

HOW TO BECOME A REGISTERED IMPORTER AND PERFORM THE DUTIES OF A REGISTERED IMPORTER

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1) **Agency Responsibilities**

- i. The National Highway Traffic Safety Administration (NHTSA) is the agency within the U.S. Department of Transportation that conducts programs to improve safety on our nation's highways. As part of its responsibilities, NHTSA issues the Federal motor vehicle safety standards (FMVSS), which establish minimum performance requirements for the safety systems and components on motor vehicles and for certain items of motor vehicle equipment. NHTSA monitors the importation of motor vehicles not originally manufactured or certified to comply with all applicable FMVSS to ensure that those vehicles are brought into compliance before they are placed into service on public roads.

2) **Requirements for Importing Nonconforming Vehicles**

- i. Under statutes governing vehicle importation (at Title 49, U.S. Code (U.S.C.) §§ 30141-30147), a vehicle that was not originally manufactured to comply with all applicable FMVSS and/or was not so certified by its original manufacturer, can be lawfully imported into the United States on a permanent basis only if:
 1. NHTSA decides that the vehicle is eligible for importation, based on the vehicle's capability of being altered to conform to all applicable FMVSS (See 49 U.S.C. § 301419a(1)), and
 2. the vehicle is imported by an importer specially registered with NHTSA (referred to as "registered importer" or "RI"), or by a person who has a contract with an RI to modify the vehicle so that it complies with all applicable FMVSS following importation. (See 49 U.S.C. §§ 30141(a)(2) and 30142.)
- ii. The statutes governing vehicle importation authorize NHTSA to establish requirements for registering a person who wishes to become an RI (49 U.S.C. § 30141(c)) and to establish fees to pay for the cost of carrying out the RI program and other activities associated with the regulation of vehicle imports. (See 49 U.S.C. § 30141(a)(3)).

3) **How to Apply to Become an RI**

- i. Regulations governing RIs are found at Title 49, Code of Federal Regulations (CFR), Part 592. Those regulations, among other things, establish the requirements for becoming an RI. The regulations provide (at 49 CFR 592.5) that any person wishing to register as an RI must file an application with NHTSA that:
 1. Is written in English;
 2. Contains the heading "Application for Registration as Importer;"
 3. Is submitted (by express mail service) in 3 copies to the Import and Certification Division, National Highway Traffic Safety Administration, West Building - 4th Floor - Room W43-481, 1200 New Jersey Avenue, SE, Washington, DC 20590, Attn: NVS-223 Application for Registration as Importer. The contact phone number for mailing purposes is 202-366-5322;
 4. Sets forth the full name, street address, and title of the person preparing the application and the full name, street address, e-mail address (if any), and telephone and facsimile machine (if any) numbers in the United States of the person for whom the application is made (the "applicant");
 5. Specifies the form of the applicant's business organization (i.e., sole proprietorship, partnership, or corporation), the State under the laws of which it is organized, and

depending how the business is organized, the full name, street address, and date of birth of:

- a. the applicant (if applying as an individual);
 - b. each partner (if applying as a partnership);
 - c. each officer, director, manager, and person who is authorized to sign documents on behalf of the business (if applying as a nonpublic corporation);
6. If the applicant's business is organized as a nonpublic corporation, the applicant must also include the name of each shareholder with an interest of 10 percent or more in the business;
 7. If the applicant's business is organized as a public corporation, the applicant must include a copy of its latest 10-K filing with the Securities and Exchange Commission and provide the name and address of any person who is authorized to sign documents on behalf of the corporation;
 8. Regardless of how its business is organized, the applicant must also identify any shareholder, officer, director, employee, or any person in affinity with such, who has been previously affiliated with another RI in any capacity. If such persons are identified, the applicant must state the name of the RI and the affiliation of the person identified with that RI;
 9. Contains a statement that the applicant has never had a registration revoked and that it neither is nor was directly or indirectly owned or controlled by, or under common ownership or control with, an RI that has had its registration revoked;
 10. Identifies the street address and telephone number in the United States of each of the applicant's facilities for conformance, storage, and repair that the applicant will use to fulfill its duties as an RI and where the applicant will retain the records it is required to keep as an RI;
 11. Identifies the street address that the applicant will use as its mailing address. The applicant may also identify a post office box, provided it is in the same city as the street address;
 12. Includes a copy of the applicant's business license or other similar document issued by an appropriate State or local authority, authorizing it to do business as an importer or modifier or seller of motor vehicles or a statement that the applicant has made a bona fide inquiry and is not required by State or local authority to have such a license or document;
 13. Identifies the name and street address of each principal of the applicant who is authorized to submit conformity certificates to NHTSA on the applicant's behalf;
 14. Includes the necessary documents to comply with the requirements to designate a permanent resident of the United States as its agent for service of process under 49 CFR Part 551, Subpart D if the applicant is located outside the United States;
 15. Includes a certified check payable to the Treasurer of the United States for the amount of the initial annual fee prescribed in 49 CFR Part 594;
 16. Includes a copy of a contract to acquire, effective upon its registration as an importer, a prepaid mandatory service insurance policy underwritten by an independent insurance company, or a copy of such policy, in an amount that equals \$2,000 for each motor vehicle for which the applicant will submit a certificate of conformity to NHTSA, to ensure that the applicant will be able financially to

remedy any noncompliance or safety related defect determined to exist in any such motor vehicle;

17. Provides sufficient information to establish that the applicant:
 - a. Is technically able to modify any nonconforming motor vehicle to conform to all applicable FMVSS, including the professional qualifications of the applicant and its employees, such as certification as a mechanic, and a description of their experience in conforming and repairing vehicles;
 - b. Owns or leases one or more facilities sufficient in nature and size to repair, conform, and store the vehicles for which it provides certification of conformance to NHTSA, including a copy of a deed or lease evidencing ownership or tenancy for each such facility, still or video photographs of each such facility, and the street address and telephone number of each such facility;
 - c. Is financially and technically able to provide notification of, and to remedy, a noncompliance with an FMVSS or a defect related to motor vehicle safety determined to exist in the vehicles that it imports and/or for which it provides certification of conformity to NHTSA through repair, repurchase or replacement of such vehicles; and
 - d. Is able to acquire and maintain information regarding the vehicles that it imports and the names and addresses of owners of the vehicles that it imports and/or for which it provides certificates of conformity to NHTSA in order to notify such owners when a noncompliance or a defect related to motor vehicle safety has been determined to exist in such vehicles.
18. Segregates and specifies any part of the information and data submitted that the applicant wishes to have withheld from public disclosure under NHTSA's regulations on Confidential Business Information at 49 CFR Part 512;
19. Contains the statement: "I certify that I have read and understand the duties of a Registered Importer, as set forth in 49 CFR 592.6, and that I will fully comply with each such duty. I further certify that all the information provided in this application is true and correct. I further certify that I understand that, in the event the registration for which I am applying is suspended or revoked, or lapses, I will remain obligated to notify owners and to remedy noncompliances or safety related detects, as required by 49 CFR 592.6(i), for each vehicle for which I have furnished a certificate of conformity to the Administrator;"
20. Has the applicant's signature acknowledged by a notary public.

4) **How NHTSA Processes RI Applications**

- i. NHTSA reviews the information that each RI applicant submits to the agency. If the application is incomplete, the agency will notify the applicant in writing of the information that is needed to complete the application and informs the applicant that no further action will be taken on the application until the needed information is furnished. If deemed necessary, the agency will conduct an inspection of the applicant's premises. Following the inspection, the agency will calculate the costs it has incurred and notify the applicant that those amounts are owing as part of the initial annual fee and must be paid before a determination on the application can be made. When the application is complete, the agency reviews the application and decides whether the applicant has met the requirements

specified above. The agency will base this decision on the application and on any inspection of the applicant's conformance, storage, and recordkeeping facilities and any assessment of the applicant's personnel.

- ii. If the agency decides that the applicant has met the requirements for becoming an RI, it will so inform the applicant in writing and issue the applicant an RI number.
- iii. If the agency decides that the applicant has not complied with the requirements specified above, or if the applicant had a previous registration that was revoked, or is or was owned or controlled by, or under common ownership or control with, an RI whose registration has been revoked, the agency will deny the application. In determining whether to deny an application, the agency may consider whether the applicant is comprised, in whole or in part, of relatives, employees, major shareholders, partners, or relatives of former partners or major shareholders of an RI whose registration has been revoked. If the agency denies an application, it will inform the applicant in writing of the reasons for the denial and that the applicant is entitled to a refund of that part of the initial annual fee representing the costs for administering the RI program, but not those parts representing the cost of processing the application or for conducting an inspection of the applicant's premises if an inspection was performed. The applicant will also be informed that it can submit a petition for reconsideration within 30 days from the date of the denial, accompanied by information or documentation supporting that request. If the agency decides to grant the applicant registration after considering that request, it will so notify the applicant in writing and issue the applicant an RI number. If the agency denies the request, it will so inform the applicant and refund the applicant that portion of the initial annual fee representing the costs for administering the RI program, but not the portion representing the cost of processing the application or conducting an inspection of the applicant's premises if one was performed.

5) **How to Maintain an RI Registration**

- i. An RI must file an annual statement with NHTSA to maintain its registration. The annual statement must be entitled "Yearly Statement of Registered Importer," and must be filed not later than September 30 of each year. In the annual statement, the RI must affirm that all information it has submitted to the agency, either in its original application or in any notification to the agency of changes in the information on file, remains correct, and that the RI continues to comply with the requirements for holding that status. The RI must include with its annual statement a current copy of its service insurance policy. The RI must also include with its annual statement a certified check payable to the Treasurer of the United States in payment of the annual fee for administering the RI program. See Appendix for a sample letter.

6) **Importing a Vehicle to Prepare an Import Eligibility Petition**

- i. An RI can import on a temporary basis, under a Customs Temporary Importation Bond (TIB), a nonconforming vehicle for the purpose of preparing an import eligibility petition. The RI will need written permission from NHTSA to do so. To obtain such permission, the RI must submit a request to NHTSA identifying the vehicle by make, model, model year, and VIN. If the agency grants permission, the RI will have 180 days from the vehicle's date of entry to submit a petition to the agency. If the RI fails to submit a petition within that time, the vehicle must be destroyed, delivered to U.S. Customs and Border Protection (CBP) for export from the United States, or abandoned to the United States. If the RI

submits a petition that is granted by the agency, the RI will have 15 days from the date that it is notified of the grant to enter the vehicle under Box 3 on the HS-7 Declaration form and obtain a DOT conformance bond to ensure that the vehicle is brought into conformance with all applicable FMVSS within 120 from the date the petition is granted, or will be destroyed, delivered to CBP for export from the United States, or abandoned to the United States.

7) **Basis for Petitioning NHTSA to Make an Import Eligibility Decision**

- i. As noted above, a nonconforming vehicle cannot be lawfully imported on a permanent basis unless NHTSA decides that the vehicle is capable of being altered to comply with all applicable FMVSS and is therefore eligible for importation. NHTSA makes import eligibility decisions on a make, model, and model year basis, either on its own initiative, or in response to a petition that is filed with the agency by an RI. Under the governing statute, there are two separate bases for petitioning NHTSA to decide that a vehicle of a particular make, model, and model year is eligible for importation. These are as follows:
 1. The nonconforming vehicle is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with all applicable FMVSS, and the nonconforming vehicle is capable of being readily altered to comply with all applicable FMVSS. See 49 U.S.C. § 30141(a)(1)(A) and 49 CFR 593.5(a)(1).
 2. Where there is no substantially similar U.S.-certified model, the petition must demonstrate that the nonconforming vehicle has safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS. See 49 U.S.C. § 30141(a)(1)(B) and 49 CFR 593.5(a)(2). Such a petition must be supported by crash test data or other equivalent evidence to demonstrate that the vehicle is capable of being altered to comply with FMVSS for which dynamic crash tests are prescribed.
- ii. Regardless of the basis on which it is filed, the petition must also describe the modifications that the RI would perform to bring the vehicle it into compliance with all applicable FMVSS.

8) **How NHTSA Processes Import Eligibility Petitions**

- i. Each petition is reviewed for sufficiency. If the petition does not contain all information required under the agency's regulations at 49 CFR 593.5 and 593.6, the agency will notify the petitioner, pointing out the areas of insufficiency, and stating that the petition will not receive further consideration until the required information is provided. If that information is not provided within the time specified in the agency's notice, the petition will be dismissed. If the agency is unable to determine that a petitioned vehicle is either substantially similar to a U.S.-certified vehicle (where that is the basis for the petition), or is capable of being modified to conform to all applicable FMVSS, it will give the petitioner the opportunity to supplement the petition. If all required information is furnished, NHTSA will publish a notice in the **Federal Register** soliciting public comments on the petition.

- ii. After a review of the comments, if any, that are submitted in response to the notice of petition, the agency decides whether the petition clearly demonstrates that the vehicle is eligible for importation. If it does, the agency will grant the petition, so notify the petitioner, and publish a notice of the grant in the **Federal Register**. See 49 CFR 593.7(f). If the petition does not clearly demonstrate that the vehicle is eligible for importation, the agency will deny the petition, so notify the petitioner, and publish a notice of the denial in the **Federal Register**. If the petition is denied, the agency will not consider another petition covering the same model and model year vehicle until at least 3 months from the date of the notice of denial. See 49 CFR 593.7(e).
- iii. If the agency grants the petition, it will issue a vehicle eligibility number. The vehicle eligibility number is entered on the HS-7 Declaration form that is furnished to CBP at the time the vehicle is offered for importation. The number alerts CBP that the vehicle can be lawfully imported even though it was not originally manufactured to conform to all applicable FMVSS and/or was not so certified by its original manufacturer. The vehicle eligibility number is in an alphanumeric format with three letters and two or three numerical digits separated by a hyphen (e.g. LLL-NN or LLL-NNN, with the character “L” representing a letter and the character “N” representing a number). The letters are in one of the following three combinations:
 1. “VSA” eligibility numbers are assigned to all vehicles that are decided to be eligible for importation on the initiative of the Administrator under 49 CFR 593.8.
 2. “VSP” eligibility numbers are assigned to vehicles that are decided to be eligible under 49 CFR 593.7(f), based on a petition from a manufacturer or RI submitted under 49 CFR 593.5(a)(1), which establishes that a substantially similar U.S.-certified vehicle exists.
 3. “VCP” eligibility numbers are assigned to vehicles that are decided to be eligible under 49 CFR 593.7(f), based on a petition from a manufacturer or RI submitted under 49 CFR 593.5(a)(2), which establishes that the vehicle has safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS.

9) **Conforming Eligible Vehicles, DOT Conformance Bond and Cash Deposits**

- i. If NHTSA decides that a nonconforming vehicle is eligible for importation, the RI is notified that it can perform the required modifications and submit to NHTSA a statement of conformity certifying the vehicle’s conformity to all applicable FMVSS, supported by photographic and documentary evidence of the modifications the RI made to achieve conformity. These materials are collectively referred to as a “conformity package.” An RI can submit a conformity package for any vehicle that has been determined eligible for importation, even if another RI petitioned NHTSA to determine the vehicle to be eligible or if the Administrator of NHTSA made that decision on the Administrator’s own initiative. See Appendix for a suggested statement of conformity.
- ii. The conformity package must include:
 1. A statement certifying that the RI has brought the motor vehicle into conformity with all applicable Federal motor vehicle safety and bumper standards in effect at the time the vehicle was manufactured by the fabricating manufacturer. The certification must state verbatim either:

- a. "I know that the vehicle I am certifying conforms with all applicable Federal motor vehicle safety and bumper standards because I personally witnessed each modification performed on the vehicle to effect compliance," or
 - b. "I know that the vehicle I am certifying conforms with all applicable Federal motor vehicle safety and bumper standards because the person who performed the necessary modifications to the vehicle is an employee of [RI name] and had provided full documentation of the work that I have reviewed, and I am satisfied that the vehicle as modified complies."
2. A statement certifying that either:
 - a. The vehicle is not required to comply with the parts marking requirements of the Theft Prevention Standard (49 CFR Part 541) or
 - b. The vehicle complies with those parts marking requirements as manufactured, or as modified prior to importation.
3. The certification must be signed and submitted by a principal of the RI designated in its registration application pursuant to 49 CFR 592.5(a)(5)(iv), with an original handwritten signature and not with a signature that is stamped or mechanically applied.
4. The certification must specify the location of the facility where the vehicle was conformed, and the location where the Administrator may inspect the motor vehicle.
5. The certification must state and contain substantiation either that the vehicle is not subject to any safety recalls as of the time of such certification, or, alternatively, that all noncompliances and defects that are the subject of those safety recalls have been remedied.
6. The certification must identify the make, model, model year, date of manufacture, odometer reading, VIN, and Customs Entry Number of the vehicle.
7. The certification must include a statement that the RI has brought the vehicle into conformity with all applicable Federal motor vehicle safety and bumper standards that apply to the vehicle and a description, with respect to each standard for which modifications were needed, of the modifications performed.
8. The certification must include a copy of the DOT conformance bond given at the time of entry to ensure conformance with the safety and bumper standards.
9. The certification must identify the vehicle's vehicle eligibility number.
10. The certification must include a copy of the HS-7 Declaration form executed at the time of the vehicle's importation if a Customs Broker did not make an electronic entry for the vehicle.
11. The certification must include unaltered front, side, and rear photographs of the vehicle, and unaltered photographs of the original manufacturer's certification label and the certification label of the RI affixed to the vehicle.
12. The certification must include unaltered photographs and documentation sufficient to demonstrate conformity with all applicable Federal motor vehicle safety and bumper standards to which the vehicle was not originally manufactured to conform.
13. The certification must identify the policy number of the service insurance policy furnished with the vehicle and the full corporate or other business name of the insurer that issued the policy.

- iii. For vehicles that have already been determined eligible for importation, the conformity package must be submitted to NHTSA no later than 120 days from the vehicle's date of entry. The RI must hold the vehicle for 30 days after submission of the conformity package unless it receives prior notice from NHTSA that the vehicle may be released to be licensed or registered for use on public roads. The notice is furnished in the form of a letter releasing the DOT conformance bond the RI is required to furnish at the time of entry to ensure that the vehicle is brought into conformity with all applicable FMVSS within 120 days from its date of entry or is exported from, or abandoned to, the United States.
- iv. The DOT conformance bond must be in an amount equivalent to 150 percent of the dutiable value of the vehicle and must be underwritten by a surety company approved by the Department of Treasury to underwrite Federal bonds. If the RI is unable to obtain a DOT conformance bond underwritten by an approved surety, the RI may offer cash deposits or obligations of the United States, in an amount equivalent to 150 percent of the dutiable value of the vehicle, in lieu of the bond. Before NHTSA will accept cash deposits, the RI must enter an agreement with the agency obligating the RI to bring the vehicle into conformity with all applicable FMVSS within 120 days from its date of entry or to export the vehicle from, or abandon it to, the United States. NHTSA charges a small fee (in the neighborhood of \$10) to cover CBP's cost of collecting the DOT conformance bond, and a considerably greater fee (over \$450) to cover NHTSA's own costs for processing cash deposits furnished in lieu of a DOT conformance bond.

10) **Importation Regulations**

- i. NHTSA has issued regulations implementing the vehicle importation laws found at 49 U.S.C. §§ 30141 *et seq.* These regulations, which are published in Title 49, Code of Federal Regulations, are in the following parts:
 - 1. **49 CFR Part 591 *Importation of Vehicles and Equipment Subject to Federal Safety, Bumper, and Theft Prevention Standards***
 These regulations establish procedures governing the importation of motor vehicles and motor vehicle equipment subject to Federal motor vehicle safety, bumper, and theft prevention standards.
 - 2. **49 CFR Part 592 *Registered Importers of Vehicles Not Originally Manufactured to Conform to the Federal Motor Vehicle Safety Standards***
 These regulations establish procedures for the registration of persons wishing to become RIs and the maintenance of an existing RI registration. They also set forth the duties of an RI.
 - 3. **49 CFR Part 593 *Determinations that a Vehicle Not originally Manufactured to Conform to the Federal Motor Vehicle Safety Standards is Eligible for Importation***
 These regulations establish procedures by which NHTSA makes determinations that a vehicle not originally manufactured to conform to the FMVSS is eligible for importation and can be imported into the United States because it can be modified to comply with those standards.
 - 4. **49 CFR Part 594 *Schedule of Fees Authorized by 49 U.S.C. 30141***
 These regulations establish fees that are intended to ensure that NHTSA is reimbursed for costs incurred in administering the importer registration program, in making determinations whether a nonconforming vehicle is eligible

for importation into the United States, and in providing the bond furnished to ensure that an imported vehicle not originally manufactured to conform to all applicable Federal motor vehicle safety standards is brought into compliance with those standards, or will be exported from, or abandoned to, the United States.

11) **Importation Forms**

i. NHTSA requires two forms to be filed with CBP for the importation of a nonconforming vehicle to be brought into conformity with all applicable Federal motor vehicle safety and bumper standards by an RI. Those forms are as follows:

1. ***HS-7 Declaration for the Importation of Motor Vehicles and Motor Vehicle Equipment Subject to Federal Motor Vehicle Safety, Bumper, and Theft Prevention Standards***

This form, referred to as the “HS-7 Declaration form,” must be filed for every motor vehicle that is offered for importation into the United States. The vehicle must be identified on the form by make, model, model year and VIN. If the vehicle was not originally manufactured to conform to all applicable FMVSS, but has been determined eligible for importation by NHTSA and is being imported by an RI or by a person who has a contract with an RI to modify the vehicle so that it conforms to all applicable FMVSS following importation, the name and registration number of the RI must also be entered on the form, along with the vehicle eligibility number assigned to the vehicle by NHTSA. There are 13 check-off boxes on the form, each of which pertains to a different basis for lawfully importing into the United States a motor vehicle or item of motor vehicle equipment subject to the FMVSS. Nonconforming vehicles that have been determined eligible for importation and are imported under bond by an RI or by a person who has a contract with an RI are entered under as Box 3 on the HS-7 Declaration form. Nonconforming vehicles that are imported on a temporary basis for the purpose of preparing an import eligibility petition are imported under Box 13. A NHTSA permission letter must be obtained to import a vehicle under Box 13. If entries are made by a Customs Broker, they may be filed electronically through the Automated Broker Interface (ABI) system in lieu of filing a paper copy of the HS-7 Declaration form. A copy of the HS-7 Declaration form may be downloaded from the agency’s website at <http://www.nhtsa.dot.gov/cars/rules/import/>.

2. ***HS-474 Bond to Ensure Conformance with Motor Vehicle Safety and Bumper Standards***

A DOT conformance bond, on form HS-474, must be furnished for every nonconforming motor vehicle offered for importation by an RI or by a person who has a contract with an RI under Box 3 on the HS-7 Declaration form. The bond, in an amount equivalent to 150 percent of the entered value of the vehicle, must be underwritten by a surety that is approved by the Department of the Treasury. The bond ensures that the vehicle is brought into conformity with all applicable FMVSS and Bumper Standards within 120 days from its date of entry or is delivered to CBP for export from, or abandonment to, the United States. The bond also ensures that a conformity package covering the vehicle is

submitted to NHTSA and that the RI does not release custody of the vehicle to any person for the purpose of being licensed or registered for use on public roads until 30 days after a conformity package covering the vehicle is submitted to NHTSA. The bond also ensures that the vehicle is held by the RI if the RI receives written notice from NHTSA that an inspection of the vehicle is required or there is reason to believe that the conformity package contains a false certification or misrepresentation. NHTSA will release the bond upon receipt of a conformity package that adequately demonstrates that the vehicle has been brought into conformity with all applicable FMVSS and Bumper Standards. This release, which is furnished in the form of a letter from NHTSA, permits the RI to release custody of the vehicle so that it can be licensed or registered for use on public roads. Regulations pertaining to the bond are found at 49 CFR 591.8. The bond's provisions are set forth in 49 CFR Part 591, Appendix A. A copy of the HS-474 form may be downloaded from the agency's website at <http://www.nhtsa.dot.gov/cars/rules/import/>.

12) Civil Penalties for Violating the Vehicle Safety Laws or Regulations Administered by NHTSA

- i. The regulations in 49 CFR Part 592 that establish the duties of an RI are issued under 49 U.S.C. §§ 30141-30147. As provided in 49 U.S.C. § 30165(a), a person who violates any of those sections, or a regulation prescribed thereunder, is liable to the United States for civil penalties. Civil penalties are periodically adjusted for inflation. As of the date of publication of this document (January 2009), civil penalties are set at an amount of not more than \$6,000 for each violation, up to a maximum civil penalty of \$16,375,000 for a related series of violations. See 49 CFR 578.6. Civil penalties can and will be imposed if an RI fails to adhere to the duties specified in pertinent regulations. For this reason, an RI must read and adhere to the requirements of 49 CFR 592.6. NHTSA also issues guidance to RIs in the form of periodic newsletters, which are e-mailed to all RIs in active status and published on the agency's website at <http://www.nhtsa.gov/cars/rules/import>.
- ii. NHTSA is authorized under 49 U.S.C. § 30166(e) to require an RI to keep records and make reports to enable the agency to decide whether the RI is complying with the vehicle importation laws and the regulations issued thereunder. Failure to provide information requested by NHTSA under this authority may result in a civil penalty of not more than \$6,000 per day, up to a maximum civil penalty of \$16,375,000 for any related series of daily violations.

13) Additional Requirements to Become Registered as an RI

- i. A person applying to become an RI must be familiar the FMVSS, as found in 49 CFR Part 571, and regulations governing vehicle importation in 49 CFR Parts 591-594. Before granting registration, the agency will administer a short oral quiz to gauge the applicant's understanding of the more fundamental requirements for being an RI. The applicant will also be asked to submit samples of the certification labels it intends to affix to the vehicles it will conform to all applicable FMVSS and Bumper Standards, so that the agency can assess whether these meet the content and format requirements of the certification regulations in 49 CFR Part 567.

14) **Appendix**

SAMPLE RI APPLICATION LETTER, RI APPLICATION, AND RI CHECKLIST

January 1, 2009

Import and Certification Division
National Highway Traffic Safety Administration
West Building - 4th Floor - Room W43-481
1200 New Jersey Avenue, SE
Washington, DC 20590
Attn: NVS-223 Application for Registration as Importer

Dear Sir or Madam:

Please see my enclosed application for registration as an importer. This application comprises a three-page "Application for Registration as Importer" with my notarized signature, a completed "RI Application Checklist," and {insert #} enclosures as identified by the "RI Application Checklist."

My application is submitted in accordance with the procedures in 49 CFR Part 592 for the registration of importers of motor vehicles not originally manufactured to comply with all applicable Federal motor vehicle safety standards. Pursuant to 592.5(4)(vi), I state that no shareholder, officer, director, employee, or any person in affinity with such, who has been previously affiliated with another Registered Importer in any capacity is associated with my application **-OR-** Pursuant to 592.5(4)(iv), John Doe, formerly an employee of 555 Importers, is associated with my application.

Your consideration of my application is appreciated. If you have any questions, please contact me by telephone 555-555-5555 or by email JSmith@myisp.net.

Sincerely,

John Smith

John Smith

Enclosures: Application for Registration as Importer (Registered Importer)
RI Application Checklist
Enclosures Nos. 1-2, 5-12

Application for Registration as Importer

Applicant Information - § 592.5(a)

Applicant Name: Smith John C 01/01/85 President
Last First M.I. DOB Position

Business Name: Smith Imports, LLC.

Business Address: 123 Main St. #101 Anywhere, MN 12345
Street, Suite No. City, State Zip Code

Contact Info: 555-555-5555 555-555-5556 JSmith@myisp.net
Telephone Facsimile Email

Form of Business Organization (check one below): State under which business formed: Minnesota

Sole Proprietorship Partnership Non-public Corporation Public Corporation

Identify Each Partner/Officer/Director/Manager of Applicant's Partnership or Corporation

Name: Doe Jane D 01/02/86 Vice Pres
Last First M.I. DOB Position

Business Address: 123 Main St. #101 Anywhere, MN 12345
Street, Suite No. City, State Zip Code

Additional Partner/Officer/Director/Manager of Applicant's Partnership or Corporation

Name: Doe John E 01/03/85 CFO
Last First M.I. DOB Position

Business Address: 123 Main St. #101 Anywhere, MN 12345
Street, Suite No. City, State Zip Code

Additional Partner/Officer/Director/Manager of Applicant's Partnership or Corporation

Name: Smith Harriett F 01/04/86 Director
Last First M.I. DOB Position

Business Address: 123 Main St. #101 Anywhere, MN 12345
Street, Suite No. City, State Zip Code

(Attach a separate page if there are more than 3 partners/officers/directors/managers)

Business Interests

I am willing to contract with individual owners to conform to the FMVSS the following types of vehicles those owners import, provided the vehicles have been determined to be eligible for importation pursuant to 49 CFR Part 593 (check all that apply):

- Passenger Cars MPVs Light Duty Trucks (10,000 lb GVWR or less)
 Trailers Buses Heavy Trucks & Tractors (Over 10,000 lb GVWR)
 Motorcycles / Motor Driven Cycles

I am willing to modify for compliance with FMVSS vehicles imported from: Canada All other countries

Petition for an Import Eligibility Decision

Yes No I am willing to prepare and submit import eligibility petitions to NHTSA and to pay all required fees for those petitions, as set forth in 49 CFR Parts 593 and 594

RI Premises - Main Office

Business Address: **123 Main St. #101** **Anywhere, MN** **12345**
Street, Suite No. City, State Zip Code
Contact Info: **555-555-5555** **555-555-5556** **01/09/09**
Telephone Facsimile Date Facility First Used

RI Premises - Records Storage

Business Address: **S/A**
Street, Suite No. City, State Zip Code
Contact Info:
Telephone Facsimile Date Facility First Used

RI Premises - Conformance Modifications

Business Address: **456 Mechanic's Way** **Anywhere, MN** **12345**
Street, Suite No. City, State Zip Code
Contact Info: **555-555-5557** **555-555-5558** **12/01/08**
Telephone Facsimile Date Facility First Used

RI Premises - Vehicle Storage

Business Address: **789 Storage Street** **Anywhere, MN** **12345**
Street, Suite No. City, State Zip Code
Contact Info: **555-555-5559** **None** **12/01/08**
Telephone Facsimile Date Facility First Used

(Attach a separate page if there are more locations)

Principals of the applicant whom the applicant authorizes to submit conformity certifications to NHTSA

Principal Name: **Smith** **John** **C** **President**
Last First M.I. Position Title
Principal Name: **Doe** **Jane** **D** **Vice President**
Last First M.I. Position Title
Principal Name: **Smith** **James** **A** **General Manager**
Last First M.I. Position Title
Principal Name: **N/A**
Last First M.I. Position Title

(Attach a separate page if there are more principals authorized to sign conformity certifications)

Customs Broker

Broker Name: **12345 Customs Brokers**
Business Address: **876 Brokers Way** **Anywhere, MN** **12345**
Street, Suite No. City, State Zip Code
Contact Info: **Able** **Abigail** **555-555-9876** **555-555-5432**
Last First Telephone Facsimile

Associated With EPA Licensed Independent Commercial Importer (ICI)

ICI Name: **Green Importer, LLC**

Business Address: **987 Birch Place #100** **Anywhere, MN** **12345**
Street, Suite No. City, State Zip Code
Contact Info: **Jones** **Douglas** **555-555-6543** **555-555-9513**
Last First Telephone Facsimile

Certification - (§ 592.5(a)(6))

By checking this box, I hereby certify that I have never had a registration revoked pursuant to 49 CFR § 592.7, nor is my company or was my company, directly or indirectly owned or controlled by, or under common ownership or control with, a person who has had a registration revoked pursuant to § 592.7.

Certification - (§ 592.5(a)(11))

By checking this box, I hereby certify that I have read and understand the duties of a Registered Importer, as set forth in 49 CFR § 592.6 and that I will fully comply with each such duty.

Certification - (§ 592.5(a)(11))

By checking this box, I hereby certify that that all the information provided in this application is true and correct.

Certification - (§ 592.5(a)(11))

By checking this box, I hereby certify that I understand that, in the event the registration for which I am applying is suspended or revoked, or lapses, I will remain obligated to notify owners and to remedy noncompliances or safety related defects, as required by 49 CFR § 592.6(j), for each vehicle for which I have furnished a certificate of conformity to NHTSA.

Acknowledgement - (§ 592.5(a)(9))

By checking this box, I acknowledge that I am able to acquire and maintain information regarding the vehicles that I import and the names and addresses of the vehicles that I import or for which I furnish certificates of conformity to NHTSA in order to notify such owners when a noncompliance or a defect related to motor vehicle safety has been determined to exist in such vehicles. I further acknowledge that I must maintain a record system capable of acquiring and maintaining names, addresses and telephone numbers of the owners of those vehicles to provide such notification. I understand it is my obligation to find and notify the current owner, at the time a recall notification is required on such vehicle and to locate owners by my records, state records, or by using a private company to obtain the name and address of the vehicle owner. I acknowledge that I will be financially able to remedy a noncompliance or safety-related defect even through replacement of such vehicles, or am technically able to remedy such noncompliances or defects through repair of the vehicles.

Confidentiality Disclosure - (§ 592.5(a)(10))

If applicable, I have segregated and specified any part of the information and data submitted in or with this application that I wish to have withheld from public disclosure in accordance with 49 CFR Part 512, on the basis that it is confidential business information, I have complied with all requirements of that part to preserve the confidentiality of this information, including the filing of the appropriate certificate in support of the request, as set forth in Appendix A to Part 512.

Application Prepared By - (§ 592.5(a)(3))

Name:	<u>Smith</u>	<u>James</u>	<u>A</u>	<u>Gen Mgr</u>
	<i>Last</i>	<i>First</i>	<i>M.I.</i>	<i>Title</i>
Address:	<u>123 Main St. #101</u>	<u>Anywhere, MN</u>	<u>12345</u>	
	<i>Street, Suite No.</i>	<i>City, State</i>	<i>Zip Code</i>	

Enclosures

I have attached to this application 10 enclosures identified by the form entitled "RI Application Checklist" as set forth in 49 CFR § 592.5

John C. Smith

Applicant's Signature (Signature must be acknowledged by a notary (§ 592.5(a)(12))

January 12, 2009

Date

John Banker

Notary's Signature

January 12, 2009

Date

RI Application Checklist

<input checked="" type="checkbox"/>	N/A	No.	Enclosures with the following material or information should accompany the "Application for Registration as Importer (Registered Importer)"
√		1	A narrated digital DVD video that shows the facilities the applicant proposes to use to conduct its business as an RI. This must be formatted to play in Windows Media Player® or in QuickTime®. Suitable video formats include MPEG® and AVI. The recording must include footage of the office space and office equipment the applicant will use in its RI business, including file cabinets or other devices that will be used to store the records an RI must maintain. The recording must also show the area outside the building as having secure vehicle storage space and the premises inside the building that will be used for performing conformance modifications on imported nonconforming vehicles. Footage must also be provided that shows that the applicant has procured a current copy of Title 49, Code of Federal Regulations, Parts 400 to 599. (§ 592.5(a)(9)(ii))
	N/A	2	If the applicant is a non-public corporation, the applicant must provide a statement issued by the Office of the Secretary of State, or other responsible official of the State in which the applicant is incorporated, certifying that the applicant is a corporation in good standing. The application also must include the full name, street address, and date of birth of each officer, director, manager, and person who is authorized to sign documents on behalf of the corporation and the name of any person who owns or controls 10% or more of the corporation. (§ 592.5(a)(4)(iii))
√		3	If the applicant is a public corporation, the applicant must include a copy of its latest 10-K filing with the Securities and Exchange Commission, and provide the name and address of any person who is authorized to sign documents on behalf of the corporation. (§ 592.5(a)(4)(iv))
	N/A	4	If the applicant is a corporation <u>not</u> organized under the laws of a State of the United States, or is a sole proprietorship or partnership located <u>outside</u> the United States, the application must be accompanied by the applicant's designation of a permanent resident of the U.S. as the applicant's agent for service of process in the form specified by 49 CFR § 551.45. (§ 592.5(a)(5)(v))
√		5	Proof that the applicant has ordered a current copy 49 CFR Parts 400-599 from the Government Printing Office. (§ 592.5(a)(9), (11))
√		6	A cashiers check or certified check made payable to the <i>Treasurer of the United States</i> in the amount specified under 49 CFR Part 594 to cover the cost of the application. (§ 592.5(a)(7))
√		7	A copy of the Safety Recall Service Contract the applicant has entered with an independent insurance company, with notarized signatures, to cover the obligations the applicant will incur as an RI with respect to conducting safety recall campaigns. (§ 592.5(a)(8))
√		8	A copy of the current business license issued to the applicant to do business as an importer or modifier or seller of motor vehicles or a statement that the applicant has made a bona fide inquiry and is not required by State or local authority to have such a license or document. (§ 592.5(a)(5)(iii))
√		9	Information sufficient to establish that the applicant is technically able to modify any nonconforming motor vehicle to all applicable Federal motor vehicle safety and bumper standards. This information should include, but not be limited to, the professional qualifications of the applicant and its employees at the time of the application (such as whether any such persons have been licensed as mechanics), and a description of their experience in conforming and repairing vehicles. (§ 592.5(a)(9)(i))
√		10	Information sufficient to establish that the applicant owns or leases one or more facilities sufficient in nature and size to repair, conform, and store the vehicles for which it provides certification of conformance to NHTSA including a copy of the deed or lease for each such facility, video photographs of each such facility, and the street address and telephone number of each such facility. (§ 592.5(a)(9)(ii))
√		11	Information sufficient to establish that the applicant is financially and technically able to provide notification of and to remedy a noncompliance with an FMVSS or a defect related to motor vehicle safety in the vehicles that it imports through repair, repurchase or replacement of such vehicles. (§ 592.5(a)(9)(iii))
√		12	Information sufficient to establish that the applicant is able to acquire and maintain information regarding the vehicles that it imports and the names and addresses of the vehicles that it imports or for which it furnishes certificates of conformity to NHTSA in order to notify such owners when a noncompliance or a defect related to motor vehicle safety has been determined to exist in such vehicles. (§ 592.5(a)(9)(iv))

RI APPLICATION CHECKLIST - EXPLANATION

[NOTE: The contents of this section reflect requirements in 49 CFR 592.5. Preceding each section is a citation to the particular paragraph of the regulations that requires the submission of the information in that section. More detailed information on these requirements can be found in the regulations cited.]

Enclosure 1

VIDEO SUBMISSION § 592.5(a)(9)(ii)

A narrated digital DVD video that shows the facilities the applicant proposes to use to conduct its business as an RI. This must be formatted to play in Windows Media Player® or in QuickTime®. Suitable video formats include MPEG® and AVI. The recording must include footage of the office space and office equipment the applicant will use in its RI business, including file cabinets or other devices that will be used to store the records an RI must maintain. The recording must also show the area outside the building as having secure vehicle storage space and the premises inside the building that will be used for performing conformance modifications on imported nonconforming vehicles. Footage must also be provided that shows that the applicant has procured a current copy of Title 49, Code of Federal Regulations, Parts 400 to 599.

Enclosure 2

NON-PUBLIC CORPORATION INFORMATION - § 592.5(a)(4)(iii)

If the applicant is a non-public corporation, the applicant must provide as an enclosure to the application a statement issued by the Office of the Secretary of State, or other responsible official of the State in which the applicant is incorporated, certifying that the applicant is a corporation in good standing. The application also must identify the full name, street address, and date of birth of each officer, director, manager, and person who is authorized to sign documents on behalf of the corporation and the name of any person who owns or controls 10% or more of the corporation.

Enclosure 3

PUBLIC CORPORATION INFORMATION - § 592.5(a)(4)(iv)

If the applicant is a public corporation, the applicant must provide as an enclosure to the application a copy of its latest 10-K filing with the Securities and Exchange Commission. The application must identify the name and address of any person who is authorized to sign documents on behalf of the corporation.

Enclosure 4

DESIGNATION OF A PERMANENT RESIDENT OF THE U.S. AS THE APPLICANT'S AGENT FOR SERVICE OF PROCESS - § 592.5(a)(5)(v)

If the applicant is a corporation not organized under the laws of a State of the United States, or is a sole proprietorship or partnership located outside the United States, the applicant must provide as an enclosure to the application the applicant's designation of a permanent resident of the U.S. as the applicant's agent for service of process in the form specified by 49 CFR § 551.45.

Enclosure 5

PURCHASE OF 49 CFR PARTS 400-599 - § 592.5(a)(9), (11)

The applicant must provide as an enclosure to the application proof that the applicant has ordered a current copy 49 CFR Parts 400-599 from the Government Printing Office. This volume of the

CFR can be purchased from the Government Printing Office (GPO) by calling toll-free (866) 512-1800 or (202) 512-1800 in the Washington, DC area. Information on purchasing the volume can also be obtained from the GPO website at <http://bookstore.gpo.gov>. The volume, which is revised as of October 1 of every year, costs \$64.00 for the volume revised as of October 1, 2007 (stock number 869-062-00211-4). NOTE: Proof that you have obtained this volume is also shown by including images of it in the office video.

Since many of the standards are revised each year, it is important that an RI order the CFR each year to know the latest requirements. Amendments to the regulations in the CFR that take effect before that volume is next revised are published in daily editions of the Federal Register that can be accessed from the Government Printing Office web site at:
http://www.access.gpo.gov/su_docs/aces/aces140.html.

Enclosure 6

APPLICATION FEE - § 592.5(a)(7)

The applicant must provide as an enclosure to the application payment in the form of a CASHIERS CHECK OR CERTIFIED CHECK made payable to the Treasurer of the United States. The application fee for FY 2009 is \$760. This is the ONLY fee required to make application. If the application is denied \$465 will be refunded.

Enclosure 7

SERVICE INSURANCE POLICY - § 592.5(a)(8)

The applicant must provide as an enclosure to the application either a copy of a contract with an independent insurance company to acquire a prepaid mandatory service insurance policy as required in section 592.5, or a copy of such a policy, in an amount that equals \$2,000 for each vehicle for which the applicant will furnish a certificate of conformity to NHTSA. The purpose of the policy is to ensure that the applicant will be financially able to remedy any noncompliance or safety-related defect determined to exist in a vehicle the RI imports at no cost to the owner of the vehicle for a period of 10 years after the date of entry. Companies known to issue service insurance policies are:

Avalon Risk Management, Inc.
150 Northwest Point Blvd
Elk Grove Village IL 60007
978-740-5677 or 888-750-5677
Attn: Mike Brown

Automobile Consumer Service Corporation
2007 Poole Drive, Suite A
Huntsville, AL 35810
Bob Clemens: 256-851-6777 or 800-824-7059

Enclosure 8

BUSINESS LICENSE - § 592.5(a)(5)(iii)

The applicant must provide as an enclosure to the application a copy of a business license or other similar document issued by an appropriate State or local authority authorizing the applicant to do business as an importer, or modifier, or seller of motor vehicles or a statement by the applicant that it has made a bona fide inquiry and is not required by such a State or local authority to have such a license or document.

Enclosure 9**TECHNICAL COMPETENCE - § 592.5(a)(9)(i)**

The applicant must provide as an enclosure to the application information sufficient to establish that it is technically able to modify any nonconforming motor vehicle to all applicable Federal motor vehicle safety and bumper standards. This information should include, but not be limited to, the professional qualifications of the applicant and its employees at the time of the application (such as whether any such persons have been licensed as mechanics), and a description of their experience in conforming and repairing vehicles.

Enclosure 10**RI PREMISES - PROOF OF OWNERSHIP OR LEASE - § 592.5(a)(9)(ii)**

The applicant must provide as an enclosure to the application acceptable proof of ownership or lease of premises needed for the Main Office; RI Records Storage; Vehicle Conformance Modifications; and Vehicle Storage. Acceptable proof is a copy of the deed to the property or if the property is leased, a dated copy of the lease, showing the signature of the lessor(s) and lessee(s). The lease must identify the subject premises and the purpose for which those premises are being leased. The term of the lease must also be identified.

Enclosure 11**FINANCIAL AND TECHNICAL CAPABILITY - NOTIFICATION AND RECALL - § 592.5(a)(9)(iii)**

Applicant must provide information sufficient to establish that it is financially and technically able to provide notification of and to remedy a noncompliance with an FMVSS or a defect related to motor vehicle safety in the vehicles that it imports through repair, repurchase or replacement of such vehicles.

Enclosure 12**RECORDS MAINTENANCE - § 592.5(a)(9)(iv)**

Applicant must provide information sufficient to establish that it is able to acquire and maintain information regarding the vehicles that it imports and the names and addresses of the vehicles that it imports or for which it furnishes certificates of conformity to NHTSA in order to notify such owners when a noncompliance or a defect related to motor vehicle safety has been determined to exist in such vehicles.

SUGGESTED STATEMENT OF CONFORMITY

Statement of Conformity (Suggested June 2006)		
RI Name: _____	Model Year: _____	Customs Entry #: _____
RI #: _____	Make/Model: _____	Entry Date: _____
Address Where Vehicle Was Conformed: _____ _____	VIN: _____	Port Code: _____
	Manufacture Date (Mo/Yr): _____	Service Insurance Policy #: _____
Address Where Vehicle Can Be Inspected: _____ _____	Odometer: _____ [] miles [] km	Insurer: _____
	Vehicle Type: _____	Is this your initial certification for this make, model, and model year? [] Yes [] No
	Vehicle Eligibility #: _____	

Conformity to the FMVSS and other applicable requirements has been accomplished by one of the following:

O - Conformed at time of original manufacture M - Modified to conform after original manufacture N - Not applicable

No.	FMVSS	O	M	N	No.	FMVSS	O	M	N	No.	FMVSS	O	M	N
101	Controls and Displays				129	New Pneumatic Tires				220	School Bus Rollover Protection			
102	Transmission Shift Lever, Seq-				131	School Bus Pedestrian Safety				221	School Bus Joint Strength			
103	Windshield Defrosting, Defogging				135	Passenger Car Brake Systems				222	School Bus Seating/Crash Protection			
104	Windshield Wiping and Washing				139	New Pneumatic Radial Tires				223	Rear Impact Guards			
105	Hydraulic and Electric Brake Sys-				201	Occupant Protection In Interior				224	Rear Impact Protection			
106	Brake Hoses				202	Head Restraints				225	Child Restraint Anchorage Systems			
108	Lamps, Reflective Devices, and				203	Impact Protection From Steering				301	Fuel System Integrity			
109	New Pneumatic Tires				204	Steering Control Rearward Dis-				302	Flammability of Interior Materials			
110	Tire Selection and Rims				205	Glazing Materials				303	Fuel System Integrity of CNG Vehicles			
111	Rearview Mirrors				206	Door Locks and Retention Comp-				304	CNG Fuel Container Integrity			
113	Hood Latch System				207	Seating Systems				305	Electric-Powered Vehicles			
114	Theft Protection				208	Occupant Crash Protection				401	Interior Trunk Release			
116	Motor Vehicle Brake Fluids				209	Seat Belt Assemblies				404	Platform Lift Installations			
118	Power Operated Window Systems				210	Seat Belt Assembly Anchorages				500	Low Speed Vehicles			
119	New Pneumatic Tires				212	Windshield Mounting				49 CFR				
120	Tire Selection and Rims				213	Child Restraint Systems				565	VIN Requirements			
121	Air Brake Systems				214	Side Impact Protection				567	Certification			
122	Motorcycle Brake Systems				216	Roof Crush Resistance				581	Bumper Standard			
123	Motorcycle Controls and Displays				217	Bus Exits, Window Retention, Rele								
124	Accelerator Control Systems				219	Windshield Zone Intrusion								

I state and provide substantiation that: (check only one):

- [] The vehicle is not subject to any safety recalls as of the time of such certification, **or**
 [] All noncompliances and defects that are the subject of safety recalls have been remedied

I certify that: (check only one):

- [] The vehicle is not required to comply with the parts marking requirements of the Theft Prevention Standard (Part 541), **or**
 [] The vehicle, as manufactured or as modified prior to importation, complies with those parts marking requirements.

I certify that: (check only one):

- [] I know that the vehicle that I am certifying conforms with all applicable Federal motor vehicle safety and bumper standards because I personally witnessed each modification performed on the vehicle to effect compliance, **or**
 [] I know that the vehicle I am certifying conforms with all applicable Federal motor vehicle safety and bumper standards because the person who performed the necessary modifications to the vehicle is an employee of the above named RI and has provided full documentation of the work that I have reviewed, and I am satisfied that the vehicle as modified complies.

RI or Designated Representative Signature*: _____ **Printed Name:** _____

(* Must be original, not machine stamp, etc.)

Designation: _____ **Date:** _____

SUGGESTED STATEMENT OF CONFORMITY - EXPLANATION

An RI must submit to NHTSA, upon the completion of conformance modifications to each nonconforming vehicle the RI imports, certification that it has brought the vehicle into conformity with all applicable Federal motor vehicle safety and bumper standards. The certification must be submitted within 120 days from the date of importation and must be supported with documentary and photographic evidence of the vehicle's conformity. The documents that are submitted on each vehicle are commonly referred to as a "conformity package." Normally, the conformity package will include a form, signed by the RI or by the RI's designated representative, that includes identifying information on the vehicle, statements certifying that the vehicle has been brought into conformity and that certain other requirements have been met, and a list of FMVSS and other applicable requirements with check-off boxes that permit the RI to identify whether the vehicle complies with the standard or other requirement as originally manufactured or as modified, or whether the standard or other requirement is not applicable to the vehicle.

NHTSA has previously made available to RIs a suggested form for submitting the Statement of Conformity. NHTSA has periodically updated the suggested form as new standards are adopted or pertinent regulations are amended. The suggested Statement of Conformity form was last revised in October 2006. While RIs are not obligated to use the suggested Statement of Conformity form, they can rest assured that all necessary certification statements will be made if they properly complete the form.

The June 2006 suggested Statement of Conformity form includes information that must be submitted with the conformity package under amendments to the regulations governing the activities of RIs that became effective on September 30, 2004. A copy is posted on the NHTSA web site at www.nhtsa.dot.gov/cars/rules/import. RIs may download this form for their own use.

The form is divided into three sections that are arranged in a vertical order. The top section includes identifying information on the RI and the subject vehicle, as well as information pertaining to the vehicle's importation. The middle section contains the list of FMVSS and other applicable requirements, and includes check-off boxes for the RI to use in identifying the vehicle's conformity status. The bottom section contains certification statements and a signature block. Specific changes that have been made to the June 2006 suggested Statement of Conformity form are described below:

Five new blocks were added to the top section. These identify: 1) the address where vehicle was conformed; 2) the address where vehicle can be inspected; 3) the service insurance policy number; 4) the insurer's name; and 5) a check-off block to indicate whether the RI's certification is the initial certification for the make, model, and model year of the subject vehicle.

Three new FMVSS were added to the middle section. These include: 1) FMVSS No. 129, *New Pneumatic Tires for Passenger Cars*; 2) FMVSS No. 404, *Platform Lift Installations*; and 3) FMVSS No. 500, *Low Speed Vehicles*. In addition, the statement regarding conformance to the Theft Prevention Standard in 49 CFR Part 541 was moved from the middle to the bottom section.

Three certification statements are found in the bottom section of the revised form. Each of these statements includes alternative responses, only one of which may be selected by checking the appropriate box. The first statement identifies either that the vehicle is not subject to any safety

recalls, or if it is subject, whether the defects or noncompliances that prompted those recalls have been remedied. The second statement identifies either that the vehicle is not subject to the parts marking requirements of the Theft Prevention Standard, or if it is subject, whether the vehicle complies with those requirements as manufactured or as modified prior to importation. The third statement contains the RI's certification that the vehicle complies with all applicable standards. We have also added a block for the printed name of the RI or its designated representative. The RI or its designated representative must also sign the form with an original signature, and not with a machine stamp or other facsimile.

SAMPLE YEARLY STATEMENT OF REGISTERED IMPORTER - NO CHANGES

September 25, 2009

Import and Certification Division
National Highway Traffic Safety Administration
West Building - 4th Floor - Room W43-481
1200 New Jersey Avenue, SE
Washington, DC 20590
Attn: NVS-223 Yearly Statement of Registered Importer

Dear Sir or Madam:

This is to affirm that all information that Smith Imports, Inc. previously submitted to the National Highway Traffic Safety Administration (NHTSA) pursuant to 49 CFR 592.5(a) remains correct.

A copy of the mandatory service insurance policy that we have acquired pursuant to 49 CFR 592.5(a)(8) to cover recall obligations that we may incur in fiscal year (FY) 2010 is enclosed, with signatures properly notarized. Also enclosed is {“authorization to charge my credit card” or “a cashiers check or certified check made payable to the Treasurer of the United States”} in the amount specified under 49 CFR Part 594 to cover the cost of the annual fee.

Your consideration of my Yearly Statement is appreciated. If you have any questions, please contact me by telephone 555-555-5555 or by email JSmith@myisp.net.

Sincerely,

John Smith

John Smith

Enclosures: Service Insurance Policy with notarized signatures
Authorization to charge my credit card {or}
Check made payable to the Treasurer of the United States

SAMPLE YEARLY STATEMENT OF REGISTERED IMPORTER – WITH CHANGES

September 25, 2009

Import and Certification Division
National Highway Traffic Safety Administration
West Building - 4th Floor - Room W43-481
1200 New Jersey Avenue, SE
Washington, DC 20590
Attn: NVS-223 Yearly Statement of Registered Importer

Dear Sir or Madam:

This is to affirm that all information that Smith Imports, Inc. previously submitted to the National Highway Traffic Safety Administration (NHTSA) pursuant to 49 CFR 592.5(a) remains correct except those changes identified in the enclosure entitled “Application for Registration as Importer.” You will note that the sections of that form have been completed to identify the changes that have occurred since our most recent submission to NHTSA.

A copy of the mandatory service insurance policy that we have acquired pursuant to 49 CFR 592.5(a)(8) to cover recall obligations that we may incur in fiscal year (FY) 2010 is enclosed, with signatures properly notarized. Also enclosed is {“authorization to charge my credit card” **or** “a cashiers check or certified check made payable to the Treasurer of the United States”} in the amount specified under 49 CFR Part 594 to cover the cost of the annual fee.

Your consideration of my Yearly Statement is appreciated. If you have any questions, please contact me by telephone 555-555-5555 or by email JSmith@myisp.net.

Sincerely,

John Smith

John Smith

Enclosures: Application for Registration as Importer
Service Insurance Policy with notarized signatures
Authorization to charge my credit card {or}
Check made payable to the Treasurer of the United States

RI Premises - Main Office

Business Address: _____
Street, Suite No. *City, State* *Zip Code*

Contact Info: _____
Telephone *Facsimile* *Date Facility First Used*

RI Premises - Records Storage

Business Address: _____
Street, Suite No. *City, State* *Zip Code*

Contact Info: _____
Telephone *Facsimile* *Date Facility First Used*

RI Premises - Conformance Modifications

Business Address: _____
Street, Suite No. *City, State* *Zip Code*

Contact Info: _____
Telephone *Facsimile* *Date Facility First Used*

RI Premises - Vehicle Storage

Business Address: **567 Secured Storage Way** **Anywhere, MN** **12345**
Street, Suite No. *City, State* *Zip Code*

Contact Info: **555-555-5523** **None** **09/18/09**
Telephone *Facsimile* *Date Facility First Used*

(Attach a separate page if there are more locations)

Principals of the applicant whom the applicant authorizes to submit conformity certifications to NHTSA

Principal Name: **Smith** **John** **C** **President**
Last *First* *M.I.* *Position Title*

Principal Name: **Doe** **Jane** **D** **Vice President**
Last *First* *M.I.* *Position Title*

Principal Name: **Manager** **William** **H** **General Manager**
Last *First* *M.I.* *Position Title*

Principal Name: **N/A**
Last *First* *M.I.* *Position Title*

(Attach a separate page if there are more principals authorized to sign conformity certifications)

Customs Broker

Broker Name: _____

Business Address: _____
Street, Suite No. *City, State* *Zip Code*

Contact Info: _____
Last *First* *Telephone* *Facsimile*

Associated With EPA Licensed Independent Commercial Importer (ICI)

ICI Name: _____

Business Address: _____
Street, Suite No. *City, State* *Zip Code*

Contact Info: _____
Last *First* *Telephone* *Facsimile*

Certification - (§ 592.5(a)(6))

By checking this box, I hereby certify that I have never had a registration revoked pursuant to 49 CFR § 592.7, nor is my company or was my company, directly or indirectly owned or controlled by, or under common ownership or control with, a person who has had a registration revoked pursuant to § 592.7.

Certification - (§ 592.5(a)(11))

By checking this box, I hereby certify that I have read and understand the duties of a Registered Importer, as set forth in 49 CFR § 592.6 and that I will fully comply with each such duty.

Certification - (§ 592.5(a)(11))

By checking this box, I hereby certify that that all the information provided in this application is true and correct.

Certification - (§ 592.5(a)(11))

By checking this box, I hereby certify that I understand that, in the event the registration for which I am applying is suspended or revoked, or lapses, I will remain obligated to notify owners and to remedy noncompliances or safety related defects, as required by 49 CFR § 592.6(j), for each vehicle for which I have furnished a certificate of conformity to NHTSA.

Acknowledgement - (§ 592.5(a)(9))

By checking this box, I acknowledge that I am able to acquire and maintain information regarding the vehicles that I import and the names and addresses of the vehicles that I import or for which I furnish certificates of conformity to NHTSA in order to notify such owners when a noncompliance or a defect related to motor vehicle safety has been determined to exist in such vehicles. I further acknowledge that I must maintain a record system capable of acquiring and maintaining names, addresses and telephone numbers of the owners of those vehicles to provide such notification. I understand it is my obligation to find and notify the current owner, at the time a recall notification is required on such vehicle and to locate owners by my records, state records, or by using a private company to obtain the name and address of the vehicle owner. I acknowledge that I will be financially able to remedy a noncompliance or safety-related defect even through replacement of such vehicles, or am technically able to remedy such noncompliances or defects through repair of the vehicles.

Confidentiality Disclosure - (§ 592.5(a)(10))

If applicable, I have segregated and specified any part of the information and data submitted in or with this application that I wish to have withheld from public disclosure in accordance with 49 CFR Part 512, on the basis that it is confidential business information, I have complied with all requirements of that part to preserve the confidentiality of this information, including the filing of the appropriate certificate in support of the request, as set forth in Appendix A to Part 512.

Application Prepared By - (§ 592.5(a)(3))

Name:	<u>Smith</u>	<u>John</u>	<u>C</u>	<u>President</u>
	<i>Last</i>	<i>First</i>	<i>M.I.</i>	<i>Title</i>
Address:	<u>123 Main St. #101</u>	<u>Anywhere, MN</u>	<u>12345</u>	
	<i>Street, Suite No.</i>	<i>City, State</i>	<i>Zip Code</i>	

Enclosures

I have attached to this application 10 enclosures identified by the form entitled "RI Application Checklist" as set forth in 49 CFR § 592.5

John C. Smith

September 18, 2009

Applicant's Signature (Signature must be acknowledged by a notary (§ 592.5(a)(12))

Date

{N/A – Not needed for updates to previously submitted business information}

Notary's Signature

Date