

the United States. After modifying the vehicle to conform to all applicable standards, the RI submits a statement of conformity to NHTSA, which issues a letter permitting the bond to be released if it is satisfied that the vehicle has been modified in the manner stated by the RI.

On April 10, 2003, NHTSA submitted to OMB a request for the extension of that agency's approval (assigned OMB No. 2127-0002) of the information collection that is incident to NHTSA's administration of the vehicle importation regulations at 49 CFR Parts 591 and 592, including information collected through the HS-7 Declaration Form and the HS-474 Conformance Bond Form. On June 4, 2003, OMB notified NHTSA that it had approved this extension request through June 30, 2006.

NHTSA published a Notice of Proposed Rulemaking (NPRM) to amend the vehicle import regulations on November 20, 2000 (65 FR 69810-38). If adopted, those amendments would slightly increase the information collection beyond that which was approved by OMB. The proposed amendments are intended, in part, to clarify the requirements applicable to RIs and applicants for RI status, as well as the procedures for suspending or revoking the registrations of RIs that violate the vehicle importation laws.

Record Retention for 10 Years

If the proposed amendments were adopted, RIs would be required to retain, for a period of ten years, records pertaining to the nonconforming vehicles they import (including a copy of the declaration filed for the vehicle at the time of importation, correspondence with the vehicle's owner or purchaser, identifying information on the vehicle, information to substantiate that the vehicle was brought into conformity with all applicable standards and is not subject to any outstanding safety recall campaigns, a copy of the statement certifying the vehicle's conformity that the RI furnished to NHTSA, and information on the service insurance policy procured by the RI to guarantee that it will remedy any safety-related defects or noncompliances that are determined to exist in the vehicle). Under the regulations that are now in effect, RIs are required to retain this information for a period of eight years from the vehicle's date of entry. See 49 CFR 562.6(b).

One-Time Reporting of Information on Company's Business Structure and Key Personnel

In addition, the proposed amendments would require RIs and

applicants for RI status to submit, on a one-time basis, information on their form of business organization (*i.e.*, sole proprietorship, partnership, or corporation), and, depending upon that form of organization, identifying information (including the name, address, and social security number of the RI or applicant if the RI or applicant is organized as a sole proprietorship, all partners if the RI or applicant is organized as a partnership, and all officers, directors, managers, and persons authorized to sign documents on behalf of the RI or applicant if the RI or applicant is organized as a corporation). RIs and applicants that are organized in the form of non-public corporations would also be required to submit a statement issued by the Office of the Secretary of State, or other responsible official of the State in which the RI or applicant is incorporated, certifying that the RI or applicant is a corporation in good standing. If the RI or applicant is a public corporation, it would be required to submit a copy of its latest 10-K filing with the Securities and Exchange Commission.

One-Time Reporting of Information on Facility Addresses and Telephone Numbers, Business Licenses, and Agents for Service of Process

The proposed amendments would also require RIs and applicants for RI status to submit to the agency the street address and telephone number in the United States of each of its facilities for the conformance, storage, and repair of motor vehicles and for the maintenance of records which it will use to fulfill its duties as an RI. RIs and applicants for RI status would also be required to furnish the agency with a copy of a business license or other similar document issued by an appropriate State or local authority, authorizing it to do business as an importer, modifier, or seller of motor vehicles, as applicable, or a statement by the RI or applicant that it has made a bona fide inquiry and is not required by such State or local authority to have such a license or document. RIs and applicants for RI status would also be required to submit to the agency the name of each principal of the RI or applicant who is authorized to submit conformity certifications to NHTSA and the street address of the repair, storage, or conformance facility where each such principal will be located. In addition, if the RI or applicant is not a resident of the United States, it would be required to submit to NHTSA its designation of an agent for service of process in the form required by the agency's regulations at 49 CFR 551.45.

Reporting of Information on Recalled Vehicles

The proposed amendments would also require an RI to notify NHTSA within 30 days if it becomes aware that the manufacturer of a vehicle it has imported will not provide a remedy without charge for a defect or noncompliance that has been determined to exist in that vehicle. The agency is unaware of any circumstance to date in which a vehicle manufacturer has refused to remedy a safety-related defect or noncompliance in a vehicle imported by an RI. Should these practices continue, there will therefore be little if any need for RIs to furnish this information to NHTSA. Should a manufacturer refuse to provide a remedy, the RI would also be required to submit to the agency a copy of the notification letter it intends to send to owners of the affected vehicles to fulfill the defect and noncompliance notification requirements of 49 CFR part 577. The proposed amendments would also require an RI that provides owner notification to submit to NHTSA two progress reports on the recall campaign, containing information specified in 49 CFR 573.7(b)(1)-(4). This requirement would not apply, however, in circumstances where the vehicle's original manufacturer conducts a recall campaign that includes the vehicles imported by the RI.

One-Time Reporting of Information on Alternate Facilities

If an RI intends to use a facility not identified in its application for RI status, the proposed amendments would require it to notify NHTSA of that intent no later than 30 days before it begins to use that facility. In addition, the RI would be required to provide a description of the intended use, a sufficient number of photographs of the facility to fully depict the intended use, a copy of the lease or deed evidencing the RI's ownership or tenancy of the facility, and a copy of the license or similar document issued by an appropriate State or municipal authority stating that the RI is licensed to do business at that facility as an importer and/or modifier and/or seller of motor vehicles (or a statement that it has made a bona fide inquiry and is not required by State or local law to have such a license or permission). If an RI intends to change its street address or telephone number or discontinue use of a facility that was identified in its registration application, the proposed amendments would require it to notify NHTSA not less than 10 days before such change or discontinuance of such use, and identify