



Best Practice Regarding Registration and Titling of Mini-Trucks

2011-01-10

American Association of
Motor Vehicle Administrators

Table of Contents

Executive Summary	3
Definitions	5
Introduction.....	6
U.S. rules for mini-trucks	6
Canadian rules for mini-trucks	7
Discussion	8
Safety of mini-trucks.....	8
Safety of right-hand drive vehicles.....	9
Air quality impact of mini-trucks.....	10
Conclusion.....	10
Best Practice	10
Appendix A.....	13
Appendix B.....	14
Appendix C	15
Appendix D	16

Executive Summary

Significant numbers of used mini-trucks and vans (also known as Kei-class vehicles) are being imported into the United States (U.S.) primarily as off-road vehicles and into Canada as on-road vehicles. In the U.S., some states allow mini-trucks to be operated on roadways as low speed vehicles or medium speed vehicles.

Mini-trucks fall under a class of vehicles manufactured for the Japanese market to standards that restrict vehicle body size and engine displacement. The standards differ significantly from North American vehicle safety standards applicable to comparable vehicles. Further, mini-trucks are typically right-hand-drive (RHD) vehicles, which have been shown to have a significantly higher crash risk than comparable left-hand-drive (LHD) vehicles on North American roadways.

Chinese automobile manufacturers produce versions of Japanese mini-trucks that are similar in design to Kei-class vehicles but with left-hand steering configuration. Due to the substantial similarity, it is advised that the Chinese versions be treated as mini-trucks in full accordance with the recommendations contained in this document.

Mini-trucks do not comply with U.S. or Canadian vehicle air pollutant emissions standards designed to reduce vehicle emissions through fleet turnover. Current model vehicles typically have much lower emissions of key air pollutants than older model vehicles. The U.S. Environmental Protection Agency (EPA) issued a bulletin in 2009 warning states that mini-trucks may be in violation of the Clean Air Act.

Mini-trucks were not designed to meet North American vehicle safety standards or be operated on North American roadways. By allowing them to operate on our public roadways, we are introducing into the traffic mix a vehicle with questionable stability and crash protection. Further, by allowing on-road operation of used mini-trucks, Canada and the U.S. are accepting another nation's cast-offs—vehicles that no longer meet the exporting country's vehicle safety or emissions standards.

For these reasons, AAMVA recommends that jurisdictions adopt the following best practices:

1. Not register or otherwise allow mini-trucks to be used on public roadways/highways, regardless of age, unless the vehicle bears certification labels attesting to compliance with the applicable FMVSS or CMVSS and with applicable EPA or CEPA emission requirements for on-road use, or, for mini-trucks imported to the U.S., the applicant provides clear and convincing evidence of a qualified importer's certification of conformity for the vehicle issued under 49 CFR 592.6(d).
2. Not issue for a mini-truck a certificate of title that authorizes on-highway operation, or for those jurisdictions that register, not issue an unrestricted registration. A jurisdiction may issue a certificate of title that proves only ownership or authorizes operation only off public highways.
3. Deny on-highway titles and registrations for mini-trucks that were last titled or registered in another jurisdiction, unless the mini-truck can be registered consistent with Best Practice Number 1 above.
4. Restrict on-highway mini-truck usage only to crossing public highways in a safe manner that is consistent with permitted uses for other vehicles designed primarily for use off highway.
5. Restrict mini-trucks from operation on public highways consistent with how the jurisdiction restricts other non-conforming motor vehicles.

Some of these Best Practices might conflict with or lack support of a jurisdiction's laws. In such cases, AAMVA encourages jurisdictions to enact or retain laws necessary to implement the Best Practices.

Definitions

For purposes of this Best Practice, the following definitions shall be used:

AAMVA means the American Association of Motor Vehicle Administrators

CCMTA means the Canadian Council of Motor Transport Administrators

CEPA means the Canadian Environmental Protection Act

CMVSS means the Canadian Motor Vehicle Safety Standards (regulations under the Motor Vehicle Safety Act (Canada))

Clean Air Act (CAA) means the U.S. Clean Air Act under 42 U.S.C. 7401, et seq.

DOT means the U.S. Department of Transportation

EPA means the U.S. Environmental Protection Agency

EPA Certification Label means the label attached by the original manufacturer that certifies compliance with the Federal Motor Vehicle Emission and Fuel Standards (Source: 42 U.S.C., Section 7541)

FMVSS means the Federal Motor Vehicle Safety Standards as adopted by the United States Department of Transportation

Kei Jidosha or “Kei Class” is a Japanese term meaning “light weight vehicle” and is used to describe a class of lightweight vehicles originally manufactured for the Japanese domestic market

Low-speed vehicle (LSV) means any 4-wheeled motor vehicle whose top speed is greater than 20 miles per hour, but not greater than 25 miles per hour and meets FMVSS for LSVs. Under CMVSS, a LSV is 4-wheeled, electrically-powered vehicle whose top speed is greater than 32 kilometers per hour (20 miles per hour) but not greater than 40 kilometers per hour (25 miles per hour) and meets CMVSS for LSVs.

Manufacturer Certificate of Origin (MCO) means the ownership document issued by the manufacturer or authorized United States distributor that meets the specifications as provided in AAMVA’s policy titled “Specifications for Printing a Manufacturer’s Certificate of Origin (CO) for Motor Vehicle Standards.”

Manufacturer’s Certification Label means the label attached by the original manufacturer that certifies compliance with all applicable FMVSS for the year of manufacture (Source: 49 C.F.R., 567)

Mini-truck means a motor vehicle meeting the requirements of the Japanese “Kei Jidosha” classification, or designed, used or maintained primarily for the transportation of property and having four wheels, an engine displacement of 660cc or less, an overall length of 130 inches (3.4m) or less, an overall height of 78 inches (2m) or less, an overall width of 60 inches (1.5m) or less.

Motor vehicle means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line. (Source: 49 U.S.C., Section 30102)

NHTSA means the National Highway Traffic Safety Administration

New Vehicle Information Statement (NVIS) is the Canadian equivalent to the U.S. Manufacturer Certificate of Origin

Serial number means a number that is one of a series and is used for identification of machinery and other vehicles that do not meet the definition of a motor vehicle

SAE means the Society of Automotive Engineers International, a standards development organization for the engineering of powered vehicles of all kinds

Vehicle Identification Number or VIN means the North American standardized 17 character (series of Arabic numbers and Roman letters) established in 1980 that is assigned to a motor vehicle for identification purposes in accordance with FMVSS 115, Part 565 and CMVSS s. 115).

Introduction

Significant numbers of used mini-trucks and vans (also known as Kei-class vehicles) are being imported into the U.S. primarily as off-road vehicles and into Canada as on-road vehicles. Mini-trucks fall under a class of vehicles manufactured for the Japanese market called “Kei Jidosha” meaning “light weight vehicle.” They are designed to exploit lower taxes and insurance rates, and in rural areas, an exemption from the requirement to certify that parking is available for the vehicle.¹

Japanese regulations restrict the body size and engine displacement of Kei class vehicles. These specifications have changed over the years to meet tightening emissions standards and crashworthiness requirements. The 1998 law allows for a maximum length of 11 ft (3.4 m), a maximum width of 58 in (1.48 m) and a maximum height of 78 in (2.0 m) with a maximum engine displacement of 660 cc. A history of Japanese Kei class vehicle regulations is summarized in Appendix A.

Mini-trucks generally have 6 ft (1.8 m) long pickup beds with fold-down sides; dump and scissor lift beds are also available as well as van bodies. They weigh up to 1,500 lbs (700 kg) and can reach speeds up to 75 miles per hour (mph) (120 kilometers per hour (kph)). They all have water-cooled gasoline engines.

Mini-trucks were manufactured to standards that differ significantly from North American vehicle safety standards applicable to comparable vehicles. As such, there is no assurance as to the level of occupant protection they provide. Further, mini-trucks are typically RHD vehicles, which have been shown to have a 44% higher crash risk than comparable LHD vehicles.²

Chinese automobile manufacturers produce light duty trucks that look very similar to mini-trucks but with left-hand steering. These are being marketed in the U.S. as off-highway UTVs (utility terrain vehicles). The standards for recently produced Chinese manufactured mini-trucks may exceed the dimensions and engine displacement of Kei-class vehicles. Because of their substantial similarity to Japanese mini-trucks, it is advised that they be treated as mini-trucks in full accordance with the recommendations contained in this document.

Mini-trucks are distinct from LSVs and should not be confused with LSVs. LSV is a distinct vehicle classification in North America that has its own FMVSS or CMVSS respectively and must be certified to comply with those standards. Some states allow mini-trucks to be operated on public roads as LSVs even though mini-trucks do not meet and are not certified as meeting FMVSS for the LSV classification. Under the Canadian Motor Vehicle Safety Regulations, a LSV is defined as an electrically powered vehicle and therefore mini-trucks, unless electrically powered, cannot be considered LSVs in Canada.

Appendix B provides guidelines for identifying a mini-truck.

U.S. rules for mini-trucks

Mini-trucks may be imported into the U.S. as on-road vehicles only if they meet FMVSS, or are 25 or more years old.³ Those over 25 years old at the time of importation are exempt from requirements to meet FMVSS.⁴ Mini-trucks less than 25 years old cannot be lawfully imported

¹ Design standards for Kei class vehicles originated at the end of the Second World War to promote the growth of the car industry by providing an affordable vehicle.

² Peter J. Cooper, Wayne Meckle, and Glenyth Nasvadi. The safety of vehicles imported from right-hand-drive vehicle configuration countries when operated in a LHD vehicle environment. *Accident Analysis & Prevention*, Volume 41, Issue 1, January 2009, Pages 108-114; Francois Tardif, and Mark Baril. *Analysis of the Accident Risk for Right-Hand Drive Vehicles in Quebec*. Societe de l'assurance automobile du Quebec, November 2009.

³ 49 USC 30112. Vehicles not manufactured to FMVSS can be lawfully imported if retrofitted to meet FMVSS by a NHTSA-approved importer, or if NHTSA has identified the model as being substantially similar to a FMVSS-compliant model approved for original sale in the US.

⁴ 49 USC 30112(b)(9).

into the U.S. as on-road vehicles unless they are brought into FMVSS compliance. In July 2009, NHTSA issued a letter of interpretation regarding mini-trucks stating, "Because these vehicles are not manufactured to meet U.S. safety standards, NHTSA cannot endorse their use on public highways."⁵ The letter is shown in Appendix C.

A mini-truck imported to the U.S. as an on-road vehicle must also meet EPA on-road vehicle emissions standards.⁶ Vehicles 21 or more years old at the time of importation are exempt from this requirement.⁷ The CAA defines "motor vehicles" as vehicles designed for on-road use and capable of traveling over 25 mph (40 kph). Mini-trucks are not certified by their manufacturer as meeting EPA on-road emissions standards and therefore only those 21 years old and older may be imported to the U.S. as on-road vehicles and be exempt from EPA standards.

A mini-truck may be imported to the U.S. as an off-road vehicle subject to non-road engine emission standards. However, the mini-truck must be permanently modified⁸ to have a maximum governed speed of 25 mph (40 kph) and be certified as meeting applicable non-road engine emission standards prior to importation.⁹ FMVSS does not apply to off-road vehicles.

According to the Insurance Institute for Highway Safety, 16 states allow mini-trucks on specific portions of public roads.¹⁰ In states without specific laws, mini-trucks may be subject to laws for off-road vehicles (for example, restricting operation to the highway shoulder or right of way).

Canadian rules for mini-trucks

Used vehicles from countries other than the U.S., including Japanese mini-trucks, are prohibited from importation into Canada unless they are 15 years old or older. Once a vehicle is 15 years old, it may be imported into Canada and is exempt from CMVSS and CEPA emission standards. The exemption was intended to allow for the importation of collector or hobby vehicles without the need to execute modifications that depreciate the value or the originality of the vehicle.

A vehicle less than 15-years old acquired in foreign countries other than the U.S. may be eligible for importation into Canada if:

- it is designed, built, tested and certified to meet either all applicable CMVSS or all applicable FMVSS;
- it bears a statement of compliance label affixed by the original manufacturer;
- it has not been altered; and
- the certification from the original manufacturer is maintained.

An increasing number of pre-1995 vintage mini-trucks and other non-conforming vehicles have been imported to Canada from Japan since 2006, raising safety and air quality concerns. Canadian provinces have lobbied the federal government to increase the 15-year threshold to match the U.S. 25-year importation threshold. To date, the Canadian federal government has taken no action.

In 2009, the province of Québec instituted a temporary 180-day ban on access to public roads of RHD vehicles, including Japanese mini-trucks. The ban exempted vehicles already

⁵ Letter of interpretation, Stephen P. Wood, NHTSA, to Sen. Mitch McConnell, July 9, 2009, ref. 571; available at: <http://isearch.nhtsa.gov/files/09-001270as.htm>

⁶ 42 USC 7522.

⁷ 19 CFR 12.73. Age is determined by subtracting the year of production (as opposed to model year) from the year of importation. The exemption is available only if the vehicle is imported by an EPA-approved independent commercial importer.

⁸ Usually a plate is welded at the base of the gear shift limiting vehicle to reverse and first gear.

⁹ Mini-trucks: Questions & Answers for State Inspection and Maintenance Programs, Office of Transportation and Air Quality EPA-420-F-09-004 March 2009

¹⁰ As of March 5, 2010, Nebraska became the 16th state allowing some on-road use of mini-trucks, effective January 1, 2011.

registered, those registered outside Québec (visiting), manufactured prior to January 1, 1971, driving school vehicles, tool vehicles and various service vehicles.

At the end of the first ban a second temporary ban was instituted with somewhat similar conditions, except where the age of vehicles is concerned. The exemption now applies to vehicles of more than 25 years of age, instead of vehicles manufactured prior to 1971, for consistency with CCMTA's request to Transport Canada on vehicle imports. In addition, mini-trucks were restricted to zones of not more than 70 kph (40 mph).

On April 24, 2010 the temporary RHD vehicle registration ban became permanent and, for reasons other than safety, the mini-truck operating restriction was removed.

Discussion

Safety of mini-trucks

Prior to 1998, mini-trucks were manufactured to Japanese Industrial Standards (JIS). In 1998, Japan became a signatory to the ECE (Economic Commission for Europe) Agreement –ECE standards are used in most countries outside North America.¹¹ Both JIS and ECE standards differ significantly from CMVSS/FMVSS not only in technical provisions, terminology, and requirements, but also in format.¹² As such, there is little assurance as to the level of crash protection afforded by mini-trucks, particularly as mini-trucks manufactured prior to 1998 were not subject to crash testing.¹³

Transport Canada reviewed evidence from preliminary frontal crash test results of certain Kei class vehicles manufactured after 1998 and determined that the vehicles tested may meet the applicable occupant protection standard under the *Motor Vehicle Safety Act (Canada)*.¹⁴ However, the overall safety of these vehicles, if integrated into the mix of vehicles on North American roadways, was not tested.

Kei-class vehicles, including mini-trucks, were designed to be operated on Japanese left-lane traffic roadways with a maximum speed limit of 62 mph (100 kph). The dimensions and engine capacity of a mini-truck may undermine its stability when operating at higher speeds on North American public roads.

Mini-trucks imported to the U.S. under the 25-year threshold and to Canada under the 15 year threshold undermine road safety objectives tied to fleet turnover. Even FVMSS/CMVSS-compliant vehicles of pre-1994 vintage were engineered with considerably less occupant protection than current model vehicles, worldwide. A 2006 Transport Canada study of imported vehicles that were exempt from CMVSS due to their age found an association between mechanical failure and older vehicles as a contributing factor in crashes.¹⁵

While operated in Japan, mini-trucks are subject to a mandatory inspection every two years which tests exhaust emissions, speedometer calibration, tires, lights and indicators, oil leaks, brakes, etc. As vehicles get older, maintaining them to standard becomes cost prohibitive. Vehicles that cannot pass inspection may not be driven on public roads and must be repaired, disposed, or exported.

¹¹ Transport Canada is currently undertaking a comparison of important safety standards between Canadian and ECE standards

¹² Neither Canada nor the US is a signatory to this agreement. However, Canada applies the technical provisions of several ECE headlamp regulations for specific vehicles or as an alternative to CMVSS.

¹³ This was reported by the SAAQ as the reason for restricting Kei class vehicles in Quebec

¹⁴ Transport Canada, Advanced Technology Vehicles Program 2001 – 2002 Annual Report (2003)

¹⁵ Jean-François Lécuyer, Aline Chouinard. Transport Canada. Study on the Effect of Vehicle Age and the Importation of Vehicles 15-years and Older on the Number of Fatalities, Serious Injuries and Collisions in Canada. Proceedings of the Canadian Multidisciplinary Road Safety Conference XVI; June 11-14, 2006; Winnipeg, Manitoba

Most Canadian jurisdictions require a mechanical fitness inspection for imported vehicles before they may be licensed to operate on public roads, while only a minority of states requires such mechanical fitness inspections.

Comprehensive and accurate mechanical fitness inspections are difficult to complete due to the technical compliance differences between Japanese and North American design standards. Further, there is no equivalent version of the Japanese mini-truck manufactured for the North American market for comparison. Depending on the model year of the mini-truck, components that may not meet regulations include:

- Tires not DOT approved
- Lamps, lenses, bulbs and reflex reflectors not meeting SAE / DOT standards
- High mount stop lamp missing
- Rear side marker reflex reflectors missing
- Headlamps designed for RHD vehicle not meeting FMVSS/CMVSS (especially important for headlights as LHD headlights are designed to point away from oncoming drivers, but RHD headlights can shine dangerously into the eyes of oncoming drivers)
- Windshields not marked AS1, AS2, AS10, AS14
- Side glass not marked AS1, AS2, AS10, AS11
- Bumpers modified and no longer providing impact protection
- Catalytic converter(s) missing
- Neutral switch missing
- Seatbelts (no seatbelts or no compliance label on seat belts)
- No public VIN
- Fuel tanks or batteries, or both, are exposed and located outside of the frame of the vehicle

An additional safety concern arises from uncertainty as to whether recall issues have been addressed in these vehicles' country of origin. Further, North American dealerships are not provided with repair information, technical service bulletins, part numbers, engine diagnostic codes or test plans from manufacturers of these vehicles.

Safety of right-hand drive vehicles

Vehicles manufactured for the Japanese market, including mini-trucks, are RHD vehicles. Two Canadian studies provide evidence of a higher crash risk for RHD vehicles compared to similar LHD vehicles.

- A 2007 Insurance Corporation of British Columbia study found that RHD vehicles have a 44% higher risk of crashing over a four-year period than comparable LHD vehicles. The average time to first culpable crash for RHD vehicles was 68% sooner than for LHD vehicles. The higher crash rate was attributed to the reduced direct field of view for drivers of RHD vehicles in a right-lane traffic environment.¹⁶
- A 2009 Quebec study found that RHD passenger cars have a 32% higher risk of crashing than comparable LHD passenger cars.¹⁷

These findings are supported by a study conducted in Britain where LHD vehicles from the continent regularly mix with RHD vehicles. That study showed that a disproportionate number of reported 'side-swipe' incidents were found to involve LHD heavy goods vehicles. Vehicle "blind spot" was found to be a contributory factor.¹⁸

¹⁶ Peter J. Cooper, Wayne Meckle, and Glenyth Nasvadi. The safety of vehicles imported from right-hand-drive vehicle configuration countries when operated in a left-lane traffic environment. *Accident Analysis & Prevention*, Volume 41, Issue 1, January 2009, Pages 108-114

¹⁷ Francois Tardif, and Mark Baril. Analysis of the Accident Risk for Right-Hand Drive Vehicles in Quebec. *Societe de l'assurance automobile du Quebec*, November 2009.

¹⁸ "LHD Vehicles Blind Spot", John Fitch, Vehicle and Operator Safety Services Agency, Nov. 8, 2007, available at: <http://www.dft.gov.uk/vosa/repository/Final%20Fresnel%20VOSA%20report%20V1.3.pdf>

The main concern arises from the driver being seated near the side of the road, rather than the center. This limits his or her view of oncoming vehicles and those travelling behind, to the left of vehicle. This risk is considered to be particularly high when overtaking another vehicle, especially on undivided highways, where the risk of a frontal collision is higher.

Air quality impact of mini-trucks

The import laws typically extend longer than emission control laws, so lawfully imported vehicles that are exempt from FMVSS/CMVSS due to age of import are not required to meet emission standards. Mini-trucks are lawfully imported into Canada once they turn 15 years old and have become exempt from Canadian emissions standards under the CEPA. This undermines Canada's emission reduction objectives tied to fleet turnover. Due to the rapid evolution of vehicle and engine emission control technology, current model vehicles are designed to have much lower emissions of key air pollutants than vehicles of 1990-1995 vintage. Compared to late model (2008-2009) vehicles, vehicles of 1990-1995 vintage are likely to be emitting at least five times more smog forming air pollutants.¹⁹

Vehicles are lawfully imported to the U.S. once they turn 25 years old, and are exempt from EPA emissions standards, which apply only until a vehicle turns 21 years old. As such, mini-trucks imported to U.S. as on-road vehicles are not required to meet EPA emissions standards. This will undermine U.S. emission reduction objectives aimed at fleet turnover.

Canadian and U.S. emissions standards have been largely harmonized since 1988. Japan and North American emissions standards for model year 1989-1995 vehicles are roughly equivalent with a couple of exceptions. Pre-1995 Japanese-market vehicles had to meet stricter nitrogen oxide standards than same age Canadian market vehicles. However, Japan did not limit particulate matter (PM) emissions until at least 1997, while North American-market vehicles already had to meet reasonably stringent PM standards by then.

The EPA issued a bulletin in March 2009 warning states that, although mini-trucks may pass state emissions inspection, the vehicles may still be in violation of the CAA's federal certification and import requirements.²⁰

Conclusion

By allowing on-road operation of used mini-trucks, Canada and the U.S. are accepting another nation's cast-offs—vehicles that no longer meet the exporting country's vehicle safety or emissions standards. Increasing the supply of older model vehicles in North America undermines government and industry efforts to improve vehicle safety and reduce vehicle emissions, as these efforts are largely dependent on fleet turnover. This risk can be reduced by placing restrictions on the use of these non-conforming vehicles in Canadian and U.S. jurisdictions.

Mini-trucks were not designed to be operated on North American roadways, nor do they meet required North American safety or emissions standards. Allowing this operation introduces into the conventional traffic mix vehicles with questionable stability and crash protection that pose a known increased crash risk. This risk can be reduced by placing restrictions on the use of these non-conforming vehicles in Canadian and U.S. jurisdictions.

Best Practice

¹⁹ Emissions from vehicles imported into British Columbia under the 15-year exemption, Markus Kellerhals, BC Ministry of Healthy Living and Sport, 2009

²⁰ "Mini-trucks: Questions & Answers for State Inspection and Maintenance Programs", EPA-420-F-09-004, March 2009; available at: <http://www.epa.gov/oms/imports/420f09004.pdf>

Because mini-trucks do not meet FMVSS/CMVSS standards of vehicle design and safety, do not meet emission standards, were not designed to be operated on North American roadways, and have a higher incidence of crashes in right-lane traffic, AAMVA recommends that jurisdictions:

1. Not register or otherwise allow mini-trucks to be used on public roadways/highways, regardless of age, unless the vehicle bears certification labels attesting to compliance with the applicable FMVSS or CMVSS and with applicable EPA or CEPA emission requirements for on-road use, or, for mini-trucks imported to the U.S., the applicant provides clear and convincing evidence of a qualified importer's certification of conformity for the vehicle issued under 49 CFR 592.6(d).
2. Not issue for a mini-truck a certificate of title that authorizes on-highway operation, or for those jurisdictions that register, not issue an unrestricted registration. A jurisdiction may issue a certificate of title that proves only ownership or authorizes operation only off public highways.
3. Deny on-highway titles and registrations for mini-trucks that were last titled or registered in another jurisdiction, unless the mini-truck can be registered consistent with Best Practice Number 1 above.
4. Restrict on-highway mini-truck usage only to crossing public highways in a safe manner that is consistent with permitted uses for other vehicles designed primarily for use off highway.
5. Restrict mini-trucks from operation on public highways consistent with how the jurisdiction restricts other non-conforming motor vehicles.

Some of these Best Practices might conflict with or lack support of a jurisdiction's laws. In such cases, AAMVA encourages jurisdictions to enact or retain laws necessary to implement the Best Practices.

For jurisdictions that choose to title or register mini-trucks for use on public highways, the following guidelines are recommended:

- A. Jurisdictions that title or register mini-trucks for use on public highways:**
- a) Discontinue titling and registration of mini-trucks. Jurisdictions may "grandfather in" those already titled or registered.
 - b) Clearly identify mini-trucks as not complying with applicable federal equipment or emission standards, or both, on all title and registration documents.
 - c) Require dealers of mini-trucks to be licensed as motor vehicle dealers, consistent with applicable jurisdiction law.
 - d) For any registration or titling purposes, use the original manufacturer's serial number and do not issue a 17-character standardized VIN.
 - e) Not title or register as a homemade, assembled, or reconstructed vehicle.
 - f) Not allow newly licensed drivers, including those subject to 'graduated driver licensing' restrictions, to operate a mini-truck.
 - g) Restrict operation to roads with a maximum speed limit as otherwise allowed for Low Speed Vehicles described in 49 CFR 571.500.
 - h) Physically inspect the vehicle prior to initial titling or registration, or obtain photographic or other visible evidence of the vehicle, including the serial number and its placement.

- i) Require that components that do not meet, or are not certified as meeting FMVSS/CMVSS standards (e.g. lights, tires, glazing materials, seat belts etc.), be replaced with FMVSS/CMVSS conforming equipment.
 - j) Provide guidelines for law enforcement agencies and vehicle inspection facilities regarding common non-complying equipment.
 - k) Issue distinctive license plates to assist law enforcement in identifying compliance with operational limitations.
 - l) Perform follow up inspections to ensure the vehicle maintains compliance with applicable jurisdictional equipment and emission requirements, particularly when there is a change of ownership.
 - m) The jurisdiction establishes procedures to ensure the proper ownership and importation of the vehicle.
 - n) Require copies of all importation documents, including customs declarations, prior to initial titling and registration of a motor vehicle last titled or registered in a foreign country.
 - o) Require RHD vehicles to be equipped with a mirror on the left-side of the vehicle to minimize blind spots and provide the driver with a broader view of the traffic lane.
- B. Jurisdictions that want to allow limited use of a mini-truck on public highways:**
- a) Limit operation to no more than 100 yards/100 meters on a public highway.
 - b) Limit use to farming, industrial, landscaping or public works use.
 - c) Limit use to highways with a posted speed limit of no more than 35 mph/55 kph.
 - d) If a license plate is issued, issue a distinctive license plate to assist law enforcement in identifying compliance with operational limitations.

Appendix A

History of Kei Class Vehicle Regulations

Date	Maximum length	Maximum width	Maximum height	Maximum displacement		Maximum power
				four-stroke	two-stroke	
8-Jul-49	2.8 m (9.19 ft)	1 m (3.28 ft)	2 m (6.56 ft)	150 cc	100 cc	n/a
26-Jul-50	3 m (9.84 ft)	1.3 m (4.27 ft)		300 cc	200 cc	
16-Aug-51				360 cc	240 cc	
4-Apr-55				360 cc		
1-Jan-76	3.2 m (10.50 ft)	1.4 m (4.59 ft)		550 cc		
March, 1990	3.3 m (10.83 ft)			660 cc		47 kW (64 PS; 63 hp)
1-Oct-98	3.4 m (11.15 ft)			1.48 m (4.86 ft)		

Appendix B

How to Identify a Mini-Truck

In the U.S. and Canada:

- Vehicle has a non-standard VIN.
 - The VIN is comprised of fewer than 17 characters, usually ten or 14 characters, but 11 and 12 characters is not uncommon
 - The World Make Identifier (WMI) is not included.
 - The VIN will often begin with the model type
- Does not display a CMVSS or FMVSS compliance label
- No labeling indicating the Gross Vehicle Weight Ratings or Gross Axle Weight Ratings
- Right hand steering, if Japan is country of origin
- Maximum vehicle weight is 1,500 lbs (700 kg)
- Maximum engine displacement is 660 cc
- Gasoline engine, if manufactured in Japan
- Gas or diesel engine, if manufactured in China
- Original vehicle manufacturers are abroad with no dealer presence in the U.S. or Canada
- Vehicle has no North American equivalent
- If manufactured in Japan, likely to be one of these:

Make	Model
Suzuki	Carry
Daihatsu	Hijet
Honda	Acty
Subaru	Sambar
Mitsubishi	Minicab, Canter

U.S. only:

- If manufactured in China, the make/model is likely to be Wuling Minimax
- Vehicle is imported as an off-road vehicle or as farm equipment (any age)
- Vehicle has no Manufacturer's Certificate of Origin or continuity of ownership.

Canada only:

- Vehicle is at least 15 years old
- Transport Canada Vehicle Import Form - Form 1, Section 13 indicates Japan (or China) is country of origin; section 16d is checked, signifying 15-year import
- Vehicle has no NVIS

Appendix C

The Honorable Mitch McConnell
United States Senate
Washington, DC 20510-1702

Dear Senator McConnell:

Thank you for your letter on behalf of your constituent, Mr. Charles Gatten, Jr., concerning the licensing of mini-trucks imported into the United States. Your constituent specifically asked how to get a copy of the applicable Federal motor vehicle safety and emissions standards. Mr. Gatten indicated that a vehicle at issue is a 2000 mini-truck, with a speed capability of 70 mph. He also identified certain safety equipment that is included on the vehicle.

While Mr. Gatten did not identify a specific model name, the vehicles generally referred to as mini-trucks are typically smaller than conventional small trucks manufactured for sale in the United States and are manufactured in Japan, China and other countries. These vehicles are not manufactured to meet U.S. safety standards.

The National Highway Traffic Safety Administration (NHTSA) is the agency within the U.S. Department of Transportation that is responsible for improving safety on our Nation's highways. To achieve this goal, NHTSA develops and enforces the Federal motor vehicle safety standards (FMVSS), which require minimum levels of safety performance for motor vehicles and motor vehicle equipment. Federal statute generally prohibits any person from manufacturing for sale, selling, offering for sale, introducing or delivering for introduction in interstate commerce, or importing into the United States any motor vehicle unless the vehicle complies with all applicable Federal motor vehicle safety standards and the manufacturer has certified that the vehicle meets those standards.

As to the importation of motor vehicles, to be imported free of restriction, a motor vehicle less than 25 years old must be originally manufactured to comply with all applicable FMVSS and bear a label certifying such compliance that is permanently affixed by the original manufacturer. A motor vehicle that is not so manufactured and/or certified can be lawfully imported on a permanent basis only if NHTSA decides that the vehicle is eligible for importation based on its capability of being modified to conform to all applicable FMVSS. NHTSA makes these decisions in response to petitions that are filed by importers specially registered with the agency (referred to as "registered importers") to import nonconforming motor vehicles and to perform the necessary modifications on those vehicles so that they conform to all applicable FMVSS.

In the past, NHTSA has issued interpretations of the statutory term "motor vehicle," concluding that a number of non-certified mini-trucks are not motor vehicles and therefore need not comply with any of the Federal safety standards. The conclusions in these interpretations were generally premised on several important facts including: the vehicles (1) were intended solely for off-road use, e.g., on farms and closed locations like college campuses and industrial plants, and would in fact be so used, and (2) had a top speed of 25 mph. Because these vehicles are not manufactured to meet U.S. safety standards, NHTSA cannot endorse their use on public highways.

In your letter, you asked about licensing requirements. We note that registration and licensing are generally matters of State law.

Mr. Gatten asked how to get a copy of the Federal standards. Like other Federal regulations, the FMVSS are located in the Code of Federal Regulations (CFR). Specifically, the FMVSS are located in Title 49, Part 571. Mr. Gatten can access the CFR through the website of the Government Printing Office (<http://www.gpoaccess.gov>).

Emissions standards are administered by the Environmental Protection Agency (EPA). Mr. Gatten may wish to contact the EPA Imports Team at (734) 214-4100 for information regarding the applicability of its regulations to the mini-trucks at issue. He can also use their website (<http://www.epa.gov>) to find information on this issue.

If you have any questions, please have your staff contact Stephen P. Wood, Acting Chief Counsel, at (202) 366-9511.

Sincerely yours,

Stephen P. Wood
Acting Chief Counsel

ref: 571
d.7/7/09

Appendix D

States Allowing Mini-trucks on Roads²¹

State	Initial effective date	Where permitted	Speed restrictions	Vehicle classification under state law
Alabama	no state law			
Alaska	no state law			
Arizona	no state law			
Arkansas	7/30/2009	roads with a posted speed limit of 55 mph or less excluding interstate highways and controlled access highways	55 mph	mini-truck
California	1/1/2007	natural islands larger than 20,000 acres with a population greater than 4,000,000	no	autoette
Colorado	no state law			
Connecticut	no state law			
Delaware	no state law			
District of Columbia	no law			
Florida	6/16/2009	roads with a posted speed limit of 35 mph or less	35 mph	mini-truck
Georgia	no state law			
Hawaii	no state law			
Idaho	1/1/2009	local option	no	utility type vehicle (UTV)
Illinois	8/31/2007	roads with a posted speed limit of less than 35 mph if allowed by local ordinance	25 mph	neighborhood vehicle
Indiana	no state law			
Iowa	no state law			
Kansas	7/1/2008	public roads except interstate, federal or state highways; within corporate city limits if allowed under local ordinance	no	micro utility truck
Kentucky	no state law			
Louisiana	8/15/2008	any road except interstate highways	no	mini-vehicle
Maine	est. 9/09	roads with a posted speed limit of 35 mph or less	25 mph	low-speed vehicle
Maryland	no state law			
Massachusetts	no state law			
Michigan	no state law			
Minnesota	8/1/2009	local option	local option	mini-truck
Mississippi	no state law			
Missouri	8/14/2008	local option	45 mph	utility vehicle
Montana	no state law			

²¹Table copied from Insurance Institute for Highway Safety website at <http://www.iihs.org/laws/minitrucks.aspx>

Nebraska	1/1/2011	any road except interstate highways, freeways or expressways (effective 01/01/11)	no (effective 01/01/11)	mini-truck (effective 01/01/11)
Nevada	no state law			
New Hampshire	no state law			
New Jersey	no state law			
New Mexico	no state law			
New York	no state law			
North Carolina	no state law			
North Dakota	8/1/2007	any paved road except highways with a posted speed of more than 65 mph	55 mph	off-highway vehicle
Ohio	no state law			
Oklahoma	11/1/2008	any road except interstate highways	no	mini-truck
Oregon	no state law			
Pennsylvania	no state law			
Rhode Island	no state law			
South Carolina	no state law			
South Dakota	no state law			
Tennessee	7/1/2008	streets where the posted speed limit is less than 40 mph; a county or municipality may prohibit the operation of medium-speed vehicles on any road under its jurisdiction if the governing body of the county or municipality determines that such a prohibition is necessary in the interest of safety	35 mph	medium-speed vehicle
Texas	no state law			
Utah	10/1/2008	any road except those with more than one lane in each direction; street within a county of the first class; municipality that is within a county of the first class; or municipality with a population of 7,500 or more people, and streets with a posted limit of 40 mph or more	35 mph	off-highway vehicle
Vermont	no state law			
Virginia	no state law			
Washington	no state law			
West Virginia	no state law			
Wisconsin	no state law			
Wyoming	1/1/2008	any road except interstate highways if a multipurpose vehicle is incapable of achieving the maximum speed allowed on the specific highway, it shall be operated on the extreme right hand edge of the roadway		multipurpose vehicle