

# **REGISTERED IMPORTER NEWSLETTER No. 1**

## **March 15, 1994**

### **VEHICLE IDENTIFICATION NUMBERS (VIN) REQUIRED ON ALL PETITIONS**

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Effective immediately, during the eligibility petition process when you submit a petition in accordance with 49 CFR 593.6(a)(1), 593.6(a)(2), and 593.6(b)(1) (if applicable), we will require the vehicle identification number (VIN) of the vehicle for which an import eligibility determination is sought as well as the U.S. certified vehicle you believe to be substantially similar.

### **VERIFICATION OF RECALL CAMPAIGNS IN EFFECT**

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Effective immediately, the compliance package must include a statement that indicates that at the time of submission, the subject vehicle was examined against existing recall campaigns and was or was not involved in any recall campaigns.

Further, if the vehicle was involved in a recall campaign, indicate the appropriate recall campaign number, that the modifications to the vehicle were made and describe the modification.

### **MERCEDES-BENZ AIR BAG SYSTEMS IN NON-U.S. CARS**

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Mercedes-Benz of North America has informed us that starting with the 1993 models, the air bag system does not meet Federal Motor Vehicle Safety Standard (FMVSS) No. 208, Occupant Crash Protection, in other than the U.S. certified models. Therefore, the petition must indicate that the air bags and bolsters required for compliance to FMVSS 208 will be installed.

### **COPY OF CONTRACTS REQUIRED BY OVSC**

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You are reminded of your responsibility to provide to the Office of Vehicle Safety Compliance (OVSC) a copy of every contract you make to provide Registered Importer services. This contract should include the following vehicle information as a minimum:

- Make
- Model
- VIN

We request that the copy be provided within 5 days after signature.

# REGISTERED IMPORTER NEWSLETTER No. 2

April 29, 1994

## **ALERT NOTICE**

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We have become increasingly aware of importers negotiating with Customs officials in an effort to import Russian and Chinese motorcycles, trucks, cars and items of motor vehicle equipment. Several importers have attempted to import motorcycles that may have been fraudulently identified as antiques (over 25 years old). Available information suggests that such vehicles generally are of recent manufacture and definitely are not 25 years old. Still others have contacted us to obtain information in order to import them properly. As you are aware, this process involves registration pursuant to Part 592 and bonding pursuant to Part 591.

At this time, no Russian or Chinese vehicles are eligible for importation and sale in the U.S. We ask that you remain alert in this regard. If any doubt exists, please contact OVSC.

## **RECORD SET FOR NUMBER OF REGISTERED IMPORTERS (RIs)**

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During April 1994 the 21st RI was approved by NHTSA. There are now 13 RIs located in eastern states and 8 RIs located in western states. An updated list of current RI names and addresses (Rev 4-6-94) is enclosed with this Newsletter.

## **MANY RANGE ROVER MODELS NOT ELIGIBLE FOR IMPORTATION**

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Range Rover of North America has informed us that starting with the 1987 model year, vehicles not specifically manufactured and certified for the Canadian or United States markets cannot be modified to comply with the requirements of FMVSS 301, **Fuel System Integrity**. The vehicle structure has been reinforced to meet Standard 301 and such modification is not readily apparent.

RIs who now have petitions for model year 1987 and newer Range Rovers will be required to export or destroy these vehicles under U.S. Customs Service supervision unless someone elects to conduct crash testing on an imported Range Rover which has been certified by an RI. A petition dismissal letter to this effect will be mailed to you as applicable. The respective bonding company will be served notice of full payment in the amount of the bond if the above requirements have not been carried out within 30 days.

Petitions for eligibility of model year 1986 and older Range Rovers can still be considered on a case-by-case basis. No Range Rovers or Land Rovers have been declared eligible to date.

## **REPRINTS OF REGULATION PARTS 591 & 592 NOW AVAILABLE**

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Two NHTSA regulations pertaining to the RI program have been reprinted to

incorporate all amendments through September 1993. Copies of **49 CFR 591**, Importation of Vehicles and Equipment Subject to Federal Safety, Bumper, and Theft Prevention Standards, and **49 CFR 592**, Registered Importers of Vehicles Not Originally Manufactured to Conform to Federal Motor Vehicle Safety Standards are enclosed for your ready reference.

# REGISTERED IMPORTER NEWSLETTER No. 3

May 27, 1994

## 1993 EDITION OF CODE OF FEDERAL REGULATIONS NOW AVAILABLE

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The latest revision of the Code of Federal Regulations (**CFR**), Title 49, Transportation, Parts 400 to 999, containing the complete and revised text for all NHTSA regulations including the FMVSS in effect as of Oct 1, 1993, was recently released. Copies may be purchased from the Government Printing Office (GPO) for \$33.80.

To minimize the potential of costly errors due to reliance on outdated revisions of the **CFR** that contain the FMVSS and other NHTSA regulations, we strongly recommend that you purchase a copy of the latest revision. Such errors could result in expensive recalls, civil penalties and lawsuits.

As you know, your facility, unreleased vehicles and records are subject to inspection by NHTSA officials at any time.

## GUIDELINES FOR ELIGIBILITY PETITIONS

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The legal requirements of 49 CFR 593 involves many sequential steps which take a long time even if everything is optimal. As you know, each RI's petition is published in the Federal Register twice, as a minimum. Each notice must be reviewed and approved by the chain of command up to top management of both the Enforcement and Chief Counsel organizations before it is sent to the Federal Register. If a petition is incomplete or erroneous when it is submitted to NHTSA, the process takes much longer. Many RIs have asked what they can do to receive their determinations sooner. The best way for you to expedite your petition is to make sure it is done right in the first place. To assist you in this respect, we offer the following supplemental guidelines.

- Petition should be dated and signed by the responsible RI.
- Make sure that petition is truly responsive to Section 593.6(a)(1) thru (5) or 593.6(b)(1) and (2). Identification and substantiation statements must be specific, not broad generalities.
- Attach applicable fee per current revision of 49 CFR 594.
- Technical data must be accurate and unambiguous (for example, don't petition to replace European headlamps with "sealed beam" headlamps when the manufacturer uses the replaceable bulb type in its U.S. certified model).
- Avoid assumptions about what is required and what is not (for example, FMVSS 203 is not applicable when a vehicle conforms to Section 5.1 of FMVSS 208). Obtain

current standards and use them.

- If petition relies on testing, attach a summary test report but maintain all test data, film, etc. for submission if requested.
- Attachments of unidentified photographs, voluminous Xerox and/or computer printout copies are superfluous.
- One petition may cover more than one model and/or model year if you can justify their inclusion (if Mercedes-Benz, this also means model ID).

Some petitions have been received which suggest that they were prepared by persons who did not know or understand NHTSA standards and regulations. You must check your employees' work carefully so that mistakes and inconsistencies are corrected promptly. Beware of boilerplate text taking segments from some other petition which are not appropriate. Substantiation must consist of specific data, views and arguments. The agency will no longer critique petitions and instruct you on how to correct them on a line by line basis.

It is not necessary to have a candidate vehicle or substantially similar vehicle in hand at the time a petition is submitted. However, if you do not, then your petition must not claim you have compared vehicles. Substantiation of such petitions must include reference to verifiable documentation. When you do make physical comparisons, your petition must include make, model and VIN of both vehicles. Upon receipt of such petition we will verify that you did transmit a copy of your RI contract within 5 days after signature as required.

Remember, if your petition is denied or dismissed as incomplete and you decide to replace it with a corrected version, another petition fee must be submitted with the new petition.

## **ELIGIBILITY UPDATE**

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Information is attached to update your records as to all makes, models and model years which have been determined to be eligible for importation by RIs or by individuals who have contracts with RIs. The cover sheet for this attachment is dated May 13, 1994. It includes a reprint of the agency's 2nd Annual Eligibility List, additional determinations based on petitions from RIs which were granted and published in the Federal Register by May 5, 1994, and a summary of eligibility fees applicable to importation of vehicles entered in Fiscal Year 1994.

The 2nd Annual Eligibility List reprint corrects three typographical errors which have been found in the original Federal Register notice dated Feb 23, 1994. In addition, the format has been improved for ease of reading such as expansion of space allowed for definition of the blanket eligibility determination (**VSA-1**) covering most Canadian

vehicles to one full page. The attached revision is printed on one side of the paper only to facilitate your ready reference.

The HS-7 Declaration form for every vehicle imported under the terms and conditions of **Box 3** should have respective eligibility number (or the word "**petition**" if the RI intends to submit a petition) in the space provided. New eligibility numbers are issued at irregular intervals. A RI who wishes current information on import eligibility numbers issued or petitions in process may call **202-366-5308**.

For your further understanding of the eligibility numbering system, the following code letters are used in the prefix:

**VS** Vehicle substantially similar to a U.S. certified model and readily modifiable

**VC** Vehicle capable of being modified to comply with U.S. Federal motor vehicle safety standards

**A** Administrator made the determination on his or her own initiative

**P** Petition from RI or manufacturer

Enclosure

1. CFR Order Form

# **REGISTERED IMPORTER NEWSLETTER No. 4**

## **June 30, 1994**

### **ULTIMATE RESPONSIBILITY**

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The normal responsibility of an RI to certify, insure and obtain a DOT bond release for a nonconforming vehicle within 120 days after importation appears to be well known. However, your responsibilities in the event that commitments are not satisfied are not always recognized.

Failure to obtain timely bond release can result from any number of events such as your inability to certify compliance within the allowed time, failure to submit required fees or other required attachments, and denial or dismissal of your eligibility petition. The agency does make allowance for petition processing time, but this is not without limit.

Remember, whether you import your own vehicle or undertake to certify an imported vehicle under contract, you are responsible to abandon the vehicle to the U.S. or deliver the vehicle, or cause the vehicle to be delivered to, the Secretary of the Treasury (U.S. Customs) for export [Sections 591.8(d)(vi) and 592.6(a) and (j)] if a bond release is not obtained in a reasonable time. Although the agency has not seen fit to exercise them to date, Part 592 does include several provisions for revocation and suspension of your registration.

### **ANOTHER ELIGIBILITY UPDATE**

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The then current list of import eligibility determinations was distributed with RI Bulletin No. 3 on May 27, 1994. Since that time several new eligibility determinations have been published in the Federal Register based on petitions submitted by RIs. The attached update, dated June 21, 1994, should be added to your 2nd ANNUAL ELIGIBILITY LIST in lieu of the previously distributed attachment which contained only 11 eligibility number assignments. As you know, additional eligibility determinations are issued at irregular intervals.

### **IMPORTING FOR RESALE**

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After all the experience of those involved in the RI program, some confusion remains about this subject. The following information is repeated so there can be no doubt about the limits of your authority as an RI.

By way of background, you must understand that the original National Traffic & Motor Vehicle Safety Act of 1966 which established this agency states in Section 108, subsection (a)(1)(A), that NO PERSON SHALL... IMPORT ANY MOTOR VEHICLE ... MANUFACTURED AFTER THE DATE ANY APPLICABLE FEDERAL MOTOR VEHICLE SAFETY STANDARD TAKES EFFECT UNLESS IT IS IN CONFORMITY WITH SUCH STANDARD (and certified by its manufacturer), EXCEPT AS PROVIDED IN THIS SECTION.

Amendments to the act contain the following provisions paraphrased:

- SUBSECTION (a)(1)(A) SHALL NOT APPLY IF THE VEHICLE IS IMPORTED BY A REGISTERED IMPORTER, and
- SUBSECTION (a)(1)(A) SHALL NOT APPLY TO A VEHICLE THAT IS IMPORTED FOR PERSONAL USE, AND NOT FOR RESALE, BY ANY INDIVIDUAL IF THAT INDIVIDUAL FURNISHES A COPY OF A CONTRACT WITH A REGISTERED IMPORTER FOR BRINGING SUCH VEHICLE INTO CONFORMITY

You can see that the terms "individual" and "not for resale" mean that you may **NOT** contract with any dealer, sales broker, agent or anyone else to import any amount of vehicles for purposes of resale. In this context the prohibition includes sale and lease. If a customer asks for your contract with the intention of importing vehicles for resale you should advise him to submit an application to become a RI just like you did.

## **FEE SUBMISSION METHODS NEED IMPROVEMENT**

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Some RIs have created confusion and brought undue delays upon their bond releases by lack of attention to detail in submitting checks for applicable fee payments. For example, large checks intended for 40 or more multiple entries transmitted in several envelopes have been received without any explanation. The agency cannot continue to cope with such ambiguity.

If it is not practicable to submit individual checks or money orders for each vehicle, you are requested to place small quantities of vehicles into rational groups of 10 or less when submitting Statements of Conformity simultaneously. In such cases you should attach a legible note to your check to identify the make, model, VIN and Customs Entry Number for the vehicles applicable and enclose enough copies for each vehicle in the group. Please do not split up groups of vehicles imported under a common Customs Entry Number in the event that multiple vehicles are combined in one Customs Entry.

Unnecessary delays are created whenever insufficient information is submitted.

## **EXPEDITE PROCESSING**

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We are requesting that each RI send their Box 3's with file folders in the following format:

1. On the **left hand side**, HS-7 form, Bond and Insurance Policy, (HS-7 Form must be on top and all forms must be stapled to the file folder on the left hand side). **ALL FORMS MUST BE SIGNED AND DATED!**
2. On the **right hand side**, Photographs, Statement of Conformity, and any other additional information (Photographs must be on top and all forms must be stapled to the file folder on the right hand side). **PHOTOGRAPHS MUST BE CLEAR.**



PLEASE MAKE SURE THAT ALL FORMS AND PHOTOGRAPHS ARE CONSISTENT (i.e., VIN identification)

3. Errors of submission will result in the folder being returned to the RI and the record keeping/release process will be terminated for those vehicles.

### **WHY AUTOMAKERS OPPOSE "BOOTLEG" EXPORTS**

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We reproduce, without further comment, the following as reported in the June 6 issue of the "**Automotive News**". . . .

- They're unfair to authorized dealers in other countries
- Warranties may not be valid
- Difficult to issue recalls
- Contribute to shortages in the local market
- Vehicle may not meet export market's safety rules

# REGISTERED IMPORTER NEWSLETTER No. 5

## August 30, 1994

### RENEW SOON!

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The Government's 1995 fiscal year begins Oct 1, 1994. As you know, your registration must be renewed at this time. If you wish to maintain your registration you need to provide a "Yearly Statement of Registered Importer" in accordance with 49 CFR 592.5(e). Such statement shall affirm that all information submitted in your original application, or amended later, remains correct. You must include a copy of your insurance contract (for remedy of safety-related defects) updated to cover fiscal year 1995. The annual maintenance fee remains \$240.

### PUBLICITY?

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The agency publishes a list of all **REGISTERED IMPORTER** names, addresses and telephone numbers for the benefit of the Customs Service and the general public. This is a form of free publicity for those RI's who do contract compliance certification work for personal vehicles, but reportedly has become a source of some annoyance to those who don't.

To alleviate such problems, the agency proposes to add designations of the respective RI's willingness to enter into contracts for certification of various kinds of vehicles. We ask your cooperation in providing relevant information (on the enclosed form) for this purpose. We recognize that some RIs would not want to work on motorcycles or buses for example. Others would not agree to work on anything but cars or vans certified for sale in Canada. Still other RIs do not wish to undertake contracts for certification of any personally owned vehicles. Based on your input, we will commence to report these facts so you will not be bothered by unwanted inquiries in the future. Please complete the enclosed RI business interest checklist form and return it at your earliest opportunity.

Such expression of business interest does not relieve an RI of his or her responsibility to maintain shop capabilities for modifications plus repair of safety-related defects, to maintain current copies of the Federal motor vehicle safety standards in the facility, and to maintain a secure storage capability for the vehicles.

### FURTHER GUIDANCE FOR ELIGIBILITY PETITIONERS

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Some helpful information for those who prepare eligibility petitions was provided in RI Newsletter Nos. 1 and 3. More recent experience has shown a need for further guidance in some areas as described below. In order to write an acceptable petition you will need to become familiar with and responsive to the petition regulation (49 CFR 593) and the technical details of applicable Federal motor vehicle safety standards.

- For FMVSS 208, petition must contain detailed descriptions of the restraint system

at **each designated seating position** in the vehicle. Information must include both as-built configuration and modifications required to fully comply. Be sure to cover requirements for passenger side air bags where applicable (also see RI Newsletter No. 1)

- Whenever petitioning for a vehicle which is not substantially similar to a U.S. certified vehicle of the same model year you must substantiate in great detail its capability to conform to performance criteria of FMVSS 208, 214 and 301 as applicable unless substantiation is obtained from the original manufacturer, the RI must submit test data with the petition (see RI Newsletter No. 3 for details).
- Whenever a petition is based upon examination of the uncertified vehicle, the agency must know all relevant identifying information. This can be satisfied by attachment of the HS-7 to the petition (you must always submit a copy of each contract within 5 days after signature -- see RI Newsletter No.1). If you do not have a sample vehicle in your possession, the petition must explain the relevant circumstances.
- Whenever you are notified that one of your petitions is incomplete, you should correct and resubmit the entire petition with a new date and signature (with reference to the petition number assigned by NHTSA) to facilitate further processing. As a minimum, minor revisions may be accomplished by substitution of a completely new page for the original erroneous page (pages should be consecutively numbered).
- Be aware of the risk involved if you proceed to modify a vehicle while its eligibility petition is under consideration. In the event your petition is denied, the vehicle will have to be exported or destroyed under Customs supervision regardless of how much time and effort you may have invested in it. The surety will also be notified of its potential liability under the bond.

## **ADDITIONAL ELIGIBILITY DETERMINATIONS**

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Attached import eligibility list update (revised 8/5/94) contains all the eligibility determinations issued since publication of the agency's 2nd ANNUAL ELIGIBILITY LIST and supersedes the previous update. The additional eligibility determinations are based upon petitions submitted by RIs which have been granted and published in the **Federal Register**. Additional eligibility determinations are issued at irregular intervals.

Enclosures

1. Supplemental Eligibility List dated August, 5, 1994
2. RI Business Interest Checklist dated August 23, 1994

# REGISTERED IMPORTER NEWSLETTER No. 6

April 3, 1995

## REGISTERED IMPORTER OBLIGATIONS

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It has come to our attention that many registered importers (RIs) are not complying with the requirements of 49 U.S.C. 30146 (a)(1) (formerly 15 U.S.C. 1397(c)(3)(E)(I) and 49 CFR 592.8(e). The latter section provides that

(e) If a Registered Importer has received no written notice from the Administrator by the end of the 30th calendar day after it has furnished a certification to the Administrator, the RI may release from custody the vehicle that is covered by the certification, or have it licensed or registered for use on the public roads.

We would be pleased to discuss this matter with your company, and to work with you to achieve compliance in the most efficient and cost-effective manner possible. For example, OVSC will soon explore the possibility to receive electronic filing from RIs, thus expediting the review cycle for potential release.

While we are exploring alternative means of filing the necessary certification with the agency, we are also planning to expedite our review process which will result in faster release times. Site visits made by OVSC personnel to various RIs in the last several months indicate that many RIs are not holding the imported vehicles the required 30 days or complying with other requirements.

We seek cooperation with RIs in achieving compliance with Part 592. However, compliance is not optional under the law. A company's failure to comply can result in the imposition of civil penalties of not more than \$1,000 for each violation up to a maximum penalty of \$800,000 for a related series of violations. Moreover, under certain circumstances, a company's registration can be revoked or suspended. Therefore, it is very important that all RIs understand the requirements and how to comply with them.

If you have any questions about compliance with Part 592, please telephone Roy Shannon of my staff at 202-366-5307.

## SIDE IMPACT PROTECTION (FMVSS 214)

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Registered Importers should be aware that the total number of vehicles they import during the time frames indicated below apply against them and not just the vehicles they import manufactured during those time frames. In other words, we will be asking for confirmation that **25%** of the vehicles imported between Sept 1, 1994 and September 1, 1995 comply with FMVSS 214.

Phase-in of **DYNAMIC** test and performance requirements for passenger cars –

- **10%** of passenger cars manufactured on or after September 1, 1993 and before September 1, 1994
- **25%** of passenger cars manufactured on or after September 1, 1994 and before September 1, 1995
- **40%** of passenger cars manufactured on or after September 1, 1995 and before September 1, 1996]
- **100%** of passenger cars manufactured on or after September 1, 1996

Lamborghini passenger cars imported before **September 1, 1996** do **not** have to meet **DYNAMIC** Side Impact Protection requirements of FMVSS 214.

Phase-in of **STATIC** requirements for multipurpose vehicles, trucks and buses with GVWR of 10,000 lb. or less –

- **90%** on or after September 1, 1993 and before September 1, 1994
- **100%** on or after September 1, 1994

## **CODE OF FEDERAL REGULATIONS**

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A new Code of Federal Regulations (49CFR) is available for \$35 from the Superintendent of Documents by calling 202-512-1800.

## **THEFT MARKING**

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Please review Part 541 - Theft Prevention Standard. We will reject all packages on passenger cars that require theft marking unless confirmation is received that the VIN has been inscribed on the required parts prior to importation. Please review the requirements of the standard. This will apply to MPV's and light trucks beginning with MY 1997.

## **RECALLS**

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Registered importers must meet the defect and notification requirements of Part 577 and the reporting requirements of Part 573.

## **REFERENCE INFORMATION FMVSSs**

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See Newsletter 11 for list of FMVSS and Regulations

# REGISTERED IMPORTER NEWSLETTER No. 7

## September 25, 1995

### DO IT RIGHT

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As a Registered Importer (**RI**) you are acting on behalf of this agency to ensure that vehicles imported into this country comply with all of the FMVSS before they are released for highway use. We want everyone to operate in a professional manner. Past newsletters have identified areas where improvement was needed and clarified requirements. The following is a list of important items found in various newsletters.

Certification Package Newsletters 4, 6, 7	Part 541, Theft Newsletter 6
Contracts Newsletter 1	Petitions Newsletters 1, 3, 5
FMVSS Listing Newsletters 6, 7	Penalties Newsletters 6, 7
FMVSS 208 Newsletters 5, 7	Range Rover Newsletter 2
FMVSS 214 Newsletters 5, 6, 7	Recalls Newsletters 1, 6
Mercedes-Benz Newsletter 1	Resale Newsletter 4
	VISA Credit Card Newsletter 7

### CLARIFICATION OF FMVSS 214 REQUIREMENTS

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Several **RIs** have asked for clarification of the phase in requirements for FMVSS 214 identified in Newsletter 6. Each year we will be asking for conformation that the phase in requirements have been met. You should identify by year the per cent of MY 94 (manufactured between 9/1/93 - 9/1/94), 1995 and 1996 vehicles imported which complied with the standard. Example: for 1995 identify the per cent of MY 94 and MY 95 vehicles which complied. 10% of all MY 94 vehicles and 25% of all MY 95 must comply. To assist in meeting these requirements as well those of FMVSS 208, lists of U.S. vehicles certified as meeting these requirements are attached. Certification of a U.S. model does not mean that the import model also complies.

### NHTSA MONITORING

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In recent months we have increased our monitoring to assure that everyone is following the regulations. Unfortunately we have found that not everyone is. This has forced us to take action against some **RIs**. Depending upon the violation your registration could be suspended or revoked or you could be fined. A list of possible suspensions is attached to this notice.

## **QUICK REVIEW**

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We are trying to improve the vehicle release times. To accomplish this we need clear photo documentation in certification packages. See Newsletter 6 for the required photos. We will no longer use a magnifying glass or guess at what you are trying to show; it slows the process. If you cannot read the VIN or label or if the photo is not clear, **don't send it**, it will not be processed. Poor photos will only require you to hold the vehicle longer.

## **SUBMISSION OF CERTIFICATION PACKAGES**

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Vehicles must be modified and certification packages sent to NHTSA within 120 days of importation. We will be monitoring based upon electronic Custom entry dates. If a certification package is not received after a warning, we will be going after the bond. Sureties have been notified.

## **RENEWALS**

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To maintain registration you need to provide the "Yearly Statement of Registered Importer" in accordance with 49 CFR 592.5(e). Be sure that all information concerning your company is current. This includes ownership and the addresses of all of your facilities. Be sure to include a copy of your recall insurance contract for MY 1996. The annual statement and the renewal fee of \$240 must be received before Oct 31, 1995.

## **COMPLIANCE REVIEWS**

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We are still investigating the potential of electronic processing of compliance packages. The first step in this process will probably include submission of data on computer disks. More on this later.

## **VISA CREDIT CARD NOW ACCEPTED**

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We are now accepting Visa for required payments.

## **REFERENCE INFORMATION**

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See Newsletter 11 for list of FMVSS and Regulations

Enclosures

1. Press release
2. FMVSS 214 list
3. FMVSS 208 phase-in
4. Suspensions

# REGISTERED IMPORTER NEWSLETTER No. 8

January 3, 1996

## **SPEEDING UP PROCESSING OF REGISTERED IMPORTER (RI) PETITIONS, APPLICATIONS, AND COMPLIANCE PACKAGES**

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NHTSA has set up a special MAIL STOP for receiving import documents. Please address your mail, both overnight mail or other, to the following (includes mail for George Entwistle, David Coleman, Barbara Gray, John Lewis, Luke Loy, Dick Merritt and Roy Shannon):

USDOT/NHTSA  
MAIL CODE: NSA-3202  
400 7TH ST SW, Room 6115  
WASHINGTON DC 20590

## **BACKGROUND INFORMATION FOR REGISTERED IMPORTER (RI) PROGRAM**

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During the mid-1980s gray market vehicles were being imported into the U.S. from Europe by the thousands. The law for importing a vehicle at that time permitted anyone to import a gray market vehicle and to have the vehicle brought into compliance with the applicable safety requirements by any person capable of making the modifications. Due to a lack of control over the compliance work being performed, our office discovered that this work often was being done improperly or not at all. Therefore, Congress revised the law in 1988 to establish a system whereby only RIs could perform the modifications within the guidelines stated in Part 592 of Title 49 Code of Federal Regulations (CFR). These requirements are not currently being met by some RIs. After receipt of this bulletin, all requirements **must** be met.

## **NO SUBCONTRACTING**

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In the course of the rulemaking to establish Part 592, the agency proposed that the RI application contain a statement of whether the RI would modify the vehicles for which it furnishes certificates of conformity, and if not, to provide the names and addresses of all agents who would be the actual modifiers.

The concept that an RI could delegate actual conformance work was opposed by Mercedes-Benz and The Dealer Action Association (TDAA). Both commenters argued that this did not fulfill the statutory purpose of increased accountability for conversion, and cited statements from the Congressional Record in support of their position. In Mercedes' opinion, NHTSA would open an area of potential dispute when the object of the 1988 Act was to clarify NHTSA's jurisdiction. Mercedes contended that conformance operations must be carried out by RIs, their employees, or subsidiaries, because the legal line between an "agent" and an "independent contractor" is not always clear, raising the possibility that an RI might structure a relationship to avoid acts of a modifier, including fraud.



NHTSA carefully considered these comments. It believed that the provisions of the 1988 Act were complex enough that regulations should not be adopted that open additional avenues of potential dispute or complications with RIs that might dilute the responsibility imposed by the 1988 Act, and which might result in less than full achievement of the intent of Congress when these approaches have not been specifically directed by Congress. Therefore, it agreed with the comments of Mercedes and TDAA, and did not adopt those aspects of the proposal that countenanced delegation of conformance responsibilities to an agent. A RI must be capable of bringing vehicles into compliance and this means no work can be contracted out. This is a matter of public record, and contained in the preamble adopting Part 592 (Sept. 29, 1989). All RIs are being notified of this requirement which was explained in the preamble. Subsequent to receiving this letter, if modification work is contracted out, the RI may have its registration revoked.

## **RI MUST CERTIFY**

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Under 49 CFR 592.6(d), an RI must certify that the vehicles conform. It performs the required modifications and **then** installs its certification label on the vehicle. **Only** the RI is allowed to apply its certification label. Section 592.6 requires that an RI “permanently affix to each motor vehicle, upon completion of modifications,” a certification label that identifies the RI, and attests to the fact that the vehicle has been brought into conformity with all applicable Federal motor vehicle safety standards. The label shall **only** be applied **after** all the needed modifications have been performed. If all modifications have not been performed before the certification label is applied, it would be a false certification and may make the RI liable for a penalty.

## **CHANGE OF ADDRESS**

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This office requires the RI application to identify the address for the applicant’s office, maintenance facility, and storage lot. Vehicles must be stored at a specific location and available for inspection. Section 592.5(f) requires an RI to notify the Administrator in writing of any change that occurs in the information which is submitted in its application, no later than the end of the 30th calendar day after such change. If an RI is in violation of this requirement, action may be taken against the RI depending on the circumstance. If an RI has a facility other than those identified in its application, it must notify our office of the address immediately.

**ALSO, EACH RI MUST REAFFIRM BY FAX OR LETTER ITS TELEPHONE NUMBERS AND FAX NUMBERS FOR EACH LOCATION SINCE MANY AREA CODES HAVE BEEN RECENTLY CHANGED.**

## **MODIFICATION FACILITY**

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All RIs are required to have a maintenance facility with a person capable of performing modifications needed to bring vehicles into conformity with the applicable standards and regulations. Any RI without such a facility or personnel will have its registration revoked.

## **VEHICLE ENTRY BONDS**

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On Nov. 24, 1995 (60 FR 57953) (copy attached), NHTSA published amendments to Part 591 concerning the bond requirement to accompany the permanent importation of nonconforming motor vehicles to ensure their eventual compliance with the FMVSS. There are now two options for the bond. A single bond form can be used for either of the options which must be in an amount of 150 percent of the dutiable value of each vehicle:

- **Option 1** - "Bond for the Entry of a Single Vehicle," Appendix A, Section 591.5(f), shows the form for a single vehicle bond.
- **Option 2** - "Bond for the Entry of More Than a Single Vehicle," Appendix B, Section 591.5(f), shows the form for a bond for single entry of multiple vehicles through a single port with the attachment of U.S. Customs Service Form CF 7501.

## **REFERENCE INFORMATION**

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See Newsletter 11 for list of FMVSS and Regulations

Enclosure

1. 60 FR57953, *Bond Requirements*

# REGISTERED IMPORTER NEWSLETTER No. 9

June 18, 1996

## FEDERAL MOTOR VEHICLE SAFETY STANDARDS

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As part of the President's Regulatory Reinvention Initiative to eliminate regulations, or make them easier to understand and to apply, FMVSS Nos. 107 and 211 have been revoked, effective as noted below. The requirements of FMVSS No. 115 have been combined with Part 565 to form a single regulation dealing with the VIN number, Part 565. This action (61 FR 29031 dated June 7, 1996) also effected Part 567 for imported vehicles. These standards should not be addressed in petitions or on statements of conformity.

**FMVSS 107**, *Reflecting Surfaces*, May 6, 1996

**FMVSS 211**, *Wheel Nuts, Wheel Discs, and Hub Caps*, June 5, 1996

**FMVSS 115**, *Vehicle Identification Number*, July 8, 1996

## STATEMENT OF CONFORMITY

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Attached is a revised Statement of Conformity. Please note that FMVSS Nos. 107, 115 (requirements transferred to Part 565) and 211 have been deleted. Part 565, "VIN Requirements" and FMVSS Nos. 223 and 224 dealing with trailer underride (effective for trailers manufactured after January 26, 1998) have been added. There are also new requirements on the form: identifying the country for which the vehicle was originally certified or manufactured and the date of manufacture. A vehicle can be manufactured for several markets. The vehicle may comply with our standards in one market but not another. This is especially true for vehicles made for the Mid-East, European and South American marketplace.

## ELIGIBILITY LIST

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The annual list of nonconforming vehicles determined to be eligible for importation was published in federal register (61 FR 8097) on March 1, 1996. The list contains all vehicles which had been determined eligible as of January 22, 1996.

## CODE OF FEDERAL REGULATIONS

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A new Code of Federal Regulations (49 CFR Parts 400-999), revised as of October 1, 1995, is now available from the Superintendent of Documents by calling 202-512-1800. The cost is \$40.00.

## FEDERAL REGISTER ONLINE

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The Federal Register is now online for 1994, 1995 and 1995 publications. The Internet address for 1995 and 1996 is as follows:

[http://www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html)

The eligibility list mentioned above as well as vehicles determined eligible after January 22, 1996, can be viewed at this location.

## **OFFICE OF SAFETY ASSURANCE**

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The office of Safety Assurance of which the Office of Vehicle Safety Compliance is a part is on the Internet. This site is currently under development. The Office of Defects Investigation currently has information on recalls and service bulletins. The address for the site is as follows:

<http://www.nhtsa.dot.gov/nsa>

## **IMPORTING MEXICAN VEHICLES**

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To import a vehicle manufactured for the Mexican market the vehicle must be on the list of vehicles determined eligible for importation. Currently there are only a few models on the list. If the make, model and year is not on the eligible list, the vehicle will require a petition and subsequent determination of eligible for importation as described at 49 CFR 593. **Beware**, vehicles have been imported which did not go through this process. Customs has seized a number of these vehicles.

## **30 DAY HOLD PERIOD**

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Reminder: 49 CFR 592.8 requires an RI to maintain custody of a motor vehicle that it has imported for 30 days after it certifies to NHTSA that the motor vehicle complies with all applicable FMVSS, unless the RI receives earlier notice from NHTSA. This is being enforced and an RI may be subject to penalties, or suspension or revocation of its registration.

**Don't take chances.**

## **SUBMISSION OF CONFORMANCE PACKAGES**

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Section 592.6 requires that within 120 calendar days nonconforming vehicles imported on a permanent basis be brought into conformity with all applicable FMVSS and that the RI certify to NHTSA that the vehicle has been brought into conformance or the vehicle must be exported (at no cost to the U.S.) by the importer or the Secretary of the Treasury, or abandoned to the United States. Conformance packages have not been received within 120 days of importation in all cases. In the future this will be enforced.

## **FMVSS 208 AND CANADIAN VEHICLES**

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This is a reminder that passenger cars manufactured for the Canadian market must meet FMVSS No. 208 and light trucks must meet FMVSS Nos. 202 and 208 to be imported using VSA-1. Passenger cars manufactured on or after 9-1-89 must be equipped with an automatic restraint system at both front outboard seating positions. Passenger cars manufactured between 9-1-89 and 9-1-93 can satisfy this requirement if the vehicle was equipped with a driver's side air bag and a manual belt on the passenger's side.

After Sept 1, 1993, a passenger car must be equipped with either an air bag or automatic belt system at both front outboard seating positions to satisfy the requirement.

Effective 9-1-97 vehicles under 10,000 pounds must have adjustable seats/seat belts to improve fit and comfort.

### **TIME TO MODIFY**

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Importation of a vehicle that is readily modifiable and substantially similar to U.S. model that is not already on the list of vehicles determined eligible for importation takes time to process and modify. **DO NOT** tell a prospective customer that they can have their vehicle in 6-8 weeks. A more realistic time frame is 3-5 months before they will have their vehicle to drive on the highway.

### **JUST A REMINDER**

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NHTSA has set up a special MAIL STOP for receiving import documents. Please address your mail, both overnight mail or other, to the following (includes mail for George Entwistle, David Coleman, Barbara Gray, John Lewis, Luke Loy, Dick Merritt and Roy Shannon):

USDOT/NHTSA  
MAIL CODE: NSA-3202  
400 7TH ST SW, Room 6111  
WASHINGTON DC 20590

Enclosures

1. 61 FR 29031, VIN Requirements
2. Revised Statement of Conformity

# REGISTERED IMPORTER NEWSLETTER No. 10

December 20, 1996

## FORFEITURE OF BOND

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Failure to bring vehicles into conformity and to submit complete conformity statements can result in forfeiture of the DOT bond. Recently a bonding company paid over \$159,000.

## PETITIONS

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To import a nonconforming vehicle there must be an eligibility number for that year, make, and model or the vehicle must be petitioned. If the manufacturer identifies the modifications required to bring the vehicle into compliance, it will make the petition process easy but will not eliminate the need for the vehicle to go through the petition process.

## VCP PETITIONS - CAPABLE OF BEING MODIFIED

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When a vehicle is petitioned on the basis that it is capable of being modified - no substantially similar U.S. vehicle, test data must be submitted to demonstrate that the vehicle complies or will comply after modifications are made. Certifications to some equipment standards can be passed through: i.e. if brake hose is marked DOT, it is not necessary to test the hose to determine that it complies. You may use the hose manufacturer's certification that it complies.

## SUBMISSION OF CONFORMITY PACKAGES

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Vehicles must be brought into conformity and conformity packages must be submitted within 120 days of import. An RI failing to submit conformity statements within this time frame may be subject to fines.

If a conformity package is not submitted because a vehicle imported under **Box 3** is exported, proof of export must be submitted to this office.

Do not save conformity statements and submit them in large quantities. This disrupts normal processing and impairs our ability to process them quickly. Bond releases for packages submitted in this manner will be given a lower priority.

## VEHICLE TYPE

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The type of vehicle is required on all conformity statements. Vehicle types are defined at 49 CFR 571.3. The vehicle types defined in this section are the only vehicle types that should be used. A pickup truck is not a recognized vehicle type. The vehicle should be identified as a truck. The vehicle type may be found on the manufacturer's certification label found on the vehicle (Canadian) or the comparison vehicle for a petitioned vehicle. Some standards apply to passenger cars and other standards apply to vehicles other than passenger cars, be sure you are addressing the correct standard.

An MPV (Dodge Caravan) would have to comply with FMVSS 120 but it would not have to comply with FMVSS 110 which only applies to passenger cars.

## **RECALLS**

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When checking with a manufacturer to see if an imported vehicle is the subject of a recall, be sure to check to make sure that your vehicle is in the data base being checked. For some manufacturers this will be on a different screen.

## **FEDERAL MOTOR VEHICLE SAFETY STANDARDS**

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Most of the requirements for FMVSS 112, "Headlight Concealment Devices", have been transferred to FMVSS 108, "Lamps, Reflective Devices, and Associated Equipment". This action removed FMVSS 112 effective Oct 24, 1996. A revised Statement of Conformity is attached to reflect this change.

## **INTERNET WEBSITE**

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The address of our site on the web has changed. To get information on recalls or eligibility lists, etc. it is best to start at our home page which remains the same.

<http://www.nhtsa.dot.gov>

## **NEW FEES**

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This is reminder that the new registration and import fees went into effect for vehicles imported after October 1.

### **Registration**

- New register importer - \$501
- Renewal application - \$332

### **Petition**

- Substantially similar - \$199
- Capable of being modified - \$721
- Importation of a vehicle covered by a petition or agency initiative - \$134
- Bond processing cost - \$5.15

## **REFERENCE INFORMATION**

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See Newsletter 11 for list of FMVSS and Regulations

Enclosure

1. Statement of Conformity

# REGISTERED IMPORTER NEWSLETTER No. 11

## September 15, 1997

### RECALLS

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As an RI you must assure that there are no outstanding recalls on vehicles which you are bringing into conformance. Your responsibility however does not end there. You are also responsible for notifying owners of a noncompliance with a safety standard or a safety related defect which is determined after importation. Enclosure 1 will assist you with your responsibilities. Vehicles you imported this year which are affected by recalls are on the enclosed list. A schedule for complying with the referenced requirements for these vehicles is required within 20 days from receipt of this letter.

### CANADIAN ELIGIBILITY NUMBERS

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This is a reminder that VSA 1 should no longer be used. The new eligibility numbers published in the Federal Register (62 FR 26348) for Canadian imports are:

- VSA 80 - passenger cars
- VSA 81 - MPVs, trucks and buses with a GVWR less than 4,536 kg
- VSA 82 - MPVs, trucks and buses with a GVWR greater than 4,536 kg
- VSA 83 - trailers and motorcycles

### INFORMATION AVAILABLE ON INTERNET WEBSITE

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The following sites contain important information and should be bookmarked:

<http://www.nhtsa.dot.gov/cars/rules/interps/>

Interpretations done by NHTSA Chief Counsel.

<http://www.nhtsa.dot.gov/cars/rules/import/>

List of Registered Importers, Vehicle Eligibility Numbers.

[http://www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html)

Federal Register.

<http://www.access.gpo.gov/cgi-bin/cfrassemble.cgi?title=49>

49 CFR.

<http://www.nhtsa.dot.gov/cars/rules/standards/chapt301.html>

Chapter 301 of Title 49, U.S. Code.

### PREPARATION OF CONFORMANCE PACKAGE

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Conformity packages should be prepared in the format shown in enclosure 2. Following this procedure will assure that your submissions have all the required documents. The requirements are different for Canadian vehicles and vehicles imported from a country



other than Canada. Your attention is called to the photographic documentation required.

## **BROKERS**

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It is recommended that all RIs use brokers who are on the ABI system. This will improve processing time and provide for quicker bond releases. If you do not use a broker on the ABI system your bond releases may take longer.

## **INCORRECT ABI INFORMATION**

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When incorrect information is submitted on an ABI entry, your broker should FAX the correct information to the attention of Dee Blodgett at 202-366-5301.

## **ADDRESSES AND TELEPHONE NUMBERS**

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You are required to notify NHTSA within 30 days of any changes in your address or phone number. If we are unable to contact you by phone at the number listed or by mail at the address listed, we will take measures to suspend or revoke your registration as an RI.

## **FEES**

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The fee schedule for next year remains the same. A new fee has been proposed for processing conformity packages. It is anticipated that this fee will be set at \$17 per compliance package and that it will take effect some time in October 1997. The fee will apply to all vehicles for which compliance packages are submitted to NHTSA, including vehicles imported from Canada. Renewal of your RI registration should be submitted in September and contain the information required by 49 CFR Part 592. If timely renewal is not made, your registration will be canceled. The current fee schedule follows:

### **REGISTRATION FEES**

- RI application fee = \$501.
- Renewal of registration = \$332.
- Petition Fees Substantially similar = \$199.
- Capable of being modified = \$721.
- Importation of a vehicle covered by a petition or agency initiative = \$134.

### **PROCESSING FEE**

- Bond processing = \$5.15

## **PAYMENT OF FEES**

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All fees may be charged to your Visa or MasterCard. Your account will be charged once a month for all fees incurred during the month. If you are interested please

complete the enclosed form and contact Dee Blodgett at 202-366-5301 for more information.

## **HIGH THEFT VEHICLES**

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The final listing of model year 1998 high-theft vehicle lines was published in the Federal Register (62 FR 26348) on July 31, 1997.

## **ELECTRONIC BOND RELEASE**

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We have started a pilot program of sending bond release letters by E-mail. If you are interested in receiving your release letters electronically contact Dee Blodgett at 202-366-5301.

## **REFERENCE INFORMATION**

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### **FMVSSs**

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101- Controls and Displays (Inspection)	118- Power-Operated Window Systems
102- Transmission Shift Lever Sequences, etc. (Inspection)	119- Truck/Bus New Pneumatic Tires
103- Windshield Defrosting and Defogging	120- Truck/Bus Tire Selection & Rims
104- Windshield Wiping and Washing	121D Air Brake Systems (Dynamometer)
105- Hydraulic Brake System	121V Air Brake Systems (Vehicles)
106- Brake Hoses	122- Motorcycle Brake Systems
107- Reflecting Surfaces (Inspection) REMOVED May 6, 1996	123- Motorcycle Controls and Displays (Inspection)
108- Lamps, etc.	124- Accelerator Control Systems
109- Passenger Car (PC) New Pneumatic Tires	125- Warning Devices
110- PC Tire Selection and Rims	126- Truck-Camper Loading REMOVED Sept 1, 1997; REQUIREMENTS TRANSFERRED TO PART 575.103
111- Rearview Mirrors	129- Pass. Car New Non-Pneumatic Tires
112- Headlamp Concealment Devices REMOVED Oct 24, 1996; REQUIREMENTS TRANSFERRED TO S108	131- School Bus Pedestrian Safety Devices
113- Hood Latch Systems (Inspection)	135- Pass. Car Brake Systems
114- Theft Protection (Inspection)	201- Occupant Protection in Interior Impact
115- Vehicle Identification Number (VIN) (Inspection) REMOVED July 8, 1996; REQUIREMENTS TRANSFERRED TO P565	201U Occupant Protection in Interior Impact – Upper Interior Head Impact Protection
116- Hydraulic Brake Fluids	201P Rigid Pole Side Impact Test
117- Retreaded Pneumatic Tires (Inspection)	202- Head Restraints

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|------|---|------|---|
| 203- | Impact Protection for the driver from Steering Control                      | 214D | Side Impact Prot. (Dynamic)                                 |
| 204- | Steering Control Rearward Displacement                                      | 214S | Side Impact Prot. (Static)                                  |
| 205- | Glazing Materials (Inspection)  | 216- | Roof Crush Resistance                                       |
| 206- | Door Locks and Door Retention Components                                    | 217- | Bus Window Retention and Release                            |
| 207- | Seating Systems   | 218- | Motorcycle Helmets  |
| 208- | Occupant Crash Protection   | 219- | Windshield Zone Intrusion                                   |
| 208S | Sled Test   | 223- | Rear Impact Guards  |
| 209- | Seat Belt Assemblies  | 224- | Rear Impact Protection                                      |
| 210- | Seat Belt Assembly Anchorages   | 301- | Fuel System Integrity (Frontal, Rear, Lateral & School Bus) |
| 211- | Wheel Nuts, Wheel Discs, and Hub Caps (Inspection)<br>CANCELED June 5, 1996 | 302- | Flammability of Interior Materials                          |
| 212- | Windshield Mounting   | 303- | Fuel System Integrity of CNG Vehicles                       |
| 213- | Child Restraint Systems   | 304- | CNG Fuel Container Integrity                                |

## REGULATIONS

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- |           |   |       |   |
|-----------|---|-------|---|
| P541-     | Theft Prevention Standard                     | P577- | Defect and Noncompliance Notification                     |
| P565-     | VIN Content Requirements                      | P579- | Defect and Noncompliance Responsibility                   |
| P566-     | Manufacturer Identification                   | P581- | Bumper Standard   |
| P567-     | Certification Regulation                      | P591- | Importation of Vehicles & Equipment Subject to FMVSS      |
| P568-     | Vehicles Manufactured in Two or More Stages   | P592- | Registered Importers                                      |
| P569-     | Regrooved Tires                               | P593- | Determination for Eligibility for Importation of Vehicles |
| P572-     | Anthropomorphic Test Dummies                  | P594- | Registered Importer Fee Schedule                          |
| P573-     | Defect and Noncompliance Reports              |       |   |
| P574-     | Tire Identification                           |       |   |
| P575.103- | Truck-Camper Loading                          |       |   |
| P575.104- | Uniform Tire Quality Grading Standards (UTQG) |       |   |

### Enclosures

1. Recalls
2. Conformance Package
3. Credit Card
4. High Theft Vehicle Lines

# REGISTERED IMPORTER NEWSLETTER No. 12

August 1998

## RECALLS

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Ensuring that vehicles do not have an open recall is an important function of an RI. At time of importation, an RI must check to ensure that there are no outstanding recalls on a new vehicle because it is illegal to offer a vehicle for sale which contains a noncompliance. If any exist, the recall must be completed before the vehicle is released. After the vehicle is released, the RI is responsible for any subsequent recalls that might be issued on a vehicle for which it submitted a conformity package. To assist in the latter, OVSC is providing RIs with a list of vehicles that may be subject to recall. Once notified, the RI is responsible for submitting Part 573 reports to OVSC to report the progress of the recall campaign. Failure to remedy vehicles at time of importation, failure to notify owners, and failure to submit Part 573 reports after importation are considered serious violations of the duties of an RI. Anyone not fulfilling these requirements is subject to penalty and/or suspension or revocation of license. Anyone not currently fulfilling these obligations will not have their registration renewed.

## APPROVED LIST

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Attachment 1 is a list of MY 1997 and MY 1998 Canadian vehicles which meet the FMVSS with the exception of minor labeling and odometer labeling. When submitting conformity packages for vehicles on this list you need only submit photographs of the OEM certification label and the RI label. Packages for other Canadian entries subject to the automatic restraint requirement of FMVSS 208 must submit pictures showing compliance with this standard. Packages for all other entries must also have photographs of the modifications performed to bring the vehicle into conformity.

## RENEWAL

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Renewals should be submitted during

September for the FY which begins October 1, 1998. A grace period is given until October 31. Any renewal not received by October 31 will be treated as a new application. The following information must be included with your renewal:

1. Check made payable to the Treasurer of the United States or authorization to charge the \$350 fee if approved for credit card use,
2. Statement required by 49 CFR Part 592.5(e),
3. Warranty Insurance Policy with notarized signatures,
4. Changes to contacts or vehicle types imported,
5. Proof of purchase of current volume of 49 CFR Parts 400-999, and
6. Sample of RI certification label (should be a blank label).

Attachment 2 is a sample of the renewal letter.

## FEES FOR FY 1999

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The following fees are applicable for FY 99. The bond processing fee is based on the date of importation and the package processing fee is based on the date that NHTSA received the conformity package.

### *Application Fees*

RI application fee = \$491.  
Renewal of registration = \$350.

### *Petition Fees*

Substantially similar = \$199.  
Capable of being modified = \$721.  
Importation of a vehicle covered by a petition or agency initiative = \$125.

### *Processing Fees*

Bond processing = \$5.40  
Package processing = \$16 or  
The \$16 fee is discounted to \$13 if the RI uses ABI entry, pays by credit card, and has an e-mail address for bond release, etc.

## **CREDIT CARDS**

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Payment by credit card is encouraged and it can save you money on your processing fee. When paying by credit card make sure that you do not exceed the credit limit established for your card. If we are unable to collect on your credit card, you will be required to pay by check. This will also raise the cost of the package processing fee if you were eligible for the reduced fee of \$13.

## **VSA-1**

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VSA-1 has not been a valid eligibility number for Canadian imports since May 13, 1997. Any conformity package that identifies the eligibility number as VSA-1 will be returned and vehicles covered by these packages must be held for possible inspection. Notify your broker of the correct eligibility number to use for electronic entries.

## **INCORRECT ABI ENTRIES**

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We continue to get entries with incorrect data. Constantly making corrections to the submitted information slows processing of everyone's conformity packages. If you want to receive timely bond releases please ensure that your broker is submitting the correct information.

## **STANDARDS**

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Attachment 3 is a listing of FMVSS and the types of vehicles to which they apply. Make sure that the appropriate standards are checked on the conformity statement and that the correct standards are addressed on an eligibility petition.

## **LAMPS**

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A summary and chart of the lighting requirements for trucks, buses, MPVs and trailers may be found at our website  
<http://www.nhtsa.dot.gov/cars/rules/standards/>

## **INTERNET ADDRESS**

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Anyone who has an internet site for their facility and would like to have it listed as part of its address should FAX the web address to 202-366-1024.

## **HIGH THEFT LIST**

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The "Final Listing of Model Year 1999 High Theft Vehicle Lines" was published in the Federal Register on July 15, 1998 (63 FR 38096). Vehicles on the high theft list must have the required parts inscribed with the vehicle identification number prior to importation.

## **FMVSS No. 126, TRUCK-CAMPER LOADING**

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This standard was canceled September 1, 1997 (61 FR 36655). Requirements have been incorporated into Part 575.103.

## **NEWSLETTERS**

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The newsletters are now available on the web.

<http://www.nhtsa.dot.gov/cars/rules/import/>

## **CANCELED STANDARDS**

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107, *Reflecting Surfaces* 5-6-96

112, *Headlight Concealment* 10-14-96

see FMVSS 108 for requirements

115, *VIN Identification* 7-8-96

see Part 565 for requirements

126, *Truck-Camper Loading* 9-1-97

see Part 575.103 for requirements

211, *Wheel Nuts, Wheel Discs, and Hub Caps*

6-5-96

### Enclosures

1. Canadian Vehicle List
2. Sample Renewal Letter
3. FMVSS Applicability Chart

# **REGISTERED IMPORTER NEWSLETTER No. 13**

National Highway Traffic Safety Administration

Office of Vehicle Safety Compliance

May 1999

## **CANADIAN IMPORT PROCESS**

Items 1-10 summarize your duties and responsibilities during the importation process. Items 11 and 12 identify your recall and reporting obligations after the importation process.

1. Theft prevention markings must be inscribed on the required parts prior to importation if the vehicle is subject to Part 541.
2. At time of entry a DOT bond must be posted by the RI or the person importing the vehicle under contract with an RI. If the RI is not the importer of record, then the Customs entry and the conformity package must contain a copy of the contract between the RI and the importer of record. (i.e., importer of a vehicle for personal use)
3. The vehicle must go directly to the RI's facility, which was approved by NHTSA.
4. Check and if necessary, perform work required by all outstanding recalls on the vehicle.
5. The RI performs all modifications required to bring the vehicle into conformity.
6. Upon completion of the modifications the RI permanently affixes its certification label to the vehicle at its facility.
7. Prepare the conformity package. The RI must sign the Statement of Conformity.
8. The RI maintains possession of the vehicle at its facility for 30 days after submission of the conformity package to NHTSA. Vehicles may be released in less than 30 days, if the RI receives a bond release letter from NHTSA.
9. Prior to releasing the vehicle, the RI places a copy of the bond release letter and the recall warranty policy in the glove box of the vehicle.
10. The vehicle may now be released and titled for highway use.

### **Post importation**

11. Notify and remedy vehicles conformed by the RI for 8 years after importation.
12. Submit quarterly recall status reports to NHTSA for 6 quarters or until all vehicles imported by the RI that are subject to the recall have been remedied.

## **CIVIL PENALTY, REVOCATION/SUSPENSION OF RI REGISTRATION, SEIZING OF VEHICLES**

There are RIs who are not following all of the above requirements. Failure to adhere to the above requirements has and will be enforced. Enforcement actions will result in civil penalties, suspension or revocation of RI registration, and seizure of vehicles by Customs. A list of the enforcement actions taken will appear periodically in the Newsletter.

## **CONFORMITY PACKAGES**

Too many conformity packages do not contain all of the required information. If you are not certain what belongs in the conformity package look at Newsletter 11. Many packages do not contain all of the required photos or the photos are out of focus and therefore are useless. In the past you have been reminded of shortcomings. This will no longer be the practice. After July 1, 1999, if a conformity package does not contain all of the required information it will be returned. The submittal will not be counted as a bonafide submission of

the conformity package since the conformity package was incomplete. Failure to submit an acceptable package within 120 days will result in **forfeiture of the DOT bond**.

### **COVER SHEET FOR CONFORMITY PACKAGES**

When submitting groups of conformity packages please add a cover sheet to the package that identifies all vehicles in the group by year, make, model, and VIN. The cover sheet should also contain a statement to charge the fees to your credit card, or if paying by check, it should contain the check number and the amount.

### **MARKING ODOMETER KM**

In the past we have accepted marking the odometer "KM" as meeting the requirements of FMVSS No. 101. Many have applied the marking on the clear plastic cover of the display. It appears that when the odometer is marked in this manner the "KM" is not permanent, since vehicles inspected at a later date no longer had the "KM". Effective July 1, 1999, the "KM" must be marked on the face of the display. Marking "KM" on the clear cover will not constitute the odometer being marked "KM". Photographs of the replaced speedometer/odometer or the odometer marked "KM" will be required in **all** conformity packages. Conformity packages that do not have a photograph with the odometer marked in this manner will be returned as an incomplete package.

### **MOTORCYCLE IMPORTATION**

All motorcycles imported for resale from Canada must be imported by an RI. This includes all Harley Davidson motorcycles because the Canadian certification has been misinterpreted as a U.S. certification. The photo documentation required includes the following: speedometer compliance with FMVSS No 123, the Canadian maple leaf, the RI label prior to affixing, and the RI label permanently affixed to the vehicle.

### **CHANGE OF FACILITIES**

If you want to change or add facilities i.e. modification facility, record storage location, or vehicle storage location you must submit a video and a copy of the lease or ownership documentation for the new facility to NHTSA and obtain approval before you may use the facility. The type of documentation required is the same as when you initially became an RI. Changes in mailing address, phone or fax numbers, and e-mail address must be submitted no later than 30 days after the change.

### **US PHONE AND FAX NUMBERS**

An RI is a company located in the U.S. All phone and fax numbers for that company must therefore be U.S. numbers (cell phone numbers are not acceptable). If your phone or fax number on record with NHTSA is located outside of the U.S. or is a cell phone number, you have until July 1, 1999, to provide a new number. This newsletter is to be considered your notification on which you have 30 days to respond before action is taken. Failure to provide phone and fax numbers for your company will result in suspension of your registration for six months.



## **IMPORTATION FOR ANOTHER RI**

An RI cannot import vehicles for another RI. This is considered contracting out the duties of an RI which is prohibited.

## **CERTIFICATION LABELS**

RI certification labels must contain block lettering in accordance with Part 567. The information can not be hand written on the label. The information typed on the label must not smear when washed with soap and water and the label must be permanently affixed.

## **STATEMENT OF CONFORMITY**

A new Statement of Conformity is attached. The new statement adds FMVSS No. 135, which applies to passenger cars manufactured on or after 9-1-00, MPVs, trucks and buses with a GVWR less than 3,500 kg manufactured on or after 9-1-02. Manufacturers, however, may now certify to the requirements of this standard instead of FMVSS No. 105. Currently the following vehicles are certified to FMVSS No. 135 not FMVSS No. 105: Acura, BMW 328i, Buick Regal, Ford Windstar, Ford Mustang, Ford Contour, Mercury Cougar, Oldsmobile Intrigue, Saab 9-5, and Toyota Solara.

## **ELECTRONIC ENTRY**

Many electronic entries filed by brokers contain incorrect information. Ensure that you provide your broker with correct information for the year, make, model, VIN and eligibility number of the vehicle as well as the name of your surety company. You should also check with your broker periodically to ensure that Customs entries that identify you as the RI are for vehicles that you have imported.

# REGISTERED IMPORTER NEWSLETTER No. 14

National Highway Traffic Safety Administration

Office of Vehicle Safety Compliance

September 1999

## DAYTIME RUNNING LIGHTS (DRL)

Daytime running lights have been required on Canadian vehicles manufactured since December 1, 1989. As of February 10, 1993, FMVSS No. 108 allows DRLs that meet certain requirements as a manufacturer option. Many Canadian vehicles do not comply with FMVSS No. 108. RIs have stated that they are disconnecting the DRLs to achieve compliance with this standard however, they are failing to say so on their statements of conformity. When vehicle modification is required, the statement of conformity must reflect that the vehicle was modified to comply with FMVSS No. 108. **We will begin monitoring statements of conformity submitted after October 1, 1999 to verify inclusion of modification to achieve conformity with FMVSS No. 108.**

## HIGH THEFT LIST FOR MY 2000

The final listing of model year 2000 high-theft vehicle lines was published in the Federal Register (64 FR 28110) on May 25, 1999. Vehicles on the high-theft list must have the required parts inscribed with the vehicle identification number prior to importation. A copy of the list is attached.

## MAINTENANCE OF RI REGISTRATION

This will be your only reminder that it is time to submit the information required to renew your RI registration for FY 2000. **The following information must be submitted for FY 2000 registration, which begins October 1, 1999, not later than October 31, 1999:**

1. Check made payable to the Treasurer of the United States, or authorization to charge the \$350 fee if we have approved you for credit card use,
2. Statement required by 49 CFR Part 592.5(e),
3. Warranty Insurance Policy for FY 2000 with notarized signatures,
4. Changes in any application information not previously reported.

Attachment 2 to Newsletter 12 is a sample of the required letter.

## ODOMETER LABELS

When a vehicle is conformed to the requirements of FMVSS No. 101 by replacement of the odometer with a unit calibrated in miles, the odometer reading must be adjusted to reflect the reading on the unit being replaced, converted from kilometers to miles. This is done by multiplying the kilometer reading by .62. If the odometer reading cannot be reset to this figure, it must be adjusted to zero and a sticker must be applied to the left door frame specifying the mileage before replacement. For motorcycles, the sticker should be affixed to the headstock (area where the fork assembly attaches to the frame).

## RECALL SEARCH

When using the Recall Database on the NHTSA web site to identify a recall, make sure the *Make* is entered properly. For example, if searching for a Ford Windstar, the make would be "Ford truck" not "Ford". If you only enter *Ford* the result will be incorrect. If you are not certain of the make use the pull-down menus.

## RECALLS

Currently RIs are notified of vehicles which may be subject to recall on a quarterly basis by letter (hard copy). Some RIs have indicated that they would prefer to receive this information electronically to make the recall process easier. **If you would prefer to receive this information electronically, in lieu of hard copy, please contact Ms. Rena Lee at 202-366-7982.**

## FEES

When paying by check, fees for processing conformity packages are due when the conformity package is submitted. **Starting November 1, 1999**, in an effort to reduce the number of checks you must write, **we will begin billing on a monthly basis** for the conformity packages received during the month. You will receive a monthly statement, due upon receipt, with the charges associated with each VIN. **If payment is not received within 10 days, we will not process new conformity packages from you until payment is received. If you continue to fail to pay, action will be taken to suspend your registration.**

## MONTHLY FEE STATEMENTS

All conformity packages should identify whether payment will be by credit card or by monthly check. **Effective November 1, 1999, all statements will be sent directly to the RI** unless other arrangements are made and approved. Monthly statements for RI fees, whether you pay by credit card or by check, will be sent by e-mail if you have an e-mail address on file.

# REGISTERED IMPORTER NEWSLETTER No. 15

National Highway Traffic Safety Administration  
Office of Vehicle Safety Compliance  
November 1999

## STATEMENT OF CONFORMITY

All conformity packages submitted on or after December 1, 1999, must use the attached Statement of Conformity. The information on recalls has been revised on the Statement of Conformity. You must attach documentation (manufacturer recall printout, letter from the manufacturer, etc.) to the Conformity Statement that shows that there are no outstanding recalls on the vehicle. If the documentation shows that the vehicle was covered by a recall, you must identify the recall number on the Conformity Statement and submit proof that the vehicle was remedied.

The conformity statement has also been revised to reflect a new standard, FMVSS No. 225, *Child Restraint Anchorage Systems*, which applies to passenger cars, trucks and multipurpose passenger vehicles with a GVWR of 8,500 lb or less and buses including school buses with a GVWR of 10,000 lb or less. The notice implementing the standard was published on March 5, 1999 (64 FR 10823), and amended on August 31, 1999 (64 FR 47565).

## CONFORMITY PACKAGES

We request that you submit certain information (RI number, VIN, vehicle type and date of manufacture) on a diskette as part of your conformity package. This will help speed up NHTSA turn around time. Submission is voluntary and will not affect the order in which conformity packages are reviewed. After January 1, 2000, priority will be given to conformity packages which include the above information on diskette. For more information contact Ms. Rena Lee at 202-366-7982.

## CERTIFICATION LABELS

RI certification labels are not always permanently affixed to the vehicles as required 49 CFR Part 567.4. If the RI certification label falls off within 6 months of certification by the RI, the RI or one of his employees will be required to affix a replacement certification label. A duplicate of that label must be submitted to NHTSA. If an RI's certification label falls off more than 6 months after certification by the RI, it will be required to send out a new label to the current owner of a vehicle.

## RI INFORMATION AT NHTSA WEB SITE

RI Newsletters will be moving to a new location on the NHTSA web site: [www.nhtsa.dot.gov/cars/rules/maninfo/](http://www.nhtsa.dot.gov/cars/rules/maninfo/). Information for Registered Importers will be found under *Information for New Manufacturers*. This location will also contain information on how to become a Registered Importer and the package that is sent after a company becomes a Registered Importer.

**ELECTRONIC SPEEDOMETER OR ODOMETER**

Photographs to document replacement of a speedometer or odometer on a vehicle with an electronic display should be taken with the ignition on so that the display may be viewed.

**MOTORCYCLE CONFORMITY PACKAGES**

Photographs of the RI label or odometer label permanently affixed to the frame of a motorcycle are often difficult to read. Please submit a second photograph or a photocopy of the label in a flat position. Motorcycles are not subject to the Bumper Standard or the Theft Prevention Standard; therefore, the RI certification label should not refer to these standards. The conformity statement should address only the FMVSS that are applicable to motorcycles.