

MAY 1 2003

Mr. Dan DeDecker  
Project Manager  
Active Web Services, L.L.C.  
75 Executive Drive, Suite 118  
Aurora, IL 60504

Dear Mr. DeDecker:

This is in reply to your e-mail of April 21, 2003, asking for an interpretation of the amendment to 49 CFR 579.28(c) published in the Federal Register on April 15, 2003 (68 FR 18136 at 18143). This provision of the early warning reporting (EWR) regulation pertains to the one-time submission of historical information.

We amended Section 579.28(c) to require reports of only "the number of warranty claims recorded in the manufacturer's warranty system." You asked the following question:

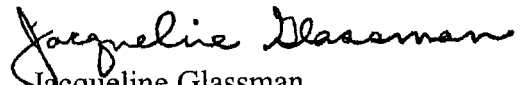
Does this mean that if a company has their 3 year historical warranty claims only in a paper format, that they do NOT need to input them? Or does a paper-based filing system for historical claims count as a system? As such, a manufacturer needs to input this information from paper-based claims to NHTSA.

The term "the manufacturer's warranty system" is a broad one, and generally encompasses any system that a manufacturer uses to record its warranty claims. However, for the limited purposes of the one-time historical report, we focused on electronically-stored information. Thus, a manufacturer need not provide electronic summaries of warranty records that are stored in a manner other than electronically (i.e., paper). Such records would represent a three-year accumulation of claims and it might be difficult and time-consuming for a manufacturer to develop summaries for electronic transmission. If a manufacturer's warranty record system is paper-based, it should so indicate in its historical report as an explanation of why it is not furnishing a report of the number of warranty claims.

However, all manufacturers have to provide warranty data in electronic form, as specified in Section 579.29(a), for all future quarterly reports, even if they continue to maintain a paper-based warranty record system.

If you have any questions, you may telephone Taylor Vinson of this office (202-366-5263).

Sincerely,

  
Jacqueline Glassman  
Chief Counsel