

VEHICLE IDENTIFICATION NUMBERS

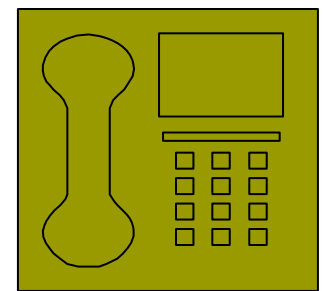
The Vehicle Identification Number (VIN)

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Under regulations administered by the National Highway Traffic Safety Administration (NHTSA), a vehicle identification number or VIN is “a series of Arabic numbers and Roman letters that is assigned to a motor vehicle for identification purposes.” See 49 Code of Federal Regulations (CFR) Part 565. The VIN system is essential to increase the accuracy and efficiency of vehicle recall campaigns undertaken to remedy noncompliances with the Federal motor vehicle safety standards (FMVSS) or defects related to motor vehicle safety. An efficient VIN system is also necessary to law enforcement officials as an anti-theft mechanism, to insurance companies to identify and classify vehicles, to researchers for identifying vehicles in crash investigation programs, and to State governments for vehicle registration and titling purposes. Among other things, Part 565 requires that a motor vehicle

manufacturer assign to each motor vehicle manufactured for sale in the United States a 17-character VIN that uniquely identifies the vehicle. The VIN must be correctly formatted and include a check digit in the 9th position that is mathematically correct under a formula that is included in the regulations. Part 565 specifies that for passenger cars, MPVs, and most trucks the VIN must be located inside the vehicle’s passenger compartment and be readable through the vehicle’s glazing from the outside when the observer is adjacent to the left windshield pillar (the “public VIN”). Additionally, NHTSA requires the VIN to be on the label that certifies the vehicle’s compliance with all applicable FMVSS (49 CFR Part 567). A motorcycle VIN need only be inscribed on this certification label, which must be affixed to a permanent member of the motorcycle as close as practicable to the intersection of the



“Customer Service, I have a question about my vehicle identification number...”

steering post with the handle bars in such a location that it can be easily readable without moving any part of the vehicle except for the steering mechanism. There is no requirement that a VIN appear on a motorcycle frame. Also, an identifying number (usually the VIN) must be marked on the 18 “major parts” of a motor vehicle that are subject to the parts marking requirements of the Theft Prevention Standard (49 CFR Part 541).



Manufacturers’ Duty to Notify NHTSA

Under the regulations in Part 565, a motor vehicle manufacturer must submit to NHTSA information the agency will need to decipher the manufacturer’s VIN char-

acters not later than 60 days before offering for sale the first vehicle identified by that VIN. The purpose of the 60-day requirement is to permit users of the VIN, such as State motor

vehicle agencies, to obtain the necessary deciphering information before vehicle purchasers begin registering their vehicles.



Can I Have Two VINs On My Car or a VIN That Does Not Meet NHTSA's Requirements?

NHTSA's regulations permit the importation of a vehicle whose VIN does not conform to the requirements of Part 565. This would happen when a vehicle that is not originally manufactured for sale in the U.S. is imported and conformed to the FMVSS by an importer specially registered with the agency, referred to as a "Registered Importer." NHTSA regulations require the Regis-

tered Importer to use the original manufacturer's VIN even though the VIN does not meet the requirements of Part 565. NHTSA adopted this regulation after considering the recommendations of law enforcement officials that VIN numbers, once assigned by the manufacturer and after the vehicle is sold to a consumer, should not be altered for any reason, even if the original number was in-

correct. Law enforcement authorities consider the presence of an altered VIN on a vehicle to be an indication that the vehicle has been stolen. Nor should a second VIN be added to any motor vehicle. To do so would make identification of stolen vehicles and other law enforcement activities much more difficult.



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What Happens if the Manufacturer Makes a Mistake in a VIN?

The agency has stated that typographical errors in a VIN can only be corrected by the vehicle's manufacturer. This would normally be done only while the vehicle remains on the production line. The VIN would, as a practical matter, have to be corrected at every location where it appears on the vehicle, including the public VIN, any hidden VINs (inscribed as theft deterrent measures), the VIN on the manufacturer's certification label, and the VINs on the 18 "major parts" of a motor vehicle that are subject to the parts marking requirements.

Because NHTSA regulations only require that a motorcycle or trailer VIN appear on the vehicle's certification label, correcting VIN errors on such vehicles is less difficult than it is for other vehicle types. NHTSA has stated that the manufacturer may correct a VIN error by replacing the certification label that it affixed to a trailer, as long as the vehicle is new (i.e., the trailer has not been sold to its first retail purchaser). However, the agency has stated that such a correction should not be done in a manner that creates concern for law

enforcement officials who may examine the trailer in the future. If the stamped VIN appears altered, law enforcement agencies may incorrectly conclude that the trailer VIN has been tampered with to further a vehicle theft. Manufacturers have no obligation under NHTSA regulations to notify the agency about VINs that are corrected while the vehicles are on the production line.



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I Bought a Vehicle With a VIN Error. What Should I Do?

A VIN problem is often discovered when a State motor vehicle agency has refused to issue a title or registration plate for the vehicle. Consumers who have purchased a vehicle with a VIN error should first contact the manufacturer using the contact information supplied in the vehicle owner's manual or on the "Customer Service" page of the manufacturer's Web site. In some cases, the vehicle manufacturer will provide the pur-

chaser with a letter that identifies the erroneous VIN and the VIN as it should have been assigned, as well as a contact name and phone number to be used by law enforcement in the event that further information is needed during an investigation of the VIN error. Additionally, NHTSA has recommended that the manufacturer inform the National Insurance Crime Bureau (NICB) of the error because that organization, which

represents vehicle insurers, maintains a database of vehicles that is accessible to law enforcement officials. The NICB can be reached at 1-800-447-6282.



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What Are the Pros & Cons of Fixing a VIN Error?

The agency has stated that many VIN errors that are discovered in vehicles after first retail sale would have an inconsequential effect on vehicle safety. The agency has also observed that replacing an erroneous VIN plate or certification label or restamping the VIN on parts of the vehicle would not be a desirable remedy because the possible benefits would be greatly outweighed by the costs. For example, if the equipment necessary to alter VINs and a stock of blank VIN plates were widely available (such as at all auto dealers), thieves would have greater

access to that equipment to create false VINs. Also, some States require law enforcement personnel to witness a change to a VIN plate or require that only employees of the manufacturer may change a VIN, making corrections impracticable. In addition, many documents would have to be revised if a VIN were corrected, including manufacturer warranty records, State titling and registration files, insurance records, and financing records. In most cases, simply providing information on the nature of the error to users of the VINs (including NHTSA) solves any

problems caused by the incorrect VIN. Therefore, once a vehicle has been titled and registered with an erroneous VIN that appears on the certification label and on the public VIN, we recommend that the vehicle continue to be identified by that VIN to protect U.S. consumers from odometer fraud, VIN tampering, and other possible fraudulent activities.

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What Types of VIN Errors Are Made?

There are several different types of VIN errors that manufacturers make and these errors may or may not have safety consequences. If a manufacturer makes an error in a single VIN character other than the check digit or other character monitored by VIN users, the agency would likely regard such an error as inconsequential if the manufacturer submitted the necessary corrected decoding information to NHTSA. With this correct decoding information available, the agency’s safety research activities would not be impaired and manufacturers would still be able to conduct recall campaigns when necessary.

A second type of error involves the physical aspects of the VIN itself. For example, a manufacturer might use a type face other than the sans serif type face required by Part 565. Although errors of this kind would have to be resolved on a case-by-case basis, they could

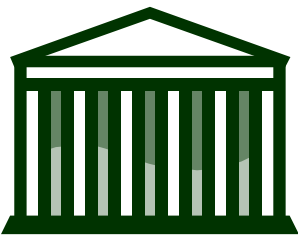
be deemed inconsequential if they present no problems to the agency, other VIN users, or vehicle owners.

A third type of error involves an erroneous check digit or other character that is monitored by vehicle records systems of States or other VIN users. Erroneous check digits may adversely affect NHTSA’s ability to conduct research and to monitor recalls, since the error rate of VIN transcription would presumably be higher in the absence of a properly functioning check digit. Further, vehicle purchasers may face rejections by State, insurance, and other data-processing systems using the check digit to verify transcription accuracy. Because NHTSA is concerned that the use of replacement certification labels or VIN plates could create opportunities for auto theft operations to generate fake VINs, the agency has generally treated erroneous check digits as inconsequential

if the manufacturer reports the errors to the agency.

Of greater concern to NHTSA are VIN errors that could impair the agency’s safety research activities and ability to monitor recall campaigns. Such an error would exist in situations where a manufacturer numbered many of its vehicles identically, or where the VINs were totally illegible. An error of that magnitude could impair the manufacturer’s ability to conduct recall campaigns and the ability of the agency to monitor those recalls. It would also cause serious problems for all VIN users. In this type of situation (which should arise rarely, if ever), the agency may require the manufacturer to accomplish some form of corrective action.

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Other Federal Statutes May Make It a Crime to Change a VIN

Consumers should be aware that other Federal statutes may make it a crime to change a VIN under certain circumstances. Title 18, United States Code (U.S.C.), Section 511 states that a person who knowingly removes, obliterates, tampers with, or alters an identification number for a motor vehicle or motor vehicle part; or with intent to further the theft of a motor vehicle, knowingly removes, obliterates, tampers with, or alters a decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act, shall be fined, imprisoned for not more than 5 years, or both.

However, there are certain exceptions to the prohibitions of

this statute. Examples are:

- a motor vehicle scrap processor or a motor vehicle demolisher who complies with applicable State law with respect to such vehicle or part;
- a person who repairs such vehicle or part, if the removal, obliteration, tampering, or alteration is reasonably necessary for the repair;
- a person who restores or replaces an identification number for such vehicle or part in accordance with applicable State law.

If the replacement of a certification label that contains a VIN or the altering of a stamped VIN is not for the purpose of furthering theft or defrauding

anyone, such action may not constitute a criminal violation of this statute. However, since Title 18 of the U.S.C. is administered by the U.S. Department of Justice, it may be advantageous for a consumer to present such questions to that agency before a VIN is removed, obliterated, tampered with, or altered.

Consumers should also be aware that 18 U.S.C. § 2321 makes it a crime to buy, receive, possess, or obtain control of, with intent to sell or otherwise dispose of, a motor vehicle or motor vehicle part, knowing that an identification number for such motor vehicle or part has been removed, obliterated, tampered with, or altered. However, this statute contains exceptions. One of these covers situations in which

“Federal statutes may make it a crime to change a VIN...”

the removal, obliteration, tampering, or alteration is not a violation of 18 U.S.C. § 511. Furthermore, one exception to 18 U.S.C. § 511 covers situations in which a person “restores or replaces an identification number for such vehicle . . . in accordance with applicable State law.” In light of this, consumers should check with their State’s Attorney General before removing, obliterating, tampering with, or altering a VIN or replacing a certification label that contains a VIN.

State Assigned VINs

The agency has also been asked whether a State official may assign a VIN to a vehicle. The agency has stated that a State law enforcement official may assign such a number to a vehicle after the original stamped VIN plate has been removed from a recovered stolen vehicle or if the VIN plate has been badly damaged or destroyed as a result of either the collision or the repair process. The agency is aware that the State assigned VIN may be needed to ensure that the vehicle is not rejected if it is presented for re-registration. Under these circumstances, the agency has stated that a State may assign a replacement VIN to a vehicle.

What About Off-Road Vehicles? Do They Get VINs?

NHTSA routinely receives inquiries relating to VINs that are assigned to off-road vehicles. NHTSA regulates “motor vehicles,” which are defined in the controlling statute (49 U.S.C. § 30102) as vehicles that are “driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways.”

NHTSA does not regulate vehicles manufactured primarily for off-road use such as all-terrain vehicles, snowmobiles, and dirt bikes. NHTSA’s VIN regulations (i.e., Part 565) are

limited in applicability to motor vehicles; therefore, the agency has stated that manufacturers should not assign VINs to off-road vehicles. If this occurs, information about off-road vehicles becomes improperly comingled with information about motor vehicles and inclusion of off-road data in on-road statistics could distort the relative importance of motor vehicle safety problems. By restricting assignment of VINs to motor vehicles, the VIN system will continue to properly function for its intended purposes.

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