**Section 1010.140 Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards**

a) Definitions

"Customs" means the United States Customs Service within the United States Department of the Treasury.

Customs Form 301, entitled "Customs Bond," means a document completed by the importer to insure that the vehicle will be modified to achieve compliance with applicable emission and safety standards. Customs will not release this bond until it receives approval letters from both DOT and EPA.

Customs Form 4333A, entitled "Notice of Liquidation," means a form used by Customs to notify the importer of record that the vehicle has been approved for importation into the United States.

"Customs Regulations" means regulations promulgated by the United States Customs Service as set forth in 19 CFR 12.73 and 12.80 (1985).

"Dealers" means persons or organizations licensed under Section 5-101 or 5-102 of the Illinois Vehicle Code (Ill. Rev. Stat. 1983, ch. 95½, pars. 5-101 and 5-102) and regulated by 92 Ill. Adm. Code 1020, to sell new and/or used vehicles in Illinois.

"DOT" means the U.S. Department of Transportation.

"DOT Compliance Letter" means a letter written by the DOT to Customs which released the DOT's claim on the bond on the imported vehicle. The "DOT Compliance Letter" acknowledges receipt, from the importer, of a statement of compliance which meets the requirements of 19 CFR 12.80(e)(1985). The "DOT Compliance Letter" does not mean that the vehicle conforms with all applicable Federal Motor Vehicle Safety Standards. In this letter the DOT reserves the right to perform a compliance inspection to verify the information contained in the importer's statement of compliance.

DOT Form HS-7, entitled "Importation of Motor Vehicles and Motor Vehicle Equipment Subject to Federal Motor Vehicle Safety Standards," means a declaration by the importer that the vehicle is being imported under the provisions of 19 CFR 12.80 (1985). The importer or the importer's agent indicates whether the vehicle conforms, does not conform, or is exempt from federal safety standards.

"Entry Forms" means Customs Form 7501, entitled either "Entry Summary" or "Informal Entry." Entry forms are signed by the importer or the importer's agent and transmitted to Customs. Entry forms indicate whether the imported vehicles conform to, or are exempt from, federal emission and safety standards. The "Entry Summary" form is used when the vehicle is admitted under bond.

"EPA" means the U.S. Environmental Protection Agency.

"EPA Approval Letter" means a letter from the EPA to Customs which releases the EPA's claim on the bond on the imported vehicle. Attached to the EPA Approval Letter" is the EPA "Motor Vehicle Emission Test Report Form" which indicates that the vehicle has been tested and has been determined to be in compliance with federal emission standards.

"EPA Exemption Letter" means a letter written by the EPA to Customs which releases the EPA's obligation on the bond on the imported vehicle. The "EPA Exemption Letter" also advises the importer that according to federal law the vehicle is not required to comply with federal emission standards or that the importer paid a penalty assessed by customs because the vehicle failed to conform to federal emission standards.

EPA Form 3520-1, entitled "Importation of Motor Vehicles and Motor Vehicle Engines Subject to Federal Air Pollution Control Regulations," means a declaration by the importer that the vehicle complies with applicable emission standards, is exempt from such standards, or is being admitted under bond.

"Emissions Standards" means standards prescribed by the EPA pursuant to the Clean Air Act. (42 U.S.C. 7401 et seq. (1982)), as set forth in 40 CFR 85 (1984).

"Final Admission" means the vehicle has been approved for importation by Customs. For formal entries, final admission occurs after EPA and DOT have approved the importation and have notified Customs accordingly. Customs notifies the importer that the vehicle has been finally admitted by sending Customs Form 433A, the Notice of Liquidation.

"Foreign Documents of Ownership" means documents issued by foreign countries indicating that the bearer or the person or organization named in the document is the owner of the vehicle. Examples of these documents are listed for illustration purposes at subsection (c)(2).

Importer" means the party of record listed on Customs Form 301. The "importer does not necessarily mean the consumer who purchased the vehicle. The importer of record may be the broker who handles the importation for the consumer.

"International Registration Document" means an ownership document. This document does not indicate whether the vehicle complies with U.S. emission and safety standards.

"Manufacturer's Certificate of Origin (MCO)" means an ownership document. The MCO normally is issued by the manufacturer to vehicles manufactured for export to the United States. The MCO is issued to vehicles which meet U.S. emission and safety standards.

"Model Year" indicates the year the vehicle was manufactured. Vehicles will be designated with a particular model year pursuant to subsection (d)(5).

"Safety Standards" means standards prescribed by DOT pursuant to the National Traffic and Motor Vehicle Safety Act of 1966, as amended, (15 U.S.D. 1392, 1407 (1982)), as set forth in 49 CFR 571 (1984).

"VIN" means vehicle identification number.

b) Statement of Policy

1) Federal law prohibits a conditionally admitted motor vehicle from being operated on the public highways or sold until the motor vehicle has been finally admitted into the United States. Failure to comply constitutes a violation of Section 203(a)(1) of the Clean Air Act (42 U.S.C. 7523(a)(1)(1982)). (See 40 CFR 85.1507(1984)). Individual states are preempted from enforcing emission standards covered by the Clean Air Act. (42 U.S.C. 7543(a)(1982)). Similarly, vehicles are refused admission for failure to conform to safety standards pursuant to the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1397(b)(3)(1982)). These citations are provided for reference purposes and do not denote an incorporation by reference.

2) The Secretary's rules which follow do not represent an attempt by the State of Illinois to enforce either the Clean Air Act or the National Traffic and Motor Vehicle Safety Act. However, many form letters used by the federal agencies fail to identify the imported vehicle by VIN. Therefore, certain documents are required by the Secretary simply to ascertain that the vehicle for which title and registration is sought is the same vehicle admitted into the United States by Customs.

c) Documents Required to be Submitted to the Secretary of State Prior to Receiving Illinois Title and Registration

1) Federal Forms Required

A) Customs Form 7501, entitled "Entry Summary" or "Informal Entry;" and

B) EPA Form 3520-1 ("Importation of Motor Vehicles and Motor Vehicle Engines Subject to Federal Air Pollution Control Regulations") or EPA's "Motor Vehicles Emission Test Report Form"; and

C) Either an EPA approval letter or an EPA exemption letter; and

D) DOT compliance letter (stating vehicle is in compliance with 19 CFR 12.80(e)(1985)).

2) Foreign Documents of Ownership

A) A foreign document of ownership is required. This document must be in English or accompanied by an English translation. The titles of the documents issued by various countries are provided as examples:

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| Country | Document |
| Austria | TYPENSCHEIN or the EINZELGENEHMIGUNG |
| Belgium | CERTIFICAT D'IMMATRICULATION |
| France | CARTE GRISE |
| Italy | FOGLIO COMPLEMENTARE or the AUTOMOBILE CLUB D'ITALIA referred to as the 10/4A Form |
| Netherlands | KENTEKENBEWIJS |
| Switzerland | FAHRZEUGAUSWEIS |
| United Kingdom | Vehicle Registration Document |
| West Germany | FAHRZEUGBRIEF or International Registration document |

B) Alternatively, a Manufacturer's Certificate of Origin (MCO) will be accepted from any country. This document must be in English or accompanied by an English translation.

3) Bill of Sale

A bill of sale is required if the seller is not a U.S. citizen and the sale occurred in a foreign county. This document must be in English or accompanied by an English translation.

d) Miscellaneous

1) First and subsequent Illinois buyers

A) The first Illinois resident who purchases an imported vehicle not manufactured in conformity with federal emission and safety standards must obtain a title for the vehicle in Illinois. The requirement of this subsection applies to persons and organizations licensed as vehicle dealers as well as to persons and organizations not licensed as vehicle dealers.

B) To apply for registration, subsequent Illinois buyers shall present the existing certificate of title issued by any U.S. state. The existing certificate must be endorsed or assigned to the registration applicant and must be accompanied by the application form provided by the Secretary of State and registration and title fees. Subsequent Illinois buyers shall not be required to furnish the documents listed in subsection (c) to obtain an Illinois title and registration.

2) If the Illinois resident applying for title and registration either never received or has lost the federal forms listed under subsection (c)(1), he or she must obtain a copy of the missing forms from the appropriate federal agency before the title and registration application will be processed by the Secretary of State. The Secretary will furnish the applicant with the federal agencies' addresses and telephone numbers.

3) For insurance purposes, the Secretary will issue a salvage certificate to a vehicle not manufactured in conformity with federal emission and safety standards despite the fact that the vehicle has not been admitted by Customs. The statutory language quoted below may be found at Ill. Rev. Stat. 1984 Supp., ch. 95½, par. 3-117.1(b)(1).

A) *When an insurance company makes a payment of damages on a total loss claim for a vehicle, the insurance company shall be deemed to be the owner of such vehicle and the vehicle shall be considered to be salvage.*

B) The vehicle owner shall submit an affidavit to the Secretary of State attesting that the vehicle was a total loss or was stolen before admission into the U.S. and before an Illinois Certificate of Title could be issued. The vehicle owner shall provide the Secretary with the name and address of his or her insurance company, the foreign documents of ownership and bill of sale, and shall identify the vehicle by manufacturer and VIN.

C) *The salvage certificate shall be issued in the name of the insurance company.*

D) *An insurer making payment of damages on a total loss claim for the theft of a vehicle may exchange the salvage certificate for a certificate of title if the vehicle is recovered without damage,* upon admission into the U.S. by Customs. The documents listed in subsection (c)(1) shall be submitted to the Secretary by the insurance company.

4) Any foreign-made vehicle manufactured between October 1 and December 31 of a particular calendar year will be identified with a model year based on the calendar year for the following January on the certificate of title if not identified by a different model year on the document of ownership. If the documents of ownership indicate a specified model year, that designation will be used on the certificate of title.

5) When the vehicle has been informally admitted by Customs, the vehicle either meets or is exempt from federal emission and safety standards. The importer or the importer's agent declares on DOT forms HS-7, EPA form 3520-1, and Customs' informal entry form that the vehicle either conforms to, or is exempt from, federal emission and safety standards. That the vehicle either conforms or is exempt must be indicated on all three forms. In this situation, the registration and title applicant shall supply these three forms, but need not submit the approval or compliance letters listed at subsections (c)(1)(C) and (c)(1)(D). The informal entry form must bear Customs' official entry file number. If the vehicle neither conforms nor is exempt from federal standards, the EPA and DOT approval letters must be supplied.

6) If the importer paid a penalty assessed by Customs to import a nonconforming vehicle, the title and registration applicant must provide a copy of the penalty letter and a copy of the receipt from Customs showing payment. The penalty letter and receipt shall provide proof that the title and registration applicant paid the assessed penalty and shall be accepted in lieu of the compliance or exemption letters.

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