

REGISTERED IMPORTER NEWSLETTER No. 42
National Highway Traffic Safety Administration
Office of Vehicle Safety Compliance
September 2, 2011

**NOTICE OF RECENT AMENDMENTS TO RI REGULATIONS AND CHANGES IN
REQUIREMENTS FOR MAINTENANCE OF RI REGISTRATION**

NHTSA recently issued a final rule amending the agency's regulations pertaining to registered importers (RIs). The final rule was published in the Federal Register on August 25, 2011 at 78 FR 53072-53080. A copy of the final rule is attached. As stated in that document, the amendments were made to enable the agency to deny applications for registration from entities whose principals or associates have been convicted of a crime related to the importation, purchase, or sale of a motor vehicle or motor vehicle equipment and to revoke existing registrations held by such entities. Another amendment requires an RI to certify that it destroyed or exported nonconforming motor vehicle equipment removed from a vehicle during conformance modifications. The final rule also establishes new requirements for motor vehicles imported for the purpose of preparing an import eligibility petition, adopts a clearer definition of the term "model year" for import eligibility purposes, and requires import eligibility petitions to include the type classification and gross vehicle weight rating (GVWR) of the vehicle it covers.

The regulations, as amended, now specify that to maintain its registration, an RI must "[n]ot be convicted of, or have any person associated with direct or indirect ownership or control of the registered importer's business or any person employed by or associated with the registered importer who is convicted of, a crime related to the importation, purchase, or sale of motor vehicles or motor vehicle equipment." The regulations specify that "[t]hese offenses include, but are not limited to, title fraud, odometer fraud, or the sale of stolen vehicles." See 49 CFR 592.5(f)(1).

The regulations (49 CFR 592.5(f)(2)) also require existing RIs seeking to renew their registrations to file an annual statement that includes the following recitals:

"I certify that I have read and understand the duties of a Registered Importer, as set forth in 49 CFR 592.6, and that [name of Registered Importer] continues to comply with the requirements for being a Registered Importer."

"I certify that all information provided in each of my previous annual statements, submitted pursuant to § 592.6(q), or changed in any notification that [name of Registered Importer] may have provided to the Administrator in compliance with § 592.6(l), remains correct and that all the information provided in this annual statement is true and correct."

"I certify that I understand that, in the event that its registration is suspended or revoked, or lapses, [name of Registered Importer] will remain obligated to notify owners and to remedy noncompliance issues or safety related defects, as required by 49 CFR 592.6(j), for each vehicle for which [name of Registered Importer] has furnished a certificate of conformity to the Administrator."

As a result of these amendments, you must submit a revised annual statement to continue to be a registered importer for fiscal year (FY) 2012, which begins on October 1, 2011. The information specified below should be submitted as soon as possible, but no later than September 30, 2011, for your company to remain in active status as an RI. Failure to submit the renewal information by that date will cause your registration to be automatically suspended effective October 11, 2011, as provided in 49 CFR 592.7(a)(1).

Because there are delays in our receipt of materials sent by regular mail, we recommend that you send this information by an overnight express carrier to:

Office of Vehicle Safety Compliance
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
West Building - Fourth Floor, Room W43-481
Mail Code: NVS-220
Washington, DC 20590
Attn: RI Renewal

SAMPLE YEARLY STATEMENT OF REGISTERED IMPORTER - NO CHANGES

If there are no changes to your RI business information, please submit your yearly statement as shown on the sample renewal on Page 3 of this newsletter. Don't forget to mail with your renewal the two required enclosures: a new service insurance policy (with notarized signatures) and your credit card authorization or a check made payable to the Treasurer of the United States in the amount of \$670.

SAMPLE YEARLY STATEMENT OF REGISTERED IMPORTER – WITH CHANGES

If your RI business information has changed since last year's renewal, please submit your yearly statement as shown on the sample renewal on Page 4-8 of this newsletter. Again, don't forget to mail with your renewal the three required enclosures: Application for Registration as Importer, a new service insurance policy (with notarized signatures), and your credit card authorization or a check made payable to the Treasurer of the United States in the amount of \$670.

Please disregard the information you were furnished in Registered Importer Newsletter No. 41 dated August 23, 2011 concerning the maintenance of your RI registration. If you have already submitted an annual statement in response to that newsletter, you will need to submit a new statement, meeting the requirements specified above. If you have already submitted an authorization or a check to cover the annual renewal fee, there is no need for you to send an additional authorization or check.

RI renewal questions should be directed to John Lewis at 202-366-4192.

SAMPLE YEARLY STATEMENT OF REGISTERED IMPORTER - NO CHANGES

September 25, 2011

Director, Office of Vehicle Safety Compliance
National Highway Traffic Safety Administration
West Building - Fourth Floor - Room W43-481
Mail Code NVS-220
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Yearly Statement of Registered Importer

Dear Sir or Madam:

I certify that I have read and understand the duties of a Registered Importer, as set forth in 49 CFR 592.6, and that Smith Imports, Inc. continues to comply with the requirements for being a Registered Importer.

I certify that all information provided in each of my previous annual statements, submitted pursuant to 49 CFR 592.6(q), or changed in any notification that _____ may have
{insert RI name above}
provided to the Administrator in compliance with 49 CFR 592.6(l), remains correct and that all the information provided in this annual statement is true and correct.

I certify that I understand that, in the event that its registration is suspended or revoked, or lapses, _____ will remain obligated to notify owners and to remedy noncompliance
{insert RI name above}
issues or safety related defects, as required by 49 CFR 592.6(j), for each vehicle for which Smith Imports, Inc. has furnished a certificate of conformity to the Administrator.

A copy of the mandatory service insurance policy that _____ has acquired
{insert RI name above}
pursuant to 49 CFR 592.5(a)(8) to cover recall obligations that it may incur in fiscal year (FY) 2012 is enclosed, with signatures properly notarized. Also enclosed is an authorization to charge my credit card **or** a cashier's check or certified check made payable to the Treasurer of the United States in the amount specified under 49 CFR Part 594 to cover the cost of the annual fee.

Your consideration of my Yearly Statement is appreciated. If you have any questions, please contact me by telephone at 555-555-5555 or by email at _____.
{insert RI email above}

Sincerely,

John Smith

John Smith

Enclosures:

Service Insurance Policy with notarized signatures
Authorization to charge my credit card {or}
Check made payable to the Treasurer of the United States

SAMPLE YEARLY STATEMENT OF REGISTERED IMPORTER – WITH CHANGES

September 25, 2011

Director, Office of Vehicle Safety Compliance
National Highway Traffic Safety Administration
West Building - Fourth Floor - Room W43-481
Mail Code NVS-220
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Yearly Statement of Registered Importer

Dear Sir or Madam:

I certify that I have read and understand the duties of a Registered Importer, as set forth in 49 CFR 592.6, and that _____ continues to comply with the requirements for being a Registered Importer.
{insert RI name above}

I certify that all information provided in each of my previous annual statements, submitted pursuant to 49 CFR 592.6(q), or changed in any notification that _____ may have provided to the Administrator in compliance with 49 CFR 592.6(l), remains correct except those changes identified in the enclosure entitled “Application for Registration as Importer” and I certify that all the information provided in this annual statement is true and correct. You will note that the sections of that form have been completed to identify the changes that have occurred since our most recent submission to NHTSA.
{insert RI name above}

I certify that I understand that, in the event that its registration is suspended or revoked, or lapses, _____ will remain obligated to notify owners and to remedy noncompliance issues or safety related defects, as required by 49 CFR 592.6(j), for each vehicle for which Smith Imports, Inc. has furnished a certificate of conformity to the Administrator.
{insert RI name above}

A copy of the mandatory service insurance policy that we have acquired pursuant to 49 CFR 592.5(a)(8) to cover recall obligations that we may incur in fiscal year (FY) 2012 is enclosed, with signatures properly notarized. Also enclosed is an authorization to charge my credit card **or** a cashier’s check or certified check made payable to the Treasurer of the United States in the amount specified under 49 CFR Part 594 to cover the cost of the annual fee.

Your consideration of my Yearly Statement is appreciated. If you have any questions, please contact me by telephone 555-555-5555 or by email _____.
{insert RI email above}

Sincerely,

John Smith

John Smith

Enclosures:

Application for Registration as Importer
Service Insurance Policy with notarized signatures
Authorization to charge my credit card {or}
Check made payable to the Treasurer of the United States

Application for Registration as Importer

Applicant Information - § 592.5(a)

Applicant Name: _____
LastFirstM.I.DOBPosition

Business Name: _____

Business Address: _____
Street, Suite No.City, StateZip Code

Contact Info: _____
TelephoneFacsimileEmail

Form of Business Organization (check one below): State under which business formed: _____

Sole Proprietorship Partnership Non-public Corporation Public Corporation

Identify Each Partner/Officer/Director/Manager of Applicant's Partnership or Corporation

Name: _____
LastFirstM.I.DOBPosition

Business Address: _____
Street, Suite No.City, StateZip Code

Additional Partner/Officer/Director/Manager of Applicant's Partnership or Corporation

Name: _____
LastFirstM.I.DOBPosition

Business Address: _____
Street, Suite No.City, StateZip Code

Additional Partner/Officer/Director/Manager of Applicant's Partnership or Corporation

Name: _____
LastFirstM.I.DOBPosition

Business Address: _____
Street, Suite No.City, StateZip Code

(Attach a separate page if there are more than 3 partners/officers/directors/managers)

Business Interests

I am willing to contract with individual owners to conform to the FMVSS the following types of vehicles those owners import, provided the vehicles have been determined to be eligible for importation pursuant to 49 CFR Part 593 (check all that apply):

- Passenger Cars MPVs Light Duty Trucks (10,000 lb GVWR or less)
- Trailers Buses Heavy Trucks & Tractors (Over 10,000 lb GVWR)
- Motorcycles / Motor Driven Cycles
- Canada All other countries

I am willing to modify for compliance with FMVSS vehicles imported from:

Petition for an Import Eligibility Decision

Yes **No** I am willing to prepare and submit import eligibility petitions to NHTSA and to pay all required fees for those petitions, as set forth in 49 CFR Parts 593 and 594

RI Premises - Main Office

Business Address: _____
Street, Suite No. *City, State* *Zip Code*

Contact Info: _____
Telephone *Facsimile* *Date Facility First Used*

RI Premises - Records Storage

Business Address: _____
Street, Suite No. *City, State* *Zip Code*

Contact Info: _____
Telephone *Facsimile* *Date Facility First Used*

RI Premises - Conformance Modifications

Business Address: _____
Street, Suite No. *City, State* *Zip Code*

Contact Info: _____
Telephone *Facsimile* *Date Facility First Used*

RI Premises - Vehicle Storage

Business Address: _____
Street, Suite No. *City, State* *Zip Code*

Contact Info: _____
Telephone *Facsimile* *Date Facility First Used*

(Attach a separate page if there are more locations)

Principals of the applicant whom the applicant authorizes to submit conformity certifications to NHTSA

Principal Name: _____
Last *First* *M.I.* *Position Title*

Principal Name: _____
Last *First* *M.I.* *Position Title*

Principal Name: _____
Last *First* *M.I.* *Position Title*

Principal Name: _____
Last *First* *M.I.* *Position Title*

(Attach a separate page if there are more principals authorized to sign conformity certifications)

Customs Broker

Broker Name: _____

Business Address: _____
Street, Suite No. *City, State* *Zip Code*

Contact Info: _____
Last *First* *Telephone* *Facsimile*

Associated With EPA Licensed Independent Commercial Importer (ICI)

ICI Name: _____

Business Address: _____
Street, Suite No. *City, State* *Zip Code*

Contact Info: _____
Last *First* *Telephone* *Facsimile*

Certification - (§ 592.5(a)(6))

By checking this box, I hereby certify that I have never had a registration revoked pursuant to 49 CFR § 592.7, nor is my company or was my company, directly or indirectly owned or controlled by, or under common ownership or control with, a person who has had a registration revoked pursuant to § 592.7.

Certification - (§ 592.5(a)(11))

By checking this box, I hereby certify that I have read and understand the duties of a Registered Importer, as set forth in 49 CFR § 592.6 and that I will fully comply with each such duty.

Certification - (§ 592.5(a)(11))

By checking this box, I hereby certify that that all the information provided in this application is true and correct.

Certification - (§ 592.5(a)(11))

By checking this box, I hereby certify that I understand that, in the event the registration for which I am applying is suspended or revoked, or lapses, I will remain obligated to notify owners and to remedy noncompliances or safety related defects, as required by 49 CFR § 592.6(j), for each vehicle for which I have furnished a certificate of conformity to NHTSA.

Acknowledgement - (§ 592.5(a)(9))

By checking this box, I acknowledge that I am able to acquire and maintain information regarding the vehicles that I import and the names and addresses of the vehicles that I import or for which I furnish certificates of conformity to NHTSA in order to notify such owners when a noncompliance or a defect related to motor vehicle safety has been determined to exist in such vehicles. I further acknowledge that I must maintain a record system capable of acquiring and maintaining names, addresses and telephone numbers of the owners of those vehicles to provide such notification. I understand it is my obligation to find and notify the current owner, at the time a recall notification is required on such vehicle and to locate owners by my records, state records, or by using a private company to obtain the name and address of the vehicle owner. I acknowledge that I will be financially able to remedy a noncompliance or safety-related defect even through replacement of such vehicles, or am technically able to remedy such noncompliances or defects through repair of the vehicles.

Confidentiality Disclosure - (§ 592.5(a)(10))

If applicable, I have segregated and specified any part of the information and data submitted in or with this application that I wish to have withheld from public disclosure in accordance with 49 CFR Part 512, on the basis that it is confidential business information, I have complied with all requirements of that part to preserve the confidentiality of this information, including the filing of the appropriate certificate in support of the request, as set forth in Appendix A to Part 512.

Application Prepared By - (§ 592.5(a)(3))

Name: _____
Last *First* *M.I.* *Title*

Address: _____
Street, Suite No. *City, State* *Zip Code*

Enclosures

I have attached to this application ____ enclosures identified by the form entitled "RI Application Checklist" as set forth in 49 CFR § 592.5

Applicant's Signature (Signature must be acknowledged by a notary (§ 592.5(a)(12))) *Date*

Notary's Signature *Date*

RI Application Checklist

<input checked="" type="checkbox"/>	N/A	No.	Enclosures with the following material or information should accompany the "Application for Registration as Importer (Registered Importer)"
		1	A narrated digital DVD video that shows the facilities the applicant proposes to use to conduct its business as an RI. This must be formatted to play in Windows Media Player® or in QuickTime®. Suitable video formats include MPEG® and AVI. The recording must include footage of the office space and office equipment the applicant will use in its RI business, including file cabinets or other devices that will be used to store the records an RI must maintain. The recording must also show the area outside the building as having secure vehicle storage space and the premises inside the building that will be used for performing conformance modifications on imported nonconforming vehicles. Footage must also be provided that shows that the applicant has procured a current copy of Title 49, Code of Federal Regulations, Parts 400 to 599. (§ 592.5(a)(9)(ii))
		2	If the applicant is a non-public corporation, the applicant must provide a statement issued by the Office of the Secretary of State, or other responsible official of the State in which the applicant is incorporated, certifying that the applicant is a corporation in good standing. The application also must include the full name, street address, and date of birth of each officer, director, manager, and person who is authorized to sign documents on behalf of the corporation and the name of any person who owns or controls 10% or more of the corporation. (§ 592.5(a)(4)(iii))
		3	If the applicant is a public corporation, the applicant must include a copy of its latest 10-K filing with the Securities and Exchange Commission, and provide the name and address of any person who is authorized to sign documents on behalf of the corporation. (§ 592.5(a)(4)(iv))
		4	If the applicant is a corporation <u>not</u> organized under the laws of a State of the United States, or is a sole proprietorship or partnership located <u>outside</u> the United States, the application must be accompanied by the applicant's designation of a permanent resident of the U.S. as the applicant's agent for service of process in the form specified by 49 CFR § 551.45. (§ 592.5(a)(5)(v))
		5	Proof that the applicant has ordered a current copy of 49 CFR Parts 400-599 from the Government Printing Office. (§ 592.5(a)(9), (11))
		6	A cashiers check or certified check made payable to the <i>Treasurer of the United States</i> in the amount specified under 49 CFR Part 594 to cover the cost of the application. (§ 592.5(a)(7))
		7	A copy of the Safety Recall Service Contract the applicant has entered with an independent insurance company, with notarized signatures, to cover the obligations the applicant will incur as an RI with respect to conducting safety recall campaigns. (§ 592.5(a)(8))
		8	A copy of the current business license issued to the applicant to do business as an importer or modifier or seller of motor vehicles or a statement that the applicant has made a bona fide inquiry and is not required by State or local authority to have such a license or document. (§ 592.5(a)(5)(iii))
		9	Information sufficient to establish that the applicant is technically able to modify any nonconforming motor vehicle to all applicable Federal motor vehicle safety and bumper standards. This information should include, but not be limited to, the professional qualifications of the applicant and its employees at the time of the application (such as whether any such persons have been licensed as mechanics), and a description of their experience in conforming and repairing vehicles. (§ 592.5(a)(9)(i))
		10	Information sufficient to establish that the applicant owns or leases one or more facilities sufficient in nature and size to repair, conform, and store the vehicles for which it provides certification of conformance to NHTSA including a copy of the deed or lease for each such facility, video photographs of each such facility, and the street address and telephone number of each such facility. (§ 592.5(a)(9)(ii))
		11	Information sufficient to establish that the applicant is financially and technically able to provide notification of and to remedy a noncompliance with an FMVSS or a defect related to motor vehicle safety in the vehicles that it imports through repair, repurchase or replacement of such vehicles. (§ 592.5(a)(9)(iii))
		12	Information sufficient to establish that the applicant is able to acquire and maintain information regarding the vehicles that it imports and the names and addresses of the vehicles that it imports or for which it furnishes certificates of conformity to NHTSA in order to notify such owners when a noncompliance or a defect related to motor vehicle safety has been determined to exist in such vehicles. (§ 592.5(a)(9)(iv))