

REGISTERED IMPORTER NEWSLETTER No. 43
National Highway Traffic Safety Administration
Office of Vehicle Safety Compliance
September 7, 2012

NOTICE OF ADDITIONAL INFORMATION NEEDED TO BE INCLUDED IN
IMPORT ELIGIBILITY PETITIONS AND REMINDERS CONCERNING THE CONTENT
AND SUBMISSION OF CONFORMITY PACKAGES

ELIGIBILITY PETITIONS

On August 25, 2011, NHTSA published a final rule at 76 FR 53072-53080 that amended the agency's regulations pertaining to registered importers (RIs). One of the amendments made in the final rule requires RIs to identify in any import-eligibility petition they submit to the agency the vehicle-type classification and gross vehicle weight rating ("GVWR") of the vehicles covered by the petition.

The agency explained in the final rule that in making import-eligibility decisions, it determines the safety standards applicable to a particular vehicle by, among other things, taking account of the model, model year (if assigned), date of manufacture, the type classification, and the GVWR of the vehicle. The agency noted that the various type classifications that a vehicle can be assigned are defined in the regulations at 49 CFR 571.3 and that those type classifications include passenger car, multipurpose passenger vehicle ("MPV"), truck, bus, motorcycle, trailer, and low-speed vehicle ("LSV"). The agency also noted that the regulations define GVWR as the loaded weight of the vehicle as specified by the manufacturer. 49 CFR 571.3.

It is relatively easy to identify the type classification of a vehicle that has a substantially similar U.S.-certified counterpart. Manufacturers of U.S.-certified vehicles must identify the type classification on the vehicle's certification label. See 49 CFR 567.4(g)(7). Manufacturers must also identify on the certification label the GVWR they have assigned to the vehicle. 49 CFR 567.4(g)(3).

However, determining the type classification and GVWR of a motor vehicle without a substantially similar U.S.-certified counterpart can require some work. The agency noted in the final rule that it may expend considerable time and effort ascertaining this information, thereby delaying the processing of the petition.

To rectify this situation, NHTSA amended 49 CFR 593.6(a) and (b) to require an import eligibility petition to include the type classification of the vehicle and the GVWR of the vehicle. If the petition is submitted under 49 CFR 593.6(a), on the basis that the 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 pursuant to 49 CFR Part 567, then the RI must use the type classification of the vehicle's U.S.-certified counterpart. If the petition is submitted under 593.6(b), on the basis that the vehicle's safety features comply with, or are capable of being modified to comply with, all applicable FMVSS, then the RI must identify the vehicle's type classification consistent with 49 CFR 571.3.

Likewise with regard to GVWR, if the petition is submitted under 49 CFR 593.6(a), then the RI must use the GVWR of the vehicle's U.S.-certified counterpart. If the petition is submitted under 593.6(b), then the RI must identify the GVWR consistent with certification requirements of 49 CFR 567.4(g)(3) and 49 CFR 571.3. The agency noted that pursuant to 49 CFR 593.7, NHTSA may accept or reject the GVWR identified in the petition.

The agency further noted that if the vehicle is ultimately certified to meet all applicable FMVSS, the GVWR must be included in the certification label required by 49 CFR Part 567. In keeping with the certification requirements, the GVWR shall not be less than the sum of the unloaded vehicle weight (as defined by Sec. 571.3), the rated cargo load, and 150 pounds multiplied by the number of designated seating positions. 49 CFR 567.4(g)(3).

Please ensure that these requirements are met in any import eligibility petitions that you submit to the agency under 49 CFR Part 593.

CONFORMITY PACKAGES

1. Conformity packages should be sent by express delivery service to:

Office of Vehicle Safety Compliance (NVS-223)
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Room W45-205
Washington, DC 20590

2. Please ensure that each package contains fully legible and unaltered photographs showing the modifications performed on the vehicle to achieve compliance with applicable Federal motor vehicle safety and bumper standards, all labels that are required to be affixed to the vehicle, and images of the front, side, and rear of the vehicle after it has been conformed and certified.
3. Please ensure that the Statement of Conformity included in the package bears an original handwritten signature of a principal of the RI designated in the RI's registration application, and not a signature that is stamped or mechanically applied.
4. Please ensure that the Statement of Conformity pertains to the same vehicle as the remainder of the package.
5. Please ensure that recall information is included in the conformity package. If the vehicle has a substantially similar U.S.-certified counterpart that has not been subject to any recall campaigns, a printout from NHTSA's Safercars.gov website covering the U.S.-certified counterpart will be sufficient proof that the vehicle has no outstanding recalls. If the vehicle does not have a substantially similar U.S.-certified counterpart, or has been subject to one or more recall campaigns, documentation from the vehicle's original manufacturer must be furnished to verify that the vehicle has no outstanding recalls.
6. Please ensure that account billing information is not included in the package.