NHTSA

- A small agency in the U.S. Department of Transportation established in 1966
- Mission is to improve safety on nation’s highways and reduce fatalities and injuries associated with vehicle crashes
- Issues the Federal motor vehicle safety standards (FMVSS)
- Prescribe minimum safety performance requirements for motor vehicles and for certain items of motor vehicle equipment
- Currently there are 64 FMVSS; 49 are vehicle standards; 15 apply to motor vehicle equipment
Statutory Prohibition

- 49 U.S.C. 30112(a) provides that no person shall manufacture for sale, sell, offer for sale, introduce or deliver for introduction in interstate commerce, or import into the United States any motor vehicle or motor vehicle equipment manufactured on or after the date an applicable FMVSS takes effect unless the vehicle or equipment complies with the standard and is so certified by its manufacturer.
Vehicle Importation; Declaration

- HS-7 Declaration form must be filed with U.S. Customs and Border Protection (Customs) for motor vehicles and motor vehicle equipment items imported into the United States that are subject to the Federal motor vehicle safety, bumper, and theft prevention standards.

- Form has 14 boxes, one of which must be checked to identify a lawful means for importing the vehicle or equipment item.
Conforming Vehicles (Box 2A)

- Vehicles that are originally manufactured to conform to all applicable Federal motor vehicle safety, bumper, and theft prevention standards, and bear a label to that effect, permanently affixed by the original manufacturer, can be imported without restriction.
Certification

- Performed by the manufacturer and not NHTSA (no type approval)
- Manifested by a label permanently affixed to the vehicle in a prescribed location
- Identifies the manufacturer, the date of manufacture, the vehicle type
- States that the vehicle complies with all applicable FMVSS in effect on the date of manufacture shown above
Location of Label

- For passenger cars, MPVs, trucks and buses, the label must be in the area of the driver’s door.
- For motorcycles, the label must be affixed to a permanent member of the vehicle, as close as possible to intersection of the steering post and the handlebar so it can be easily read.
- For trailers, the label must be affixed to forward half of the vehicle, on the left side.
- For equipment, certification is generally manifested by the letters “DOT” inscribed on the item in a prescribed location.
Sample Manufacturer Certification Label

<table>
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<th>MANUFACTURED BY: USA TRAILER MANUFACTURERS, INC.</th>
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<td>September 1997</td>
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<td>GVWR 8,164 KG (18,000 LB)</td>
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<td>GAWR FRONT 4,354 KG (9,600 LB)</td>
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<td>TIRES 11R17.5HC(H)</td>
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<td>RIMS 17.5X8.25HC</td>
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<td>COLD TIRE INFL 827 kPa (120 PSI) SINGLE</td>
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<tr>
<td>GAWR REAR 4,354 KG (9,600 LB)</td>
</tr>
<tr>
<td>TIRES 11R17.5HC(H)</td>
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<td>RIMS 17.5X8.25HC</td>
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<tr>
<td>COLD TIRE INFL 827 kPa (120 PSI) SINGLE</td>
</tr>
</tbody>
</table>

THIS VEHICLE CONFORMS TO ALL APPLICABLE US FEDERAL MOTOR VEHICLE SAFETY STANDARDS IN EFFECT ON THE DATE OF MANUFACTURE SHOWN ABOVE.

VIN WMIXXXXXXXXXXXXXX

TYPE: TRAILER
**Procedural Requirements**

Before exporting its products to the United States, the manufacturer of a conforming vehicle must:

- Identify itself and its products to NHTSA pursuant to 49 CFR Part 566
- Submit VIN deciphering information to NHTSA pursuant to 49 CFR Part 565
- Designate a U.S. resident as its agent for service of process pursuant to 49 CFR Part 551, Subpart D
- Consult NHTSA’s website at [https://vpic.nhtsa.dot.gov/](https://vpic.nhtsa.dot.gov/) to learn whether these requirements have been met.
Personal Imports of Canadian-certified vehicles
(Box 2B)

• Vehicle must be imported by an individual for personal use, and not for resale;
• Vehicle must bear a label certifying its compliance with all applicable CMVSS;
• Importer must furnish a letter from the vehicle’s original manufacturer stating that the vehicle complies with all applicable safety, bumper, and theft prevention standards, with the possible exception of the labeling requirements of Standards 101 Controls and Displays, and 110 or 120 Tires and Rims, or the daytime running lamp requirements of Standard 108 Lamps, Reflective Devices, and Associated Equipment;
Personal Imports of Canadian-certified vehicles (Box 2B), cont’d

• If the manufacturer’s letter states that vehicle does not meet the parts marking requirements of the Theft Prevention Standard at 49 CFR Part 541, or is not equipped with an FMVSS No. 138-compliant Tire Pressure Monitoring System (TPMS), the importer must produce an invoice showing that the required parts have been marked or that an original vehicle manufacturer’s or OEM TPMS (and not an aftermarket off-the-shelf system) has been installed;

• Vehicle must not be salvage, repaired salvage, or reconstructed.
Nonconforming Vehicle Imports (Box 3)

Vehicles under 25 years old that are not originally manufactured to conform to all applicable FMVSS can only be lawfully imported into the United States if:

1) They are determined eligible for importation by NHTSA, based on their capability of being modified to conform to all applicable FMVSS; and

2) They are imported by a registered importer (RI), or by a person who has a contract with an RI to bring the vehicle into compliance with all applicable FMVSS.
Import Eligibility Decisions

- NHTSA makes import eligibility decisions on its own initiative, or on the basis of a petition submitted by a registered importer.
- List of vehicles determined eligible can be found in 49 CFR Part 593 Appendix A or at www.nhtsa.gov/cars/rules/import.
- For other than Canadian-certified vehicles, decisions are made on a make, model and model year basis.
- Owing to the similarity of the FMVSS and CMVSS, NHTSA makes blanket eligibility decisions for Canadian-certified vehicles.
Import Eligibility Decisions

- Because there are some dissimilarities between the Canadian and U.S. standards, to be eligible for importation under one of the blanket decisions covering Canadian-certified vehicles, a Canadian-certified vehicle must be originally manufactured to meet the U.S. version of any standard for which there is a dissimilar Canadian counterpart. For example, a passenger car manufactured on or after September 1, 2011 must be originally manufactured to meet FMVSS Nos. 138 (TPMS), 201 (Interior Impact), 206 (Door Locks), 208 (Occupant Crash Protection), 213 (Child Restraints), 214 (Side Impact), and 225 (Child Restraint Anchorages) because each of those standards differ in some respect from the Canadian version.
Import Eligibility Decisions

• To be determined eligible, the vehicle must either be:

• Substantially similar to a vehicle of the same make, model, and model year that was certified by its original manufacturer for sale in the United States, or
Import Eligibility Decisions

• If there is no substantially similar U.S.-certified vehicle, the vehicle for which import eligibility is sought must have safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS based on destructive test information or such other evidence that NHTSA decides is adequate.
Nonconforming Vehicle Imports

• If determined eligible for importation, the vehicle may only be imported by a registered importer (RI) or by a person who has a contract with an RI to conform the vehicle

• The vehicle must be imported under bond to ensure that it is brought into conformity within 120 days of entry or is exported from or abandoned to the United States

• The vehicle must not be salvage or reconstructed
Registered Importers

- 80 currently registered with the agency.
- All RIs in active status are listed on the agency’s website at www.nhtsa.gov/cars/rules/import.
- 64 principally handle the importation of Canadian-certified vehicles, which are almost fully compliant with the FMVSS.
- Around 16 handle the importation of vehicles manufactured for other markets (referred to as “gray market vehicles”), which require more significant modifications to meet the FMVSS.
Registered Importers

- Must modify nonconforming vehicles so that they conform to all applicable standards within 120 days of entry
- Must ensure that the vehicles are originally manufactured with FMVSS-compliant Tire Pressure Monitoring Systems
- Must ensure that all outstanding recalls have been performed on the vehicles they import
- Must assume the manufacturer’s responsibility to provide owners with notification and remedy in the event that a safety-related defect or noncompliance is determined to exist in the vehicle
Statement of Conformity

- After it completes all modifications needed to conform an imported nonconforming vehicle to all applicable FMVSS, the Registered Importer submits to NHTSA a Statement of Conformity, supported by documentary and photographic evidence of the modifications made to achieve conformity. NHTSA refers to this as a “conformity package”
- Under the DOT conformance bond, the conformity package must be submitted to NHTSA no later than 120 days from the vehicle’s date of entry.
- If it is satisfied from its review of the conformity package that the vehicle has been successfully modified to conform, NHTSA will issue the RI a letter releasing the DOT conformance bond, which entitles the RI to release custody of the vehicle so that it can be titled and registered for on road use.
NHTSA Bond Release Letter

U.S. Department of Transportation
National Highway Traffic Safety Administration

JAN-25-2016

BLUE WATER IMPORTERS, INC
3445 E. BRISTOL ROAD
RENTON, WA 98059

Dear Importer:

The National Highway Traffic Safety Administration (NHTSA) acknowledges receipt of a certificate of compliance and payment of the bond processing cost for the vehicle imported on the following Customs entry:

Customs Entry No. & Date: 12578356208 OCT-02-2015

Vehicle Make & Model: FORD EXPLORER

The bond issued pursuant to 49 CFR 591.6 (c) to ensure that the vehicle is brought into compliance with all applicable Federal motor vehicle safety standards may be released. This bond release does not constitute agreement by NHTSA that the vehicle, in fact, is in compliance with all applicable Federal motor vehicle safety standards since actual conformance may only be determined by compliance testing. Please be advised that NHTSA reserves the right to make an actual compliance inspection of the vehicle at a future date to verify the accuracy of the Registered Importer’s certificate.

Sincerely,

[Signature]
Coleman R. Smith, Chief
Import and Certification Division

[Stamp] NHTSA

[Stamp] www.nhtsa.gov
What if NHTSA does not issue a bond release letter?

- If NHTSA does not issue a bond release letter within 30 days from the date the Registered Importer submits the statement of conformity for an imported nonconforming vehicle, the RI is free to release custody of the vehicle so that it can be titled and registered for on-road use.

- **What does this mean for the DMV?** At the very least, if the registrant is unable to produce a NHTSA bond release letter, the DMV should not title or register the vehicle if it entered the United States less than 30 days prior to the date the vehicle is presented for titling and registration.
Off-Road Vehicles (Box 8)

- NHTSA’s jurisdiction is limited to “motor vehicles,” defined in 49 U.S.C. § 30102 as vehicles driven or drawn by mechanical power that are manufactured primarily for use on public streets, roads, and highways.

- Vehicles that are not manufactured for on-road use (such as dirt bikes, race cars, or ATVs) are not motor vehicles subject to the Federal motor vehicle safety, bumper, or theft prevention standards, but may be subject to jurisdiction of the Consumer Products Safety Commission and the EPA.
Small Motor Scooters

• Small motor scooters (such as pocket bikes, mini-choppers, mini-ninjas) are regarded as “motor vehicles” that must comply with all applicable FMVSS if:
  • They are capable of a maximum speed of 20 miles per hour (32 km/hr) or greater, and
  • They are equipped with one or more of the following components needed for on-road use: turn signals, side marker lamps, stop lamps, mirrors.
Mini-trucks

- Originally manufactured for on-road use in their home countries and would therefore be “motor vehicles” subject to the FMVSS.

- However, NHTSA has issued some past interpretations that newly manufactured mini-trucks that with maximum speed capabilities that do not exceed 25 mph may be imported as off-road vehicles under Box 8, for use on industrial sites, college campuses, and other closed compounds.
Mini-trucks (Continued)

• These interpretations have stated that the agency will re-examine the issue of whether mini-trucks can be imported as off-road vehicles if it receives information that these vehicles are being titled or registered for off-road use.

• 16 States are now permitting mini-trucks to be titled or registered for on-road use, prompting a re-examination of the issue by NHTSA.
Exceptions

• A nonconforming vehicle can be imported:
• If it is at least 25 years old (Box 1)
  – If extensively rebuilt may not be eligible
• If it is imported for export only and is so labeled (Box 4)
• By a nonresident of the U.S., for personal use, for up to one year (Box 5)
• By foreign diplomatic or military personnel on assignment in the U.S. (Box 6 and 12)
## Vehicle Import Statistics

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<tr>
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Internet Resources

• For information on NHTSA’s importation program: [www.nhtsa.gov/cars/rules/import](http://www.nhtsa.gov/cars/rules/import). Information on that site includes a detailed list of answers to frequently asked questions.

• A handbook for new motor vehicle or equipment manufacturers can be downloaded at: [https://vpic.nhtsa.dot.gov/Manufacturer_Handbook_20161019.pdf](https://vpic.nhtsa.dot.gov/Manufacturer_Handbook_20161019.pdf)

• The database identifying all manufacturers who have registered with NHTSA and given us VIN-deciphering information is at: [https://vpic.nhtsa.dot.gov/mid/](https://vpic.nhtsa.dot.gov/mid/)
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