

REGISTERED IMPORTER NEWSLETTER No. 32
National Highway Traffic Safety Administration
Office of Vehicle Safety Compliance
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RECALL RESPONSIBILITIES OF REGISTERED IMPORTERS

Registered Importers (RIs) are by definition “manufacturers” under the National Traffic and Motor Vehicle Safety Act of 1966, as amended (Act), 49 U.S.C. § 30101 et seq. As such, they have the same recall responsibilities as motor vehicle and replacement equipment manufacturers under the Act, including the duty to ensure that there are no outstanding safety recalls on the vehicles they import before they sell or release custody of those vehicles. Once a vehicle has been sold or released, an RI has a continuing duty -- extending through the life of the vehicle -- to provide its owner with notification of any safety-related defects or noncompliances with Federal motor vehicle safety standards (FMVSS) that are determined to exist in the vehicle. The RI also has a continuing obligation to provide a free remedy for any such defects or noncompliances for a period of up to ten (10) years after the sale of the vehicle to its first purchaser. For any recall campaigns that may be conducted, RIs have the added responsibility of providing NHTSA with periodic reports on the progress of those campaigns. These responsibilities are explained in greater detail below. As we do not explain in detail all of the recall responsibilities, RIs are encouraged to review thoroughly the pertinent regulations cited in this newsletter.

In the statement of conformity that it submits to NHTSA for each vehicle that it imports, an RI must certify and substantiate that the vehicle either is not subject to any safety recalls or that all noncompliances and defects that are the subject of those safety recalls have been remedied. See 49 CFR 592.6(d)(5). The RI must substantiate this certification by furnishing with the conformity package documentation from the vehicle's original manufacturer verifying that the vehicle is not subject to any outstanding safety recalls.

For each vehicle for which it furnishes a certificate of conformity to the agency, an RI must maintain a service insurance policy in the amount of \$2,000, written or underwritten by an independent insurance company, to ensure that the RI is financially capable of remedying any safety-related defect or noncompliance with an FMVSS that is determined to exist in the vehicle. See 49 CFR 592.5(a)(8). The policy must be furnished with the vehicle at or before the time the RI sells or releases custody of the vehicle. The RI must also identify the policy number and the full corporate or other business name of the insurer that issued the policy in the conformity package that the RI submits to NHTSA. See 49 CFR 592.6(f).

RIs may have notification and remedy responsibilities. See generally 49 CFR 592.6(i). As specified in 49 CFR 592.6(i)(1), an RI must notify NHTSA under 49 CFR Part 573 and notify owners under 49 CFR Part 577 if a vehicle the RI imported or for which it furnished the agency with a certificate of conformity is substantially similar to one that has been found to contain a safety-related defect or a noncompliance with an applicable FMVSS. In this circumstance, the RI also has the duty to provide the affected owner with a remedy without charge (assuming it has not been more than ten years since the first sale of the vehicle). However, notification and remedy is not required if the vehicle's manufacturer or the RI demonstrates that the defect or noncompliance is not present in the vehicle, or that the defect

or noncompliance was remedied before the certificate of conformity was submitted to NHTSA's Office of Vehicle Safety Compliance (OVSC). An RI also is not required to provide notification and remedy where the vehicle's fabricating manufacturer has undertaken those responsibilities.

Specifically, 49 CRR 592.6(i)(2) states: "If a Registered Importer becomes aware (from whatever source) 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, within 30 days thereafter, the Registered Importer must inform NHTSA and submit a copy of the notification letter that it intends to send to owners of the vehicle in question." Recall notifications sent by RIs to vehicle owners must contain the information specified in 49 CFR 577.5. Those notifications must also include the statement that if the RI's repair facility is more than 50 miles from the owner's mailing address, remedial repairs may be performed at no charge at a specific facility designated by the RI that is within 50 miles of the owner's mailing address, or, if no such facility is designated, that repairs may be performed anywhere, with the cost of parts and labor to be reimbursed by the RI. See 49 CFR 592.6(i)(6).

For all recall campaigns it conducts, an RI must submit progress reports (termed "quarterly reports" in 49 Part 573). Instead of the six quarterly reports required by Part 573 for fabricating manufacturers, RIs are required to submit only two reports covering the periods ending nine and 18 months after the commencement of the owner notification campaign. The reports must be submitted within 30 days of the end of each period. For further information on what information is required to be reported in these reports, see 49 CFR 573.7(b)(1) through (4)). These reports must be sent to OVSC. OVSC's mailing address for these reports is:

RI Part 573 Status Report
Office of Vehicle Safety Compliance
NHTSA - NVS-223 Room 6111
400 Seventh Street, SW
Washington, DC 20590

On a monthly basis, OVSC will send to all RIs by email, a list generated by the agency's Office of Defects Investigations (ODI) identifying safety recalls announced the previous month. RIs should use this list to obtain details on individual recalls from the ODI web site. The most recently announced safety recalls are shown in Table 1.

Table 1

ODI – Recall Notifications – August 26, 2006	
Beginning Number:	Ending Number:
06V-326	06V-337
<i>Note: Numbers are sequential, e.g., 326, 327, 328...337</i>	

You may obtain the details of each recall notice by visiting the ODI web site at:

<http://www-odi.nhtsa.dot.gov/cars/problems/recalls/recallsearch.cfm>

To search the ODI database, you must modify the recall number, such as "06V-326" identified in Table 1. You do this by first removing the hyphen and then adding three zeros to the end of each number. For example, "06V-326" becomes "06V326000."

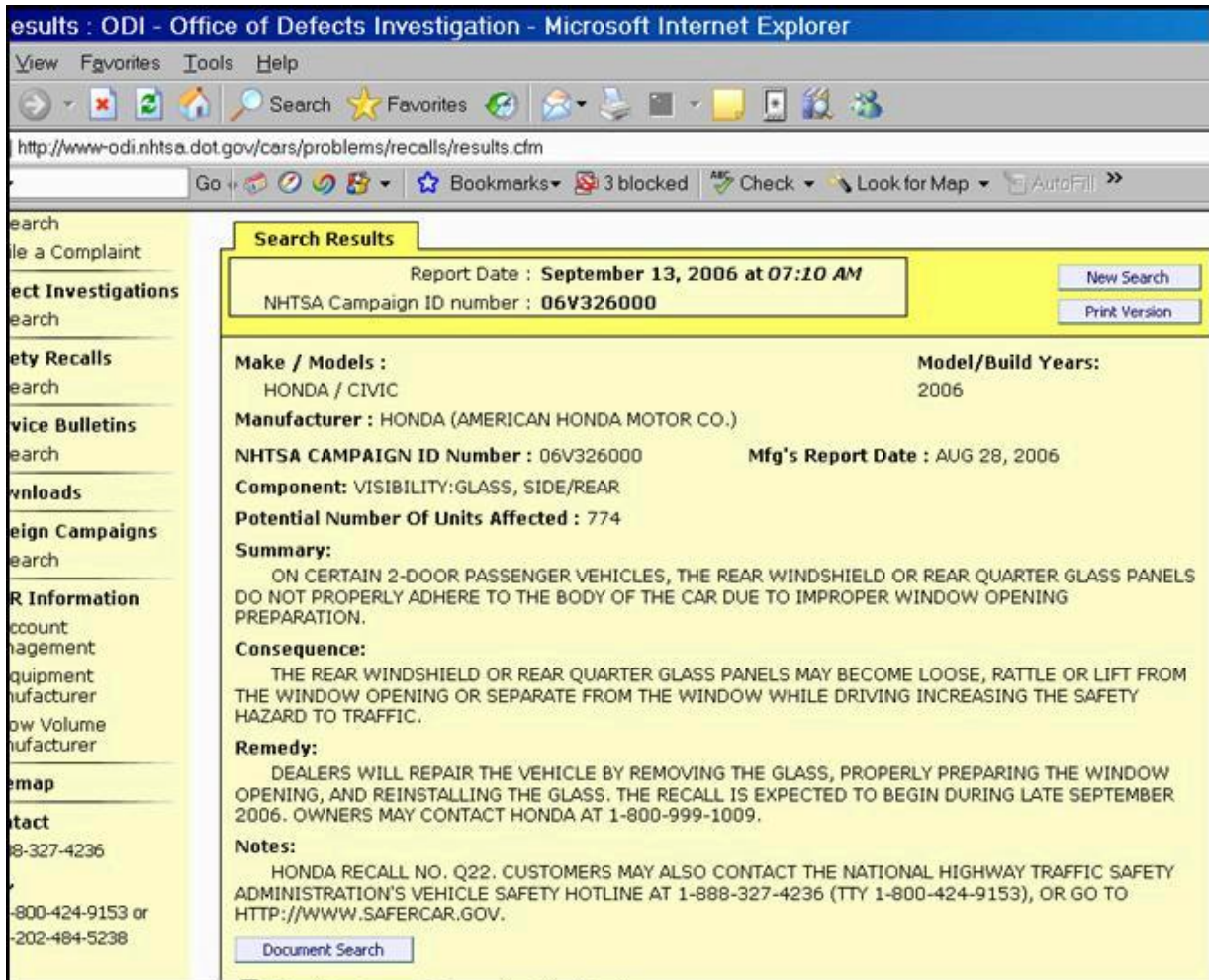
Next, enter “06V326000” in the block entitled “NHTSA Campaign ID Number” and then click on the button marked “Search.”

The screenshot shows a web browser window with the URL <http://www-odi.nhtsa.dot.gov/cars/problems/recalls/recallsearch.cfm>. The page has a navigation bar with links to Complaints, Defect Investigations, and Recalls. A sidebar on the left contains a menu with links to various sections like Complaints, Defect Investigations, Safety Recalls, Service Bulletins, Downloads, Foreign Campaigns, EWR Information, Sitemap, and Contact. The main content area features a "Quick Search" section with the following fields and options:

- Select »** (dropdown menu)
- Type** (dropdown menu)
- Year** (dropdown menu)
- Make** (dropdown menu)
- NHTSA Campaign ID Number:** (e.g. 01V166002) with an input field containing "06V326000" and a "Search" button.
- New recall information since:** (dropdown menu) with "09/02/2006" selected and a "Search" button.
- Show Full Summary:** ☒

Two red arrows point to the "NHTSA Campaign ID Number" input field and the "Search" button next to it. Below the search fields, there is a note: "Please note that documents, which are summarized c from NHTSA Technical Information Services. Fees are i The following link describes [TIS Fees](#). Also described can view and/or copy docum".

The database will return a summary of the recall, the make, model, and model year of the affected vehicles, the potential number of units affected, the consequences of the identified defect or noncompliance, and the remedy offered by the manufacturer.



You should determine whether vehicles imported by you are of the same make, model, and model year as the vehicles subject to the recall. If so, you will have to contact the fabricating manufacturer to determine whether any vehicle that you have imported, by vehicle identification number (VIN), is included in the recall and whether the fabricating manufacturer is furnishing the owner of that vehicle with notification of the defect or noncompliance and a remedy.

NHTSA is aware that at least one fabricating manufacturer (Honda) will not provide notification and remedy for vehicle owners whose vehicles were imported into the United States by RIs. If the fabricating manufacturer is not providing notification and remedy, you are required to provide notification and remedy to the vehicle owners.

You may also search the NHTSA/ODI web site: <http://www-odi.nhtsa.dot.gov/cars/problems/recalls/recallsearch.cfm> for vehicle recall information. Simply click on the button "Search" located in the "New recall information since" section of the web page as illustrated below. This will return results announced since the date shown in the dialog box.

ce of Defects Investigation - Microsoft Internet Explorer

ols Help

Search Favorites

gov/cars/problems/recalls/results.cfm

Bookmarks 3 blocked Check AutoLink AutoFill >>

Search Results

Report Date : **September 13, 2006 at 07:24 AM**

New Information Added Since : **August 27, 2006**

[New Search](#)

[Print Version](#)

Results : **8** | All records displayed

Make / Models : DOING INDUSTRY / DY0401	Model/Build Years: 9999
Manufacturer : CHINEX APPAREL, INC.	
NHTSA CAMPAIGN ID Number : 06E074000	Mfg's Report Date : AUG 28, 2006
Component: EQUIPMENT:MOTORCYCLE:HELMETS	
Potential Number Of Units Affected : 18419	

[Document Search](#)

☐ Check to Request Research. Submit below.

[Get Summary](#)

Make / Models : HONDA / CIVIC	Model/Build Years: 2006
Manufacturer : HONDA (AMERICAN HONDA MOTOR CO.)	
NHTSA CAMPAIGN ID Number : 06V326000	Mfg's Report Date : AUG 28, 2006
Component: VISIBILITY:GLASS, SIDE/REAR	
Potential Number Of Units Affected : 774	

In closing, we recommend that RIs review their responsibilities under NHTSA regulations cited herein relating to safety-related defects and noncompliances with the FMVSS. In particular, RIs should carefully review 49 CFR Parts 573, 577, and 592. Failure to properly follow the regulations not only places public safety at risk, but can lead to the imposition of substantial civil penalties against the offending RIs.