

**ATTACHMENT #23(A)**

**CUSTOMS AND BORDER PROTECTION  
AGENCY AND DEPARTMENT OF  
COMMERCE VEHICLE IMPORT  
INFORMATION**

**(7 Pages)**

**Compilation of Foreign Motor Vehicle Import  
Requirements**

**United States Department of Commerce  
International Trade Administration  
Office of Aerospace and Automotive Industries**

**April 2006**

## **Information on Importing Used Cars**

The United States Government (USG) does not prohibit the importation of used vehicles. However, imported used vehicles must comply with the same safety and environmental regulations as any other vehicle sold in the United States during the year it was produced.

### **Safety Regulations**

Any vehicle sold in the United States is required to meet Federal Motor Vehicle Safety Standards (FMVSS) as set by the federal government and administered by the Department of Transportation, (DOT). FMVSS requires vehicles to have certain safety equipment and to be engineered in a manner that is codified by the standards, to mitigate personal injury in the event of an accident. Motor vehicles not more than 25 years old must conform to the DOT motor vehicle safety standards that were in effect when these vehicles were manufactured. There are no separate regulations for imported vehicles.

Importers of motor vehicles must file a form (HS-7) at the time a vehicle is imported into the U.S. to declare whether the vehicle complies with DOT requirements. A vehicle without a certification label must be imported as a nonconforming vehicle and the importer must then register with a DOT-Registered Importer (RI) and post a bond with DOT for one and a half times the vehicle's dutiable value. The cost and time needed to bring a vehicle into conformance can be substantial.

The National Highway Traffic Administration's home page provides an excellent discription of what you need to do. [National Highway Traffic Safety Administration](#);

### **Environmental Regulations**

Any imported motor vehicle must meet U.S. standards for the corresponding year that it was manufactured. The Environmental Protection Agency (EPA) requires U.S. version vehicles to comply with Federal emission requirements. Non-U.S. version vehicles generally are vehicles sold in foreign countries or a vehicle that has been modified or altered. Non-U.S. version vehicles will not meet U.S. EPA emission requirements. The manufacturer must prove compliance by attaching a label in the engine compartment that states the vehicle conforms to all U.S. EPA regulations. A vehicle without this documentation is considered non-complying.

EPA does not accept passing a state inspection test or having a catalytic converter as proof of compliance. The vehicle owner may contract with an EPA-certified Independent Commercial Importer to import the vehicle as a non-U.S. version vehicle and to convert it to meet EPA requirements. EPA will permit the importation of nonconforming vehicles only if it qualifies for an exclusion, an exemption, or is

imported by an independent commercial importer (ICI) who currently hold a valid EPA certification of conformity. Nonetheless, EPA does not recommend the importation of nonconforming vehicles as conversion of nonconforming vehicles is usually very expensive and sometimes impossible or impractical. More detailed information on EPA's requirements can be found on the [Environmental Protection Agency website](#).

If the vehicle is 21 years old, there are no EPA compliance requirements upon importation. However, the importer must prove to customs that the vehicle or engine was manufactured prior to EPA regulation.

Certain vehicles are excluded from the emission requirements of the Clean Air Act. These vehicles are excluded by either their age (i.e., manufactured prior to the regulations), the type of fuel the vehicle uses, the maximum speed of the vehicle, or the lack of features associated with safe and practical street or highway use. Excluded vehicles may be imported by anyone. No bond is required by EPA.

Foreign-made vehicles imported into the United States are dutiable at the following rates:

Auto 2.5 %

Trucks 25 %

Motorcycles Either free or 2.4 %

The following passenger cars, light-duty trucks, heavy-duty engines and motorcycles are subject to Federal emission standards:

- Gasoline-fueled cars and light-duty trucks originally manufactured after December 31, 1967.
- Diesel-fueled cars originally manufactured after December 31, 1974.
- Diesel-fueled light-duty trucks originally manufactured after December 31, 1975.
- Heavy-duty engines originally manufactured after December 31, 1969.
- Motorcycles with a displacement of more than 49 cubic centimeters originally manufactured after December 31, 1977.

### **NAFTA**

- NAFTA allows Mexico to continue to restrict imports of used vehicles until January 1, 2009, when a 10-year phase out based on vehicle age will commence.
- However, the Mexican government permits limited imports of used vehicles from the United States into its "border zones" (northern border of Mexico, free zones of the state of Baja, partial zones of Sonora and the state of Baja

California del Sur, and the border city of Cananea. Used vehicles from 4 to 15 model years older than the current model year (in Mexico, Nov 1-Oct 31) are eligible.

- In addition, a decree published by the Mexican government in its Diario Oficial de la Federacion on March 13, 2000 provides that beginning April 1, 2000, pickup trucks that were built in the United States or in Canada and that are at least 10 years old, may be imported for a fee of \$200 plus applicable customs duties (zero as of January 1, 2003).
- Mexican residents must apply directly to the Mexican government's Commerce Department and Customs Office to obtain the necessary license for this waiver, as well as for imports that enter under the border zone provision.

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## **Importing a Non U.S. Version / Non conforming Vehicle / Car into the U.S.**

### **Question**

Importing a Non U.S. Version / Non Conforming Vehicle / Car into the U.S.

### **Answer**

The Federal agencies that regulate the importation of non U.S. version or nonconforming vehicles are the Environmental Protection Agency (EPA), Department of Transportation (DOT), U.S. Customs and Border Protection (CBP), and the Internal Revenue Service (IRS). These agencies do not encourage the importation of non U.S. version or nonconforming vehicles because converting a nonconforming vehicle is usually very expensive, and sometimes impossible or impractical. It is possible that a car will conform to one agency's requirements but not another's.

- Cars that are more than 25 years old are exempt from EPA and DOT requirements. In 2006, model year 1981 and older cars are exempt.
- Cars that are 21 years old are exempt from EPA regulations, but must still meet DOT regulations before they may be permanently imported.

EPA will permit the importation of a nonconforming vehicle only if it qualifies for an exclusion or an exemption, or is imported by an independent commercial importer (ICI), who is a current holder of a valid EPA certificate of conformity. The ICI importing the vehicle has to clear the goods through CBP, not the vehicle owner. The ICI must retain custody until after the vehicle has met all EPA requirements. Before importing the nonconforming vehicle, make sure there is an ICI who is both eligible and willing to import your vehicle, and that you are prepared to pay the ICI charges, and wait the necessary time.

Excluded from EPA requirements are vehicles that are classic or antique vehicles manufactured before the EPA regulations, do not have an engine installed, is not intended for use on streets and highways, is a racing vehicle, and/or is powered by unregulated fuel. These vehicles have been excluded from the emission requirements of the Clean Air Act. Exemptions are applied to situations of extreme hardship, temporarily imported vehicles, and foreign vehicles that are identical to the U.S. versions. Additional information on exclusions and exemptions can be obtained from [EPA's web site](#).

The vehicle must also comply with all applicable DOT Federal Motor Vehicle Safety Standards (FMVSS) to be imported. If it does not, the importer must contract with a DOT-Registered Importer (RI) to bring it into compliance, and post a DOT bond for one and a half times the vehicle's dutiable value. This bond is in addition to the normal CBP entry bond required for nonconforming vehicles, which is 3 times the car's dutiable value. If the car conforms to EPA requirements, but not DOT's, then the car may be imported by the importer, although copies of the DOT bond and the contract with an RI must be attached to the HS-7 form when submitted to CBP. Proof that a car conforms to EPA standards may either be a manufacturer's letter or a sticker on the engine. Proof that a car conforms to DOT standards may either be a manufacturer's letter or a sticker on the inside rim of the driver's side door. You can obtain a list of registered importers at [the DOT web site](#).

You will not be able to register a nonconforming vehicle until it is brought into compliance. You will need the CBP Form 7501 to register it with the Department of Motor Vehicle. CBP will not give you this form without approval from the EPA and DOT.

It is illegal to sell or donate a nonconforming vehicle in the U.S. It is also illegal to dispose of them in a junkyard. Non-compliant vehicles must either be exported, destroyed, or brought into compliance.

DEPARTMENT OF HOMELAND SECURITY  
 U.S. Customs and Border Protection  
**ENTRY SUMMARY**

1. Filer Code/Entry No.	2. Entry Type	3. Summary Date
4. Surety No.	5. Bond Type	6. Port Code
		7. Entry Date

8. Importing Carrier	9. Mode of Transport	10. Country of Origin	11. Import Date
12. B/L or AWB No.	13. Manufacturer ID	14. Exporting Country	15. Export Date
16. I.T. No.	17. I.T. Date	18. Missing Docs	19. Foreign Port of Lading
			20. U.S. Port of Unlading
21. Location of Goods/G.O. No.	22. Consignee No.	23. Importer No.	24. Reference No.

25. Ultimate Consignee Name and Address			26. Importer of Record Name and Address		
City	State	Zip	City	State	Zip

27. Line No.	28. Description of Merchandise			32. A. Entered Value B. CHGS C. Relationship	33. A. HTSUS Rate B. AD/CVD Rate C. IRC Rate D. Visa No.		34. Duty and I.R. Tax	
	29. A. HTSUS No. B. AD/CVD Case No.	30. A. Gross Weight B. Manifest Qty.	31. Net Quantity in HTSUS Units		Dollars	Cents		

Other Fee Summary for Block 39	35. Total Entered Value	<b>CBP USE ONLY</b>		<b>TOTALS</b>
	\$	A. LIQ CODE	B. Ascertained Duty	37. Duty
Total Other Fees	\$	REASON CODE	C. Ascertained Tax	38. Tax
			D. Ascertained Other	39. Other
			E. Ascertained Total	40. Total

**36. DECLARATION OF IMPORTER OF RECORD (OWNER OR PURCHASER) OR AUTHORIZED AGENT**

I declare that I am the  Importer of record and that the actual owner, purchaser, or consignee for CBP purposes is as shown above, OR  owner or purchaser or agent thereof. I further declare that the merchandise  was obtained pursuant to a purchase or agreement to purchase and that the prices set forth in the invoices are true, OR  was not obtained pursuant to a purchase or agreement to purchase and the statements in the invoices as to value or price are true to the best of my knowledge and belief. I also declare that the statements in the documents herein filed fully disclose to the best of my knowledge and belief the true prices, values, quantities, rebates, drawbacks, fees, commissions, and royalties and are true and correct, and that all goods or services provided to the seller of the merchandise either free or at reduced cost are fully disclosed. I will immediately furnish to the appropriate CBP officer any information showing a different statement of facts.

41. DECLARANT NAME	TITLE	SIGNATURE	DATE
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42. Broker/Filer Information (Name, address, phone number)	43. Broker/Importer File No.
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