety concern.

From a commercial perspective, if manufacturers do not collect and maintain first purchaser information as required under 49 U.S.C. § 30117(b), they are subject to substantial civil penalties under 49 U.S.C. § 30165.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.

Not applicable. This regulation is consistent with the guidelines set forth in 5 CFR 1320.6.

8. Provide a copy of the Federal Register document soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format, and on the data elements to be recorded, disclosed, or reported.

Please see the attached notice, 73 Fed. Reg. 3798 (January 22, 2008). NHTSA received no public comment in response to this notice.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

Not applicable. No payment or gift will be given to any respondent.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Not applicable. No specific assurance of confidentiality will be provided to respondents by NHTSA.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Not applicable. No questions of a sensitive nature are involved in this information collection.

12. Provide estimates of the hour burden of the collection of information.

Previously, the agency estimated this collection's burden at 1,075,000 hours. This was reached from our estimate that there was an annual burden of 875,000 hours associated with the recording of purchaser information at the time of sale by dealers, and an additional 200,000 hours burden hours associated with recordkeeping by manufacturers.

As discussed above, as a practical matter vehicle manufacturers are presently collecting purchaser information from their dealers and then maintaining that information for their own commercial reasons. Therefore, we do not believe that the requirement to collect and maintain this information as found in 49 U.S.C. § 30117(b) imposes any additional burden on that community. We believe our previous estimate was inaccurate. Accordingly, we have revised the estimated annual burden for this collection to zero burden hours.

13. Provide estimates of the total annual cost to the respondents or record keepers resulting from the collection of information.

The respondents are vehicle dealers which collect the information, and vehicle manufacturers which store the information. Since this practice of recording and storing the names and addresses of first purchasers was followed by vehicle dealers and manufacturers for their commercial purposes before passage of the Safety Act, NHTSA does not believe there are any added costs resulting from this statutorily required collection of information.

14. Provide estimates of the annualized costs to the Federal government.

The cost to the Federal government is zero. The Federal government neither receives nor keeps the names and addresses of first purchasers of motor vehicles. The information is gathered by vehicle dealers and forwarded to and stored by vehicle and equipment manufacturers.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

The reasons for the adjustments in item 13 and 14 are, the ICR's costs are estimated as zero since the recording and storing of names and addresses of first purchasers is a commercial practice that has, and we expect will continue to be, followed by the respondents for their business purposes. This estimation is an adjustment from our previous estimate in of \$467.00 per year for dealer mailings. As with the previous annual hours burden that has now been reduced to zero, the agency believes it previously overestimated the costs on the respondents given that the recording and storing of first purchaser information, and the transfer of the information from the dealer to its manufacturer, is an activity those parties have been, and will continue, to practice irrespective of the statutory requirement because they have commercial reasons for doing so (e.g., marketing and warranty claims processing at a minimum).

16. For collections of information whose results will be published, outline plans for tabulation, and publication.

Not applicable.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Not applicable.

18. Explain each exception to the certification statement identified in Item 19, “Certification for Paperwork Reduction Act Submissions,” of OMB Form 83-I.

Not applicable.