When preemption is not found, a defendant may argue that under the doctrine of primary jurisdiction the court should nonetheless defer to the jurisdiction of the National Highway Traffic Safety Administration in cases involving issues of vehicle safety. The doctrine of primary jurisdiction suggests that a court should defer to an agency charged with particular regulatory duties when necessary to ensure uniformity or when the agency is better equipped to address the issues raised by the plaintiffs’ claims. This notion has been rejected when the plaintiff does not directly challenge a federal standard or regulation, and thus does not put uniformity at risk. Moreover, claims based on alleged vehicle defects are typically “within the conventional competence of the courts.”

Footnotes


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