CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

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5 DEC 1973

Lance W. Burr, Esq.
Assistant Attorney General
Chief, Consumer Protection Division
State Capitol Building
Topeka, Kansas 66612

Dear Mr. Burr:

This is in regard to your letter dated November 9, 1973, in which you enclosed correspondence from Senator James L. Franciso who wrote on behalf of Mr. J. M. Roundtree concerning a potential safety hazard involving a trailer hitch. You inquired as to whether the Consumer Product Safety Commission has jurisdiction over this product.

The primary purpose of the Commission is to protect the public against unreasonable risks of injury associated with consumer products. In this regard, the term "consumer product" is defined in section 3(a)(1) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2052, as any article, or component part thereof, produced or distributed for sale to a consumer for use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise, or for the personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or residence, a school, in recreation, or otherwise.

Section 3(a)(1)(C) of the CPSA excludes from the meaning of "consumer product" motor vehicle equipment as defined by section 102(4) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391 et seq.). Motor vehicle equipment is defined in that Act as:

> "... any system, part, or component of a motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as any accessory, or addition to the motor vehicle, and any device, article, or apparel not a system, part or component of a motor vehicle (other than medicines or eyeglasses prescribed by a physician or other duly licensed practitioner) which is manufactured, sold, delivered, offered, or intended for use exclusively to safeguard motor vehicles, drivers, passengers, and other highway users from risk of accident injury or death."

In view of the foregoing, it is the Commission's view that it does not have jurisdiction to regulate trailer hitches. Rather, that product falls within the jurisdiction of the National Highway Traffic and Safety Administration. I have therefore taken the liberty of referring your letter to the NHTSA's Deputy Chief Counsel, Mr. Richard Dyson, 400 7th Street, SW., Washington, D.C. 20591.

Please let me know if I may be of further assistance.

Sincerely,

Michael A. Brown

Michael A. Brown
General Counsel

AHSchoem:mli:12/4/73

cc: Richard Dyson
Deputy Chief Counsel
NHTSA
400 7th Street, SW.
Washington, D.C. 20591

bcc: S. Dunn
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