



U.S. Department of Transportation
**National Highway Traffic Safety
Administration**



To: Recreational Off-Highway Vehicle Association (ROHVA)
US Tire Manufacturers Association (USTMA)
The Tire & Rim Association, Inc. (T&RA)
American Society for Testing and Materials (ASTM) Committee F09
International Organization for Standardization (ISO) ISO/TC 31
Tire Business Publication

Subject: Improper Certification of UTV/ATV Tires to FMVSS

Date: June 3, 2022

The National Highway Traffic Safety Administration (NHTSA) has become aware of Utility Terrain Vehicle (UTV) and All-Terrain Vehicle (ATV) tires offered for sale in the United States that are incorrectly labelled and marketed as being compliant with Federal Motor Vehicle Safety Standards (FMVSS). The Agency is providing this information for your awareness and to promote compliance within the off-road tire industry. We encourage you to share this information with other industry members and stakeholders.

According to 49 U.S.C. § 30102, a “motor vehicle” is defined as:

*(7) “motor vehicle” means a vehicle driven or drawn by mechanical power and **manufactured primarily for use on public streets, roads, and highways**, but does not include a vehicle operated only on a rail line. (bold emphasis added).*

Based on this definition, there are no FMVSS that apply to UTV or ATV tires, because UTVs and ATVs are not manufactured for use on public roadways. Additionally, 49 C.F.R. § 574, *Tire Identification and Recordkeeping* states:

*49 C.F.R. § 574.5(e)(1) - The **DOT symbol constitutes a certification that the marked tire conforms to an applicable Federal Motor Vehicle Safety Standard.***

And:

*49 C.F.R. § 574.5(e)(3) – **The DOT symbol must not appear on tires to which no Federal Motor Vehicle Safety Standard is applicable...** (bold emphasis added).*

As stated above, this means that the symbol “DOT” cannot appear on any ATV, UTV, or Not for Highway Service (NHS) tire and that manufacturers may not certify that such tires conform to an FMVSS or make any representations that such tires conform to the FMVSS. Only tires intended for a vehicle certified to the FMVSS are legally permitted to be marked with “DOT” and may be marketed as conforming to the FMVSS.

As a reminder, language that tires are “approved,” “certified,” or “compliant” with standards that do not apply are misleading and we would appreciate your assistance in communicating this information to your members and distribution and retail channels so that it can be revised.

Sincerely,

STEPHEN

ANTHONY RIDELLA

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for

Anne Collins

Associate Administrator of Enforcement

Office of Enforcement

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National Highway Traffic Safety Administration