FMCSA-VEH-393.86-FAQ001(2024-12-10)

**Question:** Does an illegible, incomplete, or missing rear impact guard certification label establish a violation of 49 CFR 393.86(a)(6), or indicate that the impact guard did not meet the National Highway Traffic Safety Administration’s (NHTSA) strength and energy absorption requirements applicable to manufacturers at the time the trailer was built?

**Guidance:** No. The regulation in 49 CFR 393.86(a)(6) requires a rear impact guard to be permanently marked or labeled as required by Federal Motor Vehicle Safety Standard (FMVSS) No. 223. NHTSA determined that labels that wear, fade, or are removed during repair do not indicate a current compliance issue with the requirements in FMVSS No. 223. (88 FR 5844-5845, Jan. 30, 2023). FMCSA is also aware that a motor carrier may be unable to replace an illegible, incomplete, or missing certification label.

The condition of rear impact guards should be inspected to ensure compliance with all other FMVSS Nos. 223 and 224 requirements, including:

·        General requirements (§ 393.86(a)(1));

·        Guard width (§ 393.86(a)(2));

·        Guard height (§ 393.86(a)(3));

·        Guard rear surface (§ 393.86(a)(4)); and

·        Cross-sectional vertical height of the horizontal member (§ 393.86(a)(5)).

**Contact Info:** FMCSA Information Line, 1-800-832-5660.

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*Note: This guidance document does not have the force and effect of law and is not meant to bind the public in any way.  It is intended only to provide information and clarity regarding existing requirements under the law or agency policies.*

**Regulatory Topic:** Rear Impact Guard Certification Label

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