

# Requirements for importing vehicles into the United States

## **Importing a conforming vs. a non-conforming motor vehicle:**

The National Highway Traffic Safety Administration (NHTSA) is the agency within the U.S. Department of Transportation that issues and enforces the Federal motor vehicle safety standards (FMVSS). These standards establish minimum performance requirements for the safety systems and components on motor vehicles and for certain items of motor vehicle equipment. If a motor vehicle was manufactured to comply with all applicable FMVSS, and bears a label certifying such compliance that was permanently affixed by its original manufacturer, it can be imported into the United States free of restriction.

If the vehicle is less than 25 years old and was not originally manufactured to comply with all applicable FMVSS, and/or was not so certified by its original manufacturer, it cannot be lawfully imported into the United States on a permanent basis unless NHTSA determines the vehicle eligible for importation. The agency makes those determinations on its own initiative or the basis of a petition from a registered importer. These are business entities that are specifically approved by NHTSA to import nonconforming vehicles and to perform the necessary modifications on those vehicles so that they conform to all applicable FMVSS. The petitions must specify that the vehicle is substantially similar to a vehicle that was certified by its original manufacturer as conforming to all applicable FMVSS and is capable of being readily altered to conform to those standards, or, if there is no substantially similar U.S.-certified vehicle, that the vehicle has safety features that comply with, or are capable of being altered to comply with, the FMVSS based on destructive test information or other evidence the agency deems adequate. Import eligibility decisions are made on a make, model, and model year basis.

An additional requirement for the lawful importation of a nonconforming vehicle is that it be imported by an RI or by an individual who has contracted with an RI to bring the vehicle into conformity with all applicable FMVSS. A bond in an amount equivalent to 150 percent of the declared value of the vehicle must be given to U.S. Customs and Border Protection (Customs) at the time of importation to ensure that the necessary modifications are completed within 120 days of entry. A list of registered importers can be found on our web site at

<http://www.nhtsa.dot.gov/cars/rules/import/RIlist>

You might want to contact one or more of the listed RIs to obtain their opinion on the feasibility of conforming the vehicle that you seek to import to the FMVSS, and the costs involved in petitioning the agency to determine that vehicle to be eligible for importation, as well as the costs for conforming the vehicle to the FMVSS.

## **Importing a vehicle already determined eligible for importation:**

NHTSA makes import eligibility decisions on a make, model, and model year basis. A list of vehicles that NHTSA has determined to be eligible for importation can be found on our web site at

<http://www.nhtsa.dot.gov/cars/rules/import/ELIG071404.html>

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If the vehicle you are seeking to import is of a make, model, and model year that is on that list, it can be imported by a registered importer, or by a person who has a contract with a registered importer to modify the vehicle so that it conforms to all applicable Federal motor vehicle safety and bumper standards after importation.

At the time that NHTSA determines a vehicle of a particular make, model, and model year to be eligible for importation; the agency assigns the vehicle a unique vehicle eligibility number. That number is to be entered on the appropriate block of the HS-7 Declaration form that is to be given to Customs at the time of importation. The number alerts Customs to the fact that the vehicle can be lawfully imported (by a registered importer or by a person who has a contract with a registered importer to modify the vehicle), even though the vehicle was not originally manufactured to comply with all applicable FMVSS.

### **Importing a vehicle that is at least 25 years old:**

Any vehicle that is 25 years old or older is exempt from the prohibitions on the importation of nonconforming vehicles, and can be imported into the U.S. regardless of whether it conforms to all applicable FMVSS. Such a vehicle would be entered under Box 1 on the HS-7 Declaration form that should be given to Customs at the time of entry. The 25-year period runs from the date of the vehicle's manufacture. Unless the date of manufacture can be determined from a label affixed to the vehicle by its original manufacturer, to establish the age of the vehicle, you should have documentation available such as an invoice showing the date the vehicle was first sold or a registration document showing that the vehicle was registered at least 25 years ago. Absent such information, a statement from a recognized vehicle historical society identifying the age of the vehicle could be used.

### **Importing a vehicle for show or display; mileage limitation:**

Certain motor vehicles that are deemed by NHTSA to be of unusual historical or technological significance can be imported for purposes of show or display. Information on importing a motor vehicle for those purposes can be found on NHTSA's Website at:

<http://www.nhtsa.dot.gov/cars/rules/import/ShowDisplay/>

When a vehicle is imported for purposes of show or display, it cannot be driven in excess of 2,500 miles per year. As a general rule, a motor vehicle will not be determined eligible for importation for purposes of show or display if more than five hundred vehicles of the same model were produced, if a version of the vehicle was originally manufactured for sale in the United States and certified as complying with all applicable FMVSS, or if the vehicle has been determined eligible for importation based on its capability of being modified to comply with all applicable FMVSS.

### **Importing a right-hand drive vehicle:**

As previously indicated, an import eligibility decision can be based on the substantial similarity of a non-U.S. certified vehicle to a vehicle manufactured for importation and sale in the United

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States, and so certified by its original manufacturer. If the vehicle you are seeking to import is right-hand drive, even if there were a U.S.-certified version of that vehicle, it might not be considered "substantially similar" for import eligibility purposes. Our experience has shown that the safety performance of right-hand drive vehicles is not necessarily the same as that of apparently similar left-hand drive vehicles offered for sale in this country. However, NHTSA will consider the vehicles "substantially similar" if the manufacturer advises the agency in writing, on the manufacturer's letterhead (and not that of an authorized dealership or other such entity affiliated with the manufacturer) that the right-hand drive vehicle would perform the same as the U.S.-certified left-hand drive vehicle in crash tests. Absent such evidence, the petitioning RI would have to demonstrate that the vehicle, when modified, would comply. In this case, you might want to contact one or more of the RIs listed on our website to obtain their opinion on the feasibility of conforming the right-hand drive vehicle to the FMVSS, and the costs involved in conforming the vehicle and petitioning NHTSA for a determination as to whether the vehicle is eligible for importation.

### **Importing a car for racing:**

If the vehicle was originally manufactured as a racing vehicle, it can be permanently imported into the United States under Box 8 on the HS-7 Declaration form that is to be given to Customs at the time of entry. The importer must obtain a letter from the vehicle's original manufacturer confirming that it was originally manufactured as a racing vehicle. A copy of the manufacturer's letter should be attached to the HS-7 Declaration form that is submitted to Customs when entry is made. In this instance, no approval from NHTSA is necessary to import the vehicle.

If the vehicle was not originally manufactured as a racing vehicle, it can only be imported on a temporary basis under box 7 on the HS-7 Declaration form. A NHTSA permission letter is necessary to import a vehicle on this basis. NHTSA grants permission in annual increments for up to 3 years if duty is not paid on the vehicle and for up to 5 years if duty is paid. If the vehicle was originally manufactured for on-road use, it would have to be in full race configuration at the time of import, and lack equipment and features needed for on-road use.

Information on importing vehicles for racing purposes is available on NHTSA's website at

**<http://www.nhtsa.dot.gov/cars/rules/import/racing>**.

An application form to obtain a permission letter to import a vehicle temporarily for racing purposes can also be found on that page of our website. Once the application is completed, it should be faxed to us at (202) 366-1024.

### **Importing an off-road vehicle:**

If the vehicle was not primarily manufactured for use on public streets, roads, and highways, it would not qualify as a "motor vehicle" that must comply with all applicable FMVSS, and bear a label certifying such compliance that is permanently affixed by its original manufacturer to be lawfully imported into the United States. A vehicle that is not primarily manufactured for on-road use can be imported under Box 8 on the HS-7 Declaration form that is to be given to

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Customs at the time of entry. Such a vehicle is not subject to NHTSA's jurisdiction, but may be subject to the jurisdiction of the Consumer Products Safety Commission (CPSC). For information on the requirements, if any, that apply to these vehicles, you should visit the CPSC's website at

<http://www.cpsc.gov/>

or you can contact that agency at 1-800-638-2772.

### **Importing a disassembled vehicle:**

A disassembled vehicle that is shipped without an engine and transmission is treated for importation purposes not as a motor vehicle, but instead as an assemblage of motor vehicle equipment items. Such an assemblage can lawfully be imported into the United States, provided any equipment included in the assemblage that is subject to an FMVSS but was not originally manufactured to comply with that FMVSS, or was not so certified by its original manufacturer, is removed from the assemblage and exported or destroyed prior to entry into the United States. Equipment items that are subject to the FMVSS include tires, rims, brake hoses, brake fluid, seat belt assemblies, glazing materials, and lamps, reflective devices, and associated equipment.

If the assemblage is shipped with an engine and power train (even if those components are not installed), it would be regarded for importation purposes as a motor vehicle, and would have to be either manufactured to comply with all applicable FMVSS, and be so certified by its original manufacturer, in the form of a label permanently affixed to the vehicle, or be determined eligible for importation by NHTSA and be imported by a registered importer, or by a person who has a contract with a registered importer to bring the vehicle into compliance with all applicable FMVSS after importation.

### **Re-importing a U.S. certified vehicle:**

If a vehicle now outside the U.S. bears a certification label affixed by its original manufacturer stating that the vehicle complies with all applicable FMVSS in effect on its date of manufacture, it can be imported as a conforming motor vehicle under Box 2A on the HS-7 Declaration form that must be given to Customs at the time of entry.

You can download a copy of that form from our website at

<http://www.nhtsa.dot.gov/cars/rules/import>

<http://www.nhtsa.dot.gov/cars/rules/import>

### **Re-importing a U.S. certified vehicle missing its certification label:**

If your vehicle was originally manufactured to comply with all applicable FMVSS, and was so certified by its original manufacturer, it can be lawfully imported as a conforming motor vehicle under Box 2A on the HS-7 Declaration form to be given to Customs at the time of entry.

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If the vehicle is missing its certification label, it can still be imported as a conforming motor vehicle, provided you obtain a letter from the vehicle's manufacturer stating that the vehicle was originally manufactured to comply with all applicable FMVSS. A list of manufacturer contacts is on our website at

<http://www.nhtsa.dot.gov/cars/rules/import/>

If the manufacturer is unable or unwilling to supply you with a letter stating that your vehicle was originally manufactured to meet all applicable FMVSS, bumper, and theft prevention standards, we would be willing to issue you a letter stating that we recognize your vehicle as having been so manufactured, provided you can furnish us with evidence (preferably in the form of a State-issued registration document) showing that the vehicle was registered in the U.S. before it was shipped overseas. If you do not have the vehicle's prior registration documents, you can furnish us a report from a commercial VIN checking service such as (Carfax) that identifies the vehicle's prior registration history and shows that the vehicle was once registered in the U.S. If you have such evidence, you should fax it to the Imports and Certification Division at 202-366-1024. So that we have sufficient time to act upon the request, the information should be faxed to us no later than 14 calendar days before the vehicle's anticipated turn-in date at the origin vehicle processing center. You should understand that NHTSA lacks sufficient resources to readily accommodate requests that are submitted shortly before the vehicle is due to be shipped. In these circumstances, the agency may not be able to furnish, by the anticipated date of turn-in for shipment, the letter recognizing the vehicle as having been originally manufactured to comply with all applicable FMVSS. If you do not possess the required documentation proving that the vehicle is U. S. compliant it cannot be turned-in at the vehicle processing center.

### **Temporary importation by non-US residents:**

Nonresidents of the United States (including U.S. citizens living abroad) may temporarily import nonconforming motor vehicles into the United States for personal use, for a period not to exceed one year.

The vehicle must be registered in a country other than the United States at the time of entry, must not be sold while it is in the United States, and must be exported when the year is up. If you wish to import your vehicle under these conditions, you should check Box 5 on the HS-7 Declaration Form to be given to Customs at the time the vehicle is presented for entry. Your passport number and the country that issued the passport must be specified on the declaration. An international convention governs the importation of these vehicles. The United States is a signatory to this convention. The convention provides that vehicles can be imported under its terms for a period of up to one year. NHTSA has no authority to extend the one-year period that a vehicle imported in this manner is allowed to remain in the United States.

### **Importing a vehicle for parts:**

If a vehicle originally manufactured for on-road use is shipped with its engine and drive train, it would be regarded as a motor vehicle for the purpose of the vehicle importation laws, and would have to be declared as such. If the vehicle was not originally manufactured to comply with all applicable FMVSS, it could not be lawfully imported unless it is determined eligible for

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importation by NHTSA and is imported by a registered importer or by a person who has a contract with a registered importer to modify the vehicle so that it conforms to all applicable standards following importation.

If a vehicle is shipped without its engine and drive train, it would be treated, for importation purposes, not as a motor vehicle but instead as an assemblage of motor vehicle equipment items. In this instance, the vehicle would be entered under Box 1 on the HS-7 Declaration form, which covers motor vehicle equipment not covered by a standard, or manufactured before the date that an applicable standard takes effect. Any items that are part of the assemblage that are subject to an FMVSS (brake hoses, brake fluid, glazing, lighting equipment, seat belt assemblies, tires, rims) that were not manufactured to comply with the applicable standard, and/or were not so certified by their originally manufacturer, must be removed from the assemblage and exported or destroyed before entry.

### **Importing a Canadian-certified Motor Vehicle:**

For detailed information on how to import a Canadian certified vehicles please visit our website at

<http://www.nhtsa.dot.gov/cars/rules/import>

### **Importing a non-U.S. or Canadian -certified Motor Vehicle:**

For detailed information on importing a non-U.S. or Canadian certified motor vehicle, such as one that was originally manufactured for sale in Europe or in the Far East, please visit our website at

<http://www.nhtsa.dot.gov/cars/rules/import>

### List of FMVSS

For a booklet that lists the Federal motor vehicle safety standards, and provides a brief description of each standard, please visit our website at

<http://www.nhtsa.dot.gov/cars/rules/import>

### List of Registered Importers

For a listing of all Registered Importers in active status with NHTSA, please visit our website at

<http://www.nhtsa.dot.gov/cars/rules/import>

### HS-7 Declaration Form

To download a copy of the HS-7 Declaration form, please visit our website at

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<http://www.nhtsa.dot.gov/cars/rules/import>

Vehicles Eligible for Importation-Eligibility List

For a list of vehicles that NHTSA has determined to be eligible for importation, please visit our website at

<http://www.nhtsa.dot.gov/cars/rules/import>

## **Importing Motorcycles and Scooters:**

How does NHTSA define a Motorcycle?

NHTSA defines the term “motorcycle” for the purpose of the statute and regulations it administers, as “A motor vehicle with motive power having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with ground” (49 CFR 571.3).

NHTSA defines the term "motor driven cycle" as a motorcycle with a motor that produces 5-brake horsepower or less. A motor driven cycle is exempted from certain requirements of the FMVSS that apply to motorcycles.

NHTSA does not define the terms motor scooter, moped, pocket bike, mini-chopper, mini-ninja, or any other terms of this nature that may be used for the purpose of marketing motorcycles and motor driven cycles. Those terms therefore have no relevance to the classification of a vehicle for the purpose of determining which FMVSS would apply to it.

## **Requirements to Lawfully Import Off-Road Cycles and Motorcycles or Motor-driven Cycles for On-road Use**

NHTSA regulates the importation of a motor vehicle, which is defined in the controlling statute (49 U.S.C. 30102) as a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways. Vehicles (such as racing bikes, dirt bikes, or ATV's that are not “primarily manufactured for on-road use” do not qualify as motor vehicles, and may be lawfully imported without regard to whether they were originally manufactured to comply with all applicable FMVSS. Vehicles that are not primarily manufactured for on-road use may be entered under Box 8 on the HS-7 Declaration form to be given to Customs at the time of entry. To support a Box 8 entry, the importer must furnish Customs with a substantiating statement to establish that the vehicle was not primarily manufactured for on-road use.

If a motorcycle or motor driven cycle is capable of a top speed above 20 miles per hour and is equipped with components (such as lights, mirrors, turn signals, and horn) that are needed for on-road use, NHTSA will regard it as having been primarily manufactured for such purposes. Motorcycles and motor driven cycles with these capabilities and equipment cannot be lawfully imported into the United States unless they were originally manufactured to comply with all

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applicable FMVSS and bear a label certifying such compliance that is permanently affixed by the original manufacturer. The label must be affixed to a permanent member of the vehicle, as close as is practicable to the intersection of the steering post and the handle bars, so that its contents can be easily read without moving any part of the vehicle except for the steering mechanism. In addition, the vehicle's manufacturer is required to have submitted to NHTSA identifying information on itself and the products it manufactures to the FMVSS (as required by 49 CFR Part 566), provided NHTSA with information the agency would need to decipher the vehicle identification number or "VIN" the manufacturer is required (under 49 CFR Part 565) to assign to each motor vehicle manufactured for sale in the United States, and designated a U.S. resident as its agent for service of process (as required under 49 CFR 551.45).

### Issues involving the importation of small motor scooters:

The importer of a small motor scooter must file an HS-7 Declaration form with Customs at the time of entry on which it must declare whether the motor scooter is a motor vehicle, and if so, whether it complies with all applicable FMVSS. If the motor scooter is capable of a maximum speed above 20 miles per hour and is equipped with components (such as lights, mirrors, turn signals, and horn) that are needed for on-road use, NHTSA will regard it as a motor vehicle. To be imported without restriction, a motor vehicle must be manufactured to comply with all applicable FMVSS and bear a label certifying such compliance that is permanently affixed by the vehicle's original manufacturer. Such a vehicle is entered under Box 2A on the HS-7 Declaration form. A motor vehicle that is not originally manufactured to comply with all applicable FMVSS, or is not so certified by its original manufacturer, can only be lawfully imported if it is determined eligible for importation by NHTSA and is imported by a registered importer or by a person who has a contract with a registered importer to bring the vehicle into compliance with all applicable standards after importation. Such a vehicle is imported under Box 3 on the HS-7 Declaration form. Small motor scooters that are incapable of a maximum speed above 20 miles per hour may be lawfully entered under Box 8 on the HS-7 Declaration form as vehicles that were not primarily manufactured for on-road use. Such low-speed scooters can be entered in this fashion even if they are equipped with components (such as lights, mirrors, turn signals, and horn) that are normally found on vehicles intended for use on public roads.

Below are links to interpretation letters in which the agency's Office of Chief Counsel has addressed whether low speed, two-wheeled vehicles are "motor vehicles."

[http://www.nhtsa.dot.gov/cars/rules/interps/files/Winbel\\_scooter\\_v5.html](http://www.nhtsa.dot.gov/cars/rules/interps/files/Winbel_scooter_v5.html)

[http://www.nhtsa.dot.gov/cars/rules/interps/files/Ocean\\_imports\\_scooter\\_03-9045.2version2.html](http://www.nhtsa.dot.gov/cars/rules/interps/files/Ocean_imports_scooter_03-9045.2version2.html)

[http://www.nhtsa.dot.gov/cars/rules/interps/files/TransportCanada\\_000262.html](http://www.nhtsa.dot.gov/cars/rules/interps/files/TransportCanada_000262.html)

Additionally, an informational brochure for new motorcycle manufacturers can be found at <http://www.nhtsa.dot.gov/cars/rules/maninfo/>



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This brochure will provide prospective importers of small motor scooters with guidance on the standards to which a motorcycle must be certified by its original manufacturer for the vehicle to be lawfully imported as a conforming motor vehicle under Box 2A on the HS-7 Declaration form, and other requirements that the manufacturer must meet.

### **Scooters that can be imported as racing vehicles:**

A small motor scooter that is capable of a maximum speed above 20 miles per hour can be imported as an off-road racing vehicle that does not have to be originally manufactured to comply with all applicable FMVSS, provided:

1. the scooter lacks equipment that is needed for on-road operation (such as lights, mirrors, turn signals, and horn)
2. the importer declares the scooter as a vehicle that was not primarily manufactured for on-road use under Box 8 on the HS-7 Declaration form; and
3. the declaration is accompanied by a substantiating statement establishing that the vehicle was not primarily manufactured for use on public roads, streets, and highways, and is being imported solely for use in competitive racing events.

With regard to the first condition specified above, if the vehicle is equipped with one or more headlights, but lacks other equipment needed for on-road use, it can still be imported as a racing vehicle under Box 8, provided the other conditions are met.

### **Scooters that are not motor vehicles:**

- \* Scooters lacking seats that are operated in a stand-up mode.
- \* Scooters that is incapable of a top speed above 20 mph.
- \* Electric bicycles with operable pedals, equipped with a motor under 750 watts, whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weights 170 pounds, is less than 20 mph.

### **List of DOT/NHTSA approved manufacturers of motorcycles and motor scooters:**

Please be aware that NHTSA does not approve any manufacturers or products. Instead, it is the manufacturer's responsibility to ensure that any motor vehicle or motor vehicle equipment item that it manufactures for sale in the United States conforms to all applicable FMVSS. The agency's regulations at 49 CFR Part 567 require manufacturers to affix to vehicles offered for sale in the United States labels certifying that the vehicle conforms to all applicable FMVSS in effect on the vehicle's date of manufacture. Other than issuing the standards to which the vehicle must be certified, NHTSA plays no role in the certification process.

Manufacturers of motor vehicles and motor vehicle equipment items that are subject to the FMVSS must file identifying information with NHTSA within 30 days from the date they begin to manufacture those products. This registration, however, does not constitute agency approval of the manufacturer or its products. You may wish to query the agency's manufacturer information database at

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<http://www.nhtsa.dot.gov/cars/rules/manufacture>

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to learn whether the manufacturer of the motorcycle or motor scooter you are seeking to import has identified itself to NHTSA. If the manufacturer has so identified itself, information will appear in the database under the heading "Part 566."

### **Exemptions or waivers from importation restrictions:**

NHTSA has no authority to grant an exemption or waiver from the importation restrictions outlined above for reasons of financial hardship, physical disability, conditions of employment, military service, or for any other reasons. Moreover, there is no such thing as a "once in a lifetime exemption" that would permit a military member, or any other person for that matter, to import a nonconforming motor vehicle into the United States.