

## § 594.7

### **§ 594.7 Fee for filing petition for a determination whether a vehicle is eligible for importation.**

(a) Each manufacturer or registered importer who petitions NHTSA for a determination that—

(1) A nonconforming vehicle is substantially similar to a vehicle originally manufactured for importation into and sale in the United States and of the same model year as the model for which petition is made, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards, or

(2) A nonconforming vehicle has safety features that comply with or are capable of being modified to comply with all applicable Federal motor vehicle safety standards,

shall pay a fee based upon the direct and indirect costs of processing and acting upon such petition.

(b) The direct costs attributable to processing a petition filed pursuant to paragraph (a) of this section include the average cost per professional staff-hour, computer and computer operator time, and postage. The direct costs also include those attributable to any inspection of a vehicle requested by a petitioner in substantiation of its petition.

(c) The indirect costs attributable to processing and acting upon a petition filed pursuant to paragraph (a) of this section include a pro rata allocation of the average salary and benefits of persons employed in processing the petitions and recommending decisions on them, and a pro rata allocation of the costs attributable to maintaining the office space, and the computer or word processor.

(d) The direct costs attributable to acting upon a petition filed pursuant to paragraph (a) of this section, also include the cost of publishing a notice in the FEDERAL REGISTER seeking public comment, the cost of publishing a second notice with the agency's determination, and a pro rata share of the cost of publishing an annual list of nonconforming vehicles determined to be eligible for importation.

(e) For petitions filed on and after October 1, 2002, the fee payable for seeking a determination under paragraph (a)(1) of this section is \$175. The

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fee payable for a petition seeking a determination under paragraph (a)(2) of this section is \$800. If the petitioner requests an inspection of a vehicle, the sum of \$550 shall be added to such fee. No portion of this fee is refundable if the petition is withdrawn or denied.

(f) In adopting a fee for the next fiscal year, the Administrator employs data based upon the cost of determinations and the amount of fees received for the 12-month period ending June 30 of the fiscal year preceding that fiscal year.

[54 FR 40107, Sept. 29, 1989, as amended at 55 FR 40667, Oct. 4, 1990; 56 FR 49429, Sept. 30, 1991; 58 FR 51023, Sept. 30, 1993; 61 FR 51045, Sept. 30, 1996; 65 FR 56500, Sept. 19, 2000; 67 FR 60599, Sept. 26, 2002]

### **§ 594.8 Fee for importing a vehicle pursuant to a determination by the Administrator.**

(a) A fee as specified in paragraphs (b) and (c) of this section shall be paid by each importer of a vehicle covered by a determination made under part 593 of this chapter to cover the direct and indirect costs incurred by NHTSA in making such determinations.

(b) If a determination has been made pursuant to a petition, the fee for each vehicle is \$125. The direct and indirect costs that determine the fee are those set forth in §§ 594.7(b), (c), and (d).

(c) If a determination has been made on or after October 1, 2002, pursuant to the Administrator's initiative, the fee for each vehicle is \$125. The direct and indirect costs that determine the fee are those set forth in §§ 594.7(b), (c), and (d), and references to "petition" shall be understood as relating to NHTSA's documents that serve as a basis for initiating determinations on its own initiative.

[55 FR 40667, Oct. 4, 1990, as amended at 58 FR 51023, Sept. 30, 1993; 61 FR 51045, Sept. 30, 1996; 63 FR 45186, Aug. 25, 1998; 65 FR 56500, Sept. 19, 2000; 67 FR 60599, Sept. 26, 2002]

### **§ 594.9 Fee for reimbursement of bond processing costs.**

(a) Each registered importer shall pay a fee based upon the direct and indirect costs of processing each bond furnished to the Secretary of the Treasury with respect to each vehicle for which it furnishes a certificate of

conformity to the Administrator pursuant to § 591.7(e) of this chapter.

(b) The direct and indirect costs attributable to processing a bond are provided to NHTSA by the U.S. Customs Service.

(c) The bond processing fee for each vehicle imported on and after October 1, 2002, for which a certificate of conformity is furnished, is \$6.20.

[54 FR 40107, Sept. 29, 1989, as amended at 56 FR 49429, Sept. 30, 1991; 58 FR 51023, Sept. 30, 1993; 61 FR 51045, Sept. 30, 1996; 63 FR 45186, Aug. 25, 1998; 65 FR 56500, Sept. 19, 2000; 67 FR 60599, Sept. 26, 2002]

**§ 594.10 Fee for review and processing of conformity certificate.**

(a) Each registered importer shall pay a fee based on the agency's direct and indirect costs for the review and processing of each certificate of conformity furnished to the Administrator pursuant to § 591.7(e) of this chapter.

(b) The direct costs attributable to the review and processing of a certificate of conformity include the estimated cost of contract and professional staff time, computer usage, and record assembly, marking, shipment and storage costs.

(c) The indirect costs attributable to the review and processing of a certificate of conformity include a pro rata allocation of the average benefits of persons employed in reviewing and processing the certificates, and a pro rata allocation of the costs attributable to the rental and maintenance of office space and equipment, the use of office supplies, and other overhead items.

(d) The review and processing fee for each certificate of conformity submitted on and after October 1, 2002 is \$18. However, if the vehicle covered by the certificate has been entered electronically with the U.S. Customs Service through the Automated Broker Interface and the registered importer submitting the certificate has an e-mail address, the fee for the certificate is \$6, provided that the fee is paid by a credit card issued to the registered importer. If NHTSA finds that the information in the entry or the certificate is incorrect, requiring further processing, the processing fee shall be \$18. However, if the importer electronically

corrects the incorrect information, the processing fee shall be \$12 rather than \$18.

[62 FR 50882, Sept. 29, 1997, as amended at 63 FR 45186, Aug. 25, 1998; 65 FR 56500, Sept. 19, 2000; 67 FR 60599, Sept. 26, 2002]

**PART 595—RETROFIT ON-OFF SWITCHES FOR AIR BAGS**

**Subpart A—General**

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- 595.6 Modifier identification.
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APPENDIX A TO PART 595—INFORMATION BROCHURE.

APPENDIX B TO PART 595—REQUEST FORM.

APPENDIX C TO PART 595—INSTALLATION OF AIR BAG ON-OFF SWITCHES.

AUTHORITY: 49 U.S.C. 322, 30111, 30115, 30117, 30122 and 30166; delegation of authority at 49 CFR 1.50.

SOURCE: 62 FR 62442, Nov. 21, 1997, unless otherwise noted.

**Subpart A—General**

**§ 595.1 Scope.**

This part establishes conditions under which the compliance of motor vehicles and motor vehicle equipment with the Federal motor vehicle safety standards may be made inoperative.

[66 FR 12655, Feb. 27, 2001]

**§ 595.2 Purpose.**

The purpose of this part is to provide an exemption from the "make inoperative" provision of 49 U.S.C. 30122 that permits motor vehicle dealers and motor vehicle repair businesses to install retrofit air bag on-off switches and to otherwise modify motor vehicles