

PROPOSAL FOR DRAFT AMENDMENT TO REGULATION No. 89

(Speed limitation devices)

Transmitted by the expert from the International Organization of Motor Vehicle
Manufacturers (OICA)

A. PROPOSAL

Note: Text in bold is in addition to the current text. Text in "strike-out" is to be deleted from the current text.

The title, amend to read:

"UNIFORM PRESCRIPTIONS FOR APPROVAL OF:

- I. Vehicles with regard to limitation of their maximum speed or **with regard to** their adjustable speed limitation function.
- II. Vehicles with regard to the installation of a speed ~~limiting~~ **limitation** device (SLD) or **an** adjustable speed limitation device (ASLD) of an approved type.
- III. Speed limitation devices (SLD) and adjustable speed limitation device (ASLD)."

Paragraph 1.1.1., amend to read (footnotes 1/ and 2/ remain unchanged):

- "1.1.1. Part I: Vehicles of categories 1/ M3, N2 and N3 2/ equipped with an SLD and to vehicles of categories M and N equipped with an adjustable speed limitation device ASLD, **when these devices** ~~which~~ have not been separately approved according to Part III of this Regulation, ~~or so designed and/or equipped that its their component parts can be regarded as totally or partially fulfilling the function of an SLD or ASLD, as appropriate.~~

It also applies to vehicles so designed and/or equipped that their component parts can be regarded as totally or partially fulfilling the function of an SLD or ASLD, as appropriate."

Paragraph 1.2., amend to read:

"1.2. Purpose

The purpose of this Regulation is to ~~limit~~ **permit the limitation of** the road speed of vehicles by means of ~~a vehicle~~ **an onboard** system which has the primary function of controlling the fuel feed to the engine or via the engine management."

Paragraphs 1.2.1. to 1.2.3., amend to read:

"1.2.1. Vehicles of categories M3, N2 and N3 shall be limited to a maximum speed achieved by a speed limitation device (SLD) or function (SLF).

1.2.2. ~~Vehicles of categories M1, N1 and M2 shall be limited to a speed voluntarily set by the driver by means of an adjustable speed limitation device (ASLD) or function (ASLF), when it is activated.~~

The adjustable speed limitation device (ASLD) or the adjustable speed limitation function (ASLF) shall limit the speed of vehicles of categories M and N to a speed voluntarily set by the driver.

~~1.2.3.1.1. Vehicles of categories M3, N2 and N3 may in addition be equipped with a ASLD or a ASLF"~~

Paragraph 5.2., amend to read:

"5.2 Requirements for vehicles **if** equipped with ASLF

5.2.1".

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B. JUSTIFICATION

Supplement 1 to Regulation No.89 was adopted by WP.29 on the basis of document TRANS/WP29/2001/38. At that time, OICA had submitted informal document No. 11 (TRANS/WP29/815, paragraphs 101 and 102) proposing a note clearly specifying that Regulation No.89 did not entail mandatory installation of (adjustable) SLD or ASLD speed limitation devices.

WP.29 rejected the request, specifying that all UNECE Regulations are optional and only become mandatory at national (regional) level if so required by national (regional) legislation.

OICA perfectly understands and agrees with the above principle but remains concerned with the wording of Supplement 1 to Regulation No.89, especially when national (regional) authorities envisage mandatory application of it.

The current wording indeed can be interpreted such that installation of ASLD is mandatory on vehicles M1, N1 and M2 (see paragraph 1.2.2.), which clearly was not the stated intention.

Authorities wishing to mandate application of Regulation No.89 "en bloc" would thus have no choice but to mandate installation of ASLD.

OICA has therefore prepared the proposal TRANS/WP.29/GRRF/2004/14 for discussion at the fifty-sixth session of GRRF which aimed at reverting to the original intention of Regulation No.89, namely a Regulation allowing international approval of devices/systems and their installation, with the fitment being left to the choice of the authorities. At the fifty-sixth session of GRRF however some governments interpreted TRANS/WP.29/GRRF/2004/14 that no Contracting Party could have anymore the possibility to make ASLD mandatory in their national law when applying UN/ECE Regulation No.89.

OICA hence re-drafted the text of para.1.2.2. in a way that any authority would be free to mandate or not devices/systems approved according to Regulation No.89 (deletion of the first part of the sentence).

A few purely editorial corrections are proposed in addition.
