



MASTER CUSTOMS SPECIALIST (MCS) COURSE

Part 5: Admissibility Requirements |

Module 17: U.S. Department of Transportation (DOT)

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INTRODUCTION

The U.S. Department of Transportation (DOT) is tasked with maintaining and developing the nation's transportation systems and infrastructure. The National Highway Traffic and Safety Administration (NHTSA) and Federal Aviation Administration (FAA) are agencies within the DOT.

In terms of imports, DOT regulations impact the importation of vehicles, aircraft, boat trailers and hazardous materials.

Throughout this module, you will see the DOT HS-7 Form referenced. This form itself is no longer mandatory, but all data elements on the form must be transmitted electronically in ACE. Some organizations use the DOT HS-7 Form as a tool to gather and confirm the necessary data elements. The form is referenced as a visual guide of the data required to be reported.

— DECLARATION —			
Importation of Motor Vehicles and Motor Vehicle Equipment Subject to Federal Motor Vehicle Safety, Bumper and Theft Prevention Standards			
US Department of Transportation National Highway Traffic Safety Administration		OMB No. 2127-0002 Public Law 100—562, 49 USC Chap. 301	
PORT OF ENTRY	CUSTOMS PORT CODE	CUSTOMS ENTRY NO	ENTRY DATE
MAKE OF VEHICLE	MODEL	YEAR	VEHICLE IDENTIFICATION NUMBER (VIN)
REGISTERED IMPORTER NAME AND NHTSA REGISTRATION NUMBER (Required when Box 3 is checked)			VEHICLE ELIGIBILITY NO. (Box 3)
DESCRIPTION OF MERCHANDISE IF MOTOR VEHICLE EQUIPMENT			

- ☐ 1. The vehicle is 25 or more years old or the equipment item was manufactured on a date when no applicable Federal Motor Vehicle Safety Standard or Theft Prevention Standard was in effect.
Date of manufacture: _____ [591.5(i)]
- ☐ 2A. The vehicle or equipment item conforms to all applicable Federal Motor Vehicle Safety Standards (or the vehicle does not conform solely because readily attachable equipment items that will be attached to it before it is offered for sale to the first purchaser for purposes other than resale are not attached), and Bumper and Theft Prevention Standards, and bears a certification label or tag to that effect.
- ☐ 7. The vehicle or equipment does not conform to all applicable Federal Motor Vehicle Safety and Bumper Standards, but is being imported solely for the purpose of research, investigations, demonstrations or training, or competitive racing events, and I state that I will comply with the applicable restrictions on importers of such merchandise as specified in 49 CFR 591.7 and I will provide the Administrator with documentary proof of export or destruction not later than 30 days following the end of the period for which the vehicle has been admitted into the United States. [591.5(j)]
- Attachment: _____



Lesson 1: National Highway Traffic Safety Administration (NHTSA)

It is NHTSA's job to keep people safe on U.S. roads. In the import arena, NHTSA regulates the importation of motor vehicles and motor vehicle equipment by prescribing safety standards that must be met for vehicles to drive on U.S. roads. The statutory authority to prescribe safety standards is found in Title 49 of the United States Code, Chapter 301 (49 U.S.C. §§ 30101 *et seq.*).

To be admissible, motor vehicles and motor vehicle equipment must conform to all standards in effect on the date of manufacture and must be certified by the manufacturer.

Lesson 2: Motor Vehicles

What is and is not considered a motor vehicle?

Motor vehicles are defined as a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways ([49 U.S.C. § 30102](#)).

- Vehicles operated only on a rail line are not motor vehicles.
- Small motor scooters that are not capable of a top speed of more than 20 miles-per-hour can be imported as a vehicle not primarily manufactured for on-road use, even if they have features such as lights, mirrors, and turn signals.
- Electric bicycles with operable pedals and a motor of 750 watts or less, whose top speed is less than 20 mph, when powered solely by that motor, with a rider who weighs 170 pounds or less are not motor vehicles.
- Although farm tractors are commonly seen on highways in agricultural regions, they are not considered to be vehicles manufactured primarily for on-road use.

Motor vehicles and motor vehicle equipment must comply with the following standards:

- [Federal Motor Vehicle Safety Standards – Controls and Displays](#) (49 CFR Part 571)
- [Bumper Standard](#) (49 CFR Part 581)
- [Theft Prevention Standard](#) (49 CFR Part 541)

The **Federal Motor Vehicle Safety Standards (FMVSS)** total more than 800 pages in the Code of Federal Regulations so we will not go into them all here. The standards apply to numerous systems and components that affect visibility, control, and occupant protection.

The FMVSS standards include, but are not limited to:

- Controls and displays
- Windshield defrosting and defogging systems



- Windshield wiping and washing systems
- Glazing materials (windshields and windows)
- Lamps and reflective devices
- Hood latch systems
- Tires and rims
- Accelerator control systems
- Brake systems
- Door locks and retention components
- Seat belt assemblies and seat belt assembly anchorages
- Motorcycle helmets

The **Bumper Standard** requires passenger cars to withstand excessive damage to the front and the rear of the vehicle in low speed collisions.

Specific tests (specified in 49 CFR § 581.7) must be performed. After the test is completed, the vehicle should be inspected for damage. The NHTSA details the types of damage (or damage criteria) that are allowed and that which are not in 49 CFR § 581.5(c).

Some examples are:

- Each lamp and reflective device, except for license plate lights, shall be free of cracks.
- The hood, trunk and doors shall operate in the normal manner.
- The fuel and cooling systems shall have no leaks or constricted fluid passages.

The **Federal Motor Vehicle Theft Prevention Standard** is to reduce the incidence of motor vehicle thefts by facilitating the tracing and recovery of parts from stolen vehicles. The standard requires an identifying number to be inscribed on major parts of certain passenger motor vehicles, including engines, transmissions, fenders, bumpers, and doors. The complete list is found in 49 CFR § 541.5.

For new vehicles, the number to be inscribed is generally the Vehicle Identification Number (VIN).

Replacement parts must have the registered trademark of the manufacturer of the replacement, or some other unique identifier if the manufacturer does not have a registered trademark (49 CFR § 541.6).

Conforming Vehicles

The manufacturer of a vehicle must certify conformance with the FMVSS by affixing a label that complies with the requirements of 49 CFR Part 567.



The label shall be riveted or permanently affixed in such a manner that it cannot be removed without destroying or defacing it. Except for motorcycles and trailers, the label shall be affixed on the driver's side of the vehicle to the hinge pillar, the door-latch post, or the door edge that meets the door-latch post.

The label must contain the following information:

- Name of manufacturer
- Month and year of manufacture
- Gross Vehicle Weight Rating (GVWR)
- Statement of conformance, the wording of which depends on the type of vehicle
- VIN
- Type classification of vehicle

Vehicles are divided into "types". Vehicle types (or classifications) are defined in 49 CFR § 571.3. Classifications include passenger cars, motorcycles, trailers, and multipurpose passenger vehicles (MPV).

For passenger cars, the required confirmation statement is: "This vehicle conforms to all applicable Federal motor vehicle safety, bumper, and theft prevention standards in effect on the date of manufacture shown above" (49 CFR § 567.4).

Persons who alter certified vehicles must determine continued conformity with the FMVSS, Bumper Standard, and Theft Prevention Standard (49 CFR § 567.7).

Installing a wheelchair ramp in a van is an example of a modification of a certified vehicle. The original vehicle manufacturer's certification label shall remain affixed, and the alterer shall affix an additional label stating that the vehicle complies with the standards affected by the alteration.

A DOT HS-7 form must be submitted for vehicle imports.

Box 2A on the HS-7 Declaration is used for importation of conforming vehicles. Box 2A states that the vehicle conforms to all applicable Federal Motor Vehicle Safety Standards and Bumper and Theft Prevention Standards, and bears a certification label permanently affixed by the original manufacturer (49 CFR § 591.5(b)).

Boat Trailers

Boat Trailers are considered motor vehicles under the NHTSA.

They require:

- A separate 17-digit VIN



- A separate DOT HS-7 Form data submission
- Entered and valued separately from the boat it tows.

Non-Conforming Vehicles

Motor vehicles that are 25 or more years old, or which were manufactured on a date when no applicable Federal Motor Vehicle Safety Standard was in effect, are eligible for importation (49 CFR § 591.35(i)).

Box 1 on the DOT HS-7 Form must be checked, and the date of manufacture must be stated.

- ☒ 1. The vehicle is 25 or more years old or the equipment item was manufactured on a date when no applicable Federal Motor Vehicle Safety Standard or Theft Prevention Standard was in effect.

Date of manufacture: _____ [591.5(i)]

Potential buyers of non-conforming vehicles should make sure that the vehicle was, in fact, manufactured 25 or more years ago before purchasing and importing the vehicle. This is calculated based on the actual date of manufacture, not model year. Because the data is now available in ACE, NHTSA has access to the information earlier and can detain the cargo.

Certain models, such as the Land Rover Defender and the Austin Mini, which were never sold in the United States, are popular among car enthusiasts. Newer model years of those vehicles are not easily distinguishable from older model years. Since those vehicles can be sold at higher prices in the United States, there have been many attempts to alter or manipulate their VINs to represent the cars as being 25 or more years old. (*Articles about fraudulent importation of the Land Rover Defender and the Austin Mini can be found at www.cbp.gov.*)

CBP Officers and Import Specialists at the ports have the expertise necessary for identifying the true model year of those vehicles. Vehicles that are fraudulently imported must be destroyed. Exportation is not an option. Prospective buyers can verify the validity of a vehicle by checking the VIN in a vehicle history report.

Non-Conforming Vehicles and Eligibility Petitions

Motor vehicles that were not originally manufactured to conform to all applicable standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle has safety features that comply with or are capable of being altered to comply with all applicable standards.



Petitions for eligibility decisions may be submitted by a manufacturer, by a [Registered Importer \(RI\)](#), or by an individual who has a contract with a RI. All petitions are posted in the Federal Register and subject to a 30-day public comment period. After comment, the NHTSA will determine eligibility and post the final decision in the Federal Register. While this timeline varies, it would not be unusual to take over six months to receive the final decision and be authorized to work on the conformance issue. By limiting the release of non-conforming vehicles to an RI, the NHTSA can ensure the vehicles aren't released until the conformance issue is resolved.

RIs are establishments that have filed an application with NHTSA which shows that they are technically able to modify any nonconforming motor vehicle to conform to all applicable standards, and that they own or lease the facilities to do so. RIs must file annual statements with NHTSA not later than September 30. Prospective clients can verify registrations by checking the List of Registered Importers on the Vehicle Importation and Certification Requirements page of the NHTSA website.

RIs may import a nonconforming vehicle temporarily under bond (TIB) for the purpose of petitioning NHTSA to decide that it is eligible for importation. There are two separate bases for such a petition:

- The nonconforming vehicle is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with all applicable FMVSS, and the nonconforming vehicle is capable of being readily altered to comply with all applicable FMVSS (49 CFR § 593.6(a))
- If there is no substantially similar U.S. certified vehicle, the RI can petition NHTSA that the vehicle has safety features that comply with, or are capable of being altered to comply with all applicable standards (49 CFR § 593.6(b))

Permission must be received from NHTSA to import under TIB prior to importation though submission of a DOT HS-7.

If permission is granted, the RI will have 180 days from the date of entry to submit a petition. The RI must evaluate each system and component that is subject to a standard and state in the petition whether they conform or can be modified to conform.

The modifications that the RI would perform to bring the vehicle into conformance with all FMVSS must be described. The petition must be supported by crash test data or other equivalent evidence to demonstrate that the vehicle is capable of being modified to comply with standards for which dynamic crash tests are prescribed. If the RI fails to submit a petition within 180 days, the vehicle must be exported, destroyed, or abandoned to the government of the United States.



If the petition is complete and complies with the requirements of Part 593, NHTSA will publish a notice of receipt of petition in the Federal Register soliciting public comments.

Petitions for eligibility decisions are not normally controversial. However, auto manufacturers who would like to discourage the admission of gray market vehicles into the U.S. market may submit comments disputing the statements of the RI as to the substantial similarity of the vehicle that is the subject of the petition.

Note: An interesting example is the petition for eligibility determination of the 2004 Jeep Liberty manufactured for the Mexican market. NHTSA received one comment from DaimlerChrysler Corporation concerning differences in the airbag systems ([71 FR 9188, February 22, 2006](#)).

After a review of the comments, if any, the agency decides whether the petition clearly demonstrates that the vehicle is eligible for importation. A notice of the grant or denial will be published in the Federal Register. When a petition is granted, an eligibility number will be issued.

Within 15 days of notification that the petition has been granted, the RI shall enter the vehicle, using Box 3 of the DOT HS-7 Form for nonconforming vehicles that are eligible for importation.

Non-Conforming Vehicles with Eligibility Numbers

The eligibility number alerts CBP that the vehicle can be imported even though it is not certified to conform to the FMVSS. Prior permission from NHTSA is not required. Persons other than the petitioner can import a vehicle that has an eligibility number.

Importation under Box 3 requires that a DOT conformance bond in the amount of one and a half times the value be furnished in addition to the bond required by CBP. The DOT conformance bond must be underwritten by a surety company that is approved by the Department of Treasury to underwrite Federal bonds.

If the RI is unable to obtain a DOT conformance bond underwritten by an approved surety company, cash deposits or obligations of the United States may be offered. Box 3 requires attachment of a copy of the bond, and if applicable, a copy of a contract with a Registered Importer.

The RI must perform all necessary modifications to bring the vehicle into conformance and permanently affix a label that identifies the RI and certifies that the vehicle conforms to all applicable standards.

Typical modifications include, but are not limited to:

- Altering the speedometer to read in miles per hour



- Altering lamps or reflective devices
- Mounting tires and/or rims
- Installing a passenger side mirror, or etching the prescribed warning in the existing mirror
- Installing the system that chimes when seatbelts are not fastened
- Replacing nonconforming seat belts, air bag control units, air bags, and sensors

The RI must submit a Conformity Package as specified in 49 CFR § 592.6(d) to NHTSA within 120 days after importation. If the vehicle is not brought into conformance within that time, it must be exported, destroyed, or abandoned to the government of the United States.

Release of the DOT conformance bond constitutes acceptance of certification or completion of inspection. The RI must maintain the vehicle in their custody until the DOT conformance bond is released, unless 30 days have elapsed from the date the administrator received the conformity package. The 30-day period will be extended if the Administrator has made demand to inspect the vehicle.

Canadian-Conforming Vehicles

A vehicle certified by its original manufacturer as conforming to all applicable Canadian motor vehicle safety standards can be imported for personal use, provided that the original manufacturer confirms that the vehicle conforms to all applicable U.S. Federal Motor Vehicle Safety, Bumper, and Theft Prevention Standards, or that it conforms to all such standards, except for the following ([49 CFR § 591.5\(g\)](#)):

- Labeling requirements of Standard No. 101, Controls and displays
- Labeling requirements of Standard No. 110, Tire selection and rims and recreational vehicle trailer load carrying capacity information for motor vehicles with a GVWR of 10,000 pounds or less or Standard 120, Tire selection and rims and recreational vehicle trailer load carrying capacity information for motor vehicles with a GVWR of more than 10,000 pounds
- Standard No. 108, relating to daylight running lamps

The vehicle cannot be a salvage motor vehicle, a repaired salvage motor vehicle, or a reconstructed motor vehicle.

A copy of a letter from the manufacturer confirming conformance with Canadian standards is required. Letters from dealers are not acceptable.

NHTSA provides contact information of certain manufacturers in the Vehicle Importation Guidelines (Canadian) section of the Vehicle Importation and Certification Requirements page of their website.

Box 2B is used on the DOT HS-7 Form.



Temporary Importation by Nonresidents

Individuals who are nonresidents of the United States may import a nonconforming vehicle that is registered in another country for personal use for a period of up to one year. The vehicle must be exported within one year from the date of entry. That period cannot be extended. Box 5 on the DOT HS-7 Form must be checked and the passport number of the nonresident must be supplied (49 CFR § 591.5(d)).

Members of foreign governments may import a vehicle for personal use during their tour of duty. The vehicle must be registered with the Office of Foreign Missions of the Department of State. Box 6 of the DOT HS-7 Form is used, and a copy of the individual's official orders must be attached. The vehicle may not be sold, except to another person who is qualified to import a vehicle under the same exception (49 CFR § 591.5(h)(1)).

Members of the armed forces of a foreign country may import a vehicle for personal use during their tour of duty. Box 12 of the DOT HS-7 Form is used, and a copy of the importer's official orders must be attached. The vehicle may not be sold, except to another person who is qualified to import a vehicle under the same exception (49 CFR § 591.5(h)(2)).

Temporary Importation for Other Purposes

Nonconforming vehicles may be imported temporarily under bond for the following purposes (19 CFR § 591.5(j)):

- Research
- Investigations
- Show or display
- Demonstrations or training
- Competitive racing events

Importers, who are not original manufacturers of motor vehicles that are certified to comply with all applicable FMVSS, must have prior permission from NHTSA to import vehicles for these purposes.

An application must be submitted to the Import and Certification Division of the Office of Vehicle Safety. The information required in the application includes:

- The make, model, model year, and the VIN.
- The purpose of importation.
- The date and manner of disposition of the vehicle is to be stated.
- A request for permission to use the vehicle on public highways can also be requested. It may not be so used unless specifically authorized.

The importer must receive the NHTSA permission letter prior to importation of the nonconforming vehicle.



An importer who is an original manufacturer of motor vehicles certified to conform to all applicable FMVSS, does not need permission to import a vehicle under Box 7; however, they must provide:

- A statement describing the use to be made of the vehicle or equipment item.
- If the vehicle is to be used on public roads, a statement shall describe the purpose that makes such use necessary, and the period of time during which use of the vehicle or item on public roads is necessary.
- The means and date of disposition of the vehicle must be stated.

To be imported for show or display, a vehicle must have technological or historical significance.

Technological significance would be technology, engineering, and construction features that are advanced and of an unusual nature not commonly found in motor vehicles manufactured in the same time period.

Historical significance would be if a famous person of historical significance owned the vehicle, or if it were the first or last vehicle of a particular model.

NHTSA provides a link on the Vehicle Importation and Certification Requirements page of their website to a list of vehicles that have been determined to be eligible for importation for show and display.

Importations under Box 7 are permitted for a period of up to 3 years.

An importer who does not intend to export or destroy the vehicle prior to 3 years from the date of entry, and intends to pay duty, shall request permission in writing from the Administrator for the vehicle to remain in the United States for an additional period of time, not to exceed 5 years from the date of entry.

Such a request must be received not later than 60 days prior to the end of the 3-year period (49 CFR § 591.7(b)).

Lesson 3: Motor Vehicle Equipment

Motor vehicle equipment that conforms to all applicable standards is certified by selecting Box 2A on the HS-7 Declaration form and providing a description of the equipment (49 CFR § 591.5(b)).

Box 11 is used for motor vehicle equipment that is subject to only the Theft Prevention Standard (49 CFR § 591.5(k)).



The FMVSS in Part 571 prescribes marking and labeling requirements for certain types of motor vehicle equipment, such as brake hoses, tires, brake fluid containers, and glazing materials.

Nonconforming motor vehicle equipment can be temporarily imported for the purpose of export. Box 4 on the DOT HS-7 Form is used. The outside of the container must bear a label or tag stating that the item is being imported for export (49 CFR § 591.5(c)).

Nonconforming motor vehicle equipment may be temporarily imported for the purpose of research (49 CFR § 591.5(j)). Prior permission from NHTSA will be required if the importer is not an original manufacturer of motor vehicles that is certified to conform to applicable FMVSS.

Motor vehicle equipment that is imported for use other than in a motor vehicle is not subject to the FMVSS (49 CFR § 591.5(a)). An example would be seat belts, tires, or glazing materials for use in agricultural tractors. Box 8 on the DOT HS-7 Form is used and a statement is required that the equipment item is not a system, part, or component of a motor vehicle and thus is not an item of motor vehicle equipment that is subject to the Federal Motor Vehicle Safety, Bumper, and Theft Prevention Standards.

Equipment that requires further manufacturing to perform its intended function, other than readily attachable items or minor finishing operations, can be imported using Box 9 on the DOT HS-7 Form (49 CFR § 591.5(e)). A statement will be required by the item's manufacturer identifying the applicable FMVSS to which the item does not conform and describing the further manufacturing required for the item to perform its intended function.

Lesson 4: FAA and Aircraft

The Federal Aviation Administration (FAA) regulates the importation of aircraft. When importing an aircraft, you must register it with the FAA.

The following must be provided:

- A statement by the official having jurisdiction over the National Aircraft Registry of the foreign country of export indicating that registration has ended or that the aircraft was never registered
- Evidence of ownership, such as a Bill of Sale, containing an acceptable ink or digital signature from the foreign seller to the U.S. applicant/owner
- A completed Aircraft Registration Application, AC Form 8050-1
- A check or money order made payable to the Federal Aviation Administration in the amount of \$5 (U.S. funds)



The FAA handles imports on a priority basis. They require you write the word "Import" in red ink on the envelope and the request.

Lesson 5: Hazardous Material

This module will not cover the hazardous material regulations.

Note, however, that there is a regulatory hand-off that occurs when a shipment moves to domestic hazardous regulations under the DOT from other modes of transport such as air under the International Air Transportation Administration (IATA) and sea under International Maritime Dangerous Goods (IMDG) and land from Canada or Mexico. The hazardous regulations that govern domestic trucking may have requirements that imports do not carry.

While this does not directly involve imports, importers may find the movement of their cargo impacted.