

**REGISTERED IMPORTER NEWSLETTER No. 59**  
**National Highway Traffic Safety Administration**  
**Office of Vehicle Safety Compliance**  
**October 20, 2016**

**RECALL RESPONSIBILITIES OF REGISTERED IMPORTERS  
BEFORE SUBMITTAL OF CONFORMITY PACKAGES**

**Need for Updating Prior Newsletter on Recalls:** Registered Importer (RI) Newsletter No. 32 was issued in September 2006 to apprise RIs of their responsibility to ensure that imported nonconforming vehicles are properly recalled to remedy any safety-related defects or noncompliances with Federal motor vehicle safety standards (FMVSS) that are determined to exist in those vehicles. Since that newsletter was issued, an unprecedented number of vehicles are subject to recall. Furthermore, the Fixing America's Surface Transportation (FAST) Act was signed into law on December 4, 2015. Section 24402 of the FAST Act now requires a manufacturer to provide a free remedy for safety-related defects or noncompliances with applicable FMVSS in motor vehicles for a period of 15 years (instead of 10 years) after the motor vehicle was first purchased. A person who imports motor vehicles for resale qualifies as a "manufacturer" under 49 U.S.C. § 30102(a)(6)(B).

The Office of Vehicle Safety Compliance (OVSC) has therefore identified a need to update the guidance it provides to RIs on their recall responsibilities. **Please note that Newsletter No. 32 is expressly superseded by this newsletter and should no longer be relied upon for guidance with regard to any information it contains that differs from the information presented below.**

**RIs have the same Recall Responsibility as Vehicle Manufacturers:** Because they import motor vehicles for resale, RIs are by definition "manufacturers" under the National Traffic and Motor Vehicle Safety Act of 1966, as amended ("the Act"), 49 U.S.C. § 30101 et seq. As such, they have the same recall responsibilities as motor vehicle manufacturers under the Act. RIs have 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. See 49 CFR 592.6(d)(5). Once a vehicle has been sold or released, an RI has a general duty -- extending through the life of the vehicle -- to provide its owner with notification of any safety-related defects or noncompliances with FMVSS that are determined to exist in the vehicle. See *generally* 49 U.S.C. § 30147(a)(1)(B) (stating that for the purpose of statutes relating to the notification and remedy of a safety-related defect or noncompliance, "the registered importer shall be deemed to be the manufacturer of any motor vehicle that the importer imports or brings into compliance with the standards for an individual..."). The RI also has a general obligation to provide a free remedy for any such defects or noncompliances for a period of up to fifteen (15) years after the sale of the vehicle to its first purchaser. See 49 U.S.C. § 30120(g)(1) and 49 CFR 592.6(i)(1). 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. 49 CFR 592.6(i)(5).

**Focus of this Newsletter:** This newsletter addresses RI recall responsibilities prior to submission of conformity packages to NHTSA. Post submission responsibilities will be explained in another newsletter to follow. As we do not explain in detail all of the recall responsibilities, RIs are encouraged to review thoroughly the pertinent regulations.

This newsletter focuses on Canadian-certified vehicles imported under vehicle eligibility numbers VSA-80 through VSA-83 because they account for the overwhelming majority (exceeding 99 percent) of imported nonconforming vehicles. RIs who import vehicles manufactured for sale in other markets have the same responsibilities for defects and noncompliances as the importers of Canadian-certified vehicles. As such, they would need to provide the owner of the vehicle with notification and a remedy if there is a safety-related defect or noncompliance in the substantially similar U.S. model. However, importers of vehicles from markets other than Canada would not need to check for Canadian recalls on those vehicles.

**Substantiating Recall Status:** In the statement of conformity that it submits to NHTSA for each Canadian-certified 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). An RI can accomplish the required substantiation by furnishing with the conformity package documentation verifying that the vehicle is not subject to any outstanding safety recalls as illustrated below. Transport Canada provides a link to vehicle manufacturers' web sites where individual VINs may be checked for recalls. See: <https://www.tc.gc.ca/eng/motorvehiclesafety/safevehicles-defectinvestigations-1412.html>. You will note that not all manufacturers provide an online recall search by VIN.

### **Recall Remedy Evidence #1**

If the manufacturer does not provide the means to search recall status online by VIN , acceptable substantiation evidence could be provided by verifying with the manufacturer or its franchised dealer that the vehicle either: 1) has no incomplete recalls or 2) that any recalls that were outstanding have been remedied. You should include this evidence in the conformity package that you submit to NHTSA by furnishing a document/printout from the manufacturer or dealer that identifies the vehicle by VIN. (Sample shown below.)



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Accredited  
Repair Facility

I HEREBY ACKNOWLEDGE IN THE SUM OF \$ \_\_\_\_\_ BEING ALL WORK FOR REPAIRS, PARTS, & ACCESSORIES DESCRIBED IN THIS WORK ORDER.

ALL ITEMS ARE SUBJECT TO CHANGE WITHOUT NOTICE		INVOICE DATE: <b>11/25/15</b>	INVOICE NO.:
LABOUR RATE:	LICENSE NO.:	COLOUR: <b>Blue</b>	STOCK NO.:
VEHICLE MODEL: <b>13/JEEP/WRANGLER/SAHARA</b>	KILOMETRES: <b>50,180</b>	DELIVERY DATE: <b>05/08/13</b>	DELIVERY KMS: <b>92,500</b>
VEHICLE ID NO.: <b>1C4BJWE61D1</b>	SELLING DEALER NO.:	PRODUCTION DATE:	
RESIDENCE PHONE:	BUSINESS PHONE:	R.O. DATE: <b>10/28/15</b>	R.V. SERVICE DATE: <b>05/08/13</b>

**Recall Remedy Completed by Dealer**

JOB#	1 CHARGES	LABOUR	UNITS	TECH(S)	WARRANTY
	# 1 09JEZ	ENGINE REPAIR	8.30	31220	
	COMPLAINT:	CHECK AND REPORT ENGINE LIGHT ON			
	CAUSE:	MI TECH SCAN - P0306 CYLINDER 6 MIS FIRE			
		1 68078540-AC			
		8 06509564-AA			
		1 68083133-AB			
		2 0VU01524-AB			
	TOTALS				0.00

JOB#	2 CHARGES	LABOUR	UNITS	TECH(S)	WARRANTY
	# 2 08JEZ	ELECTRICAL	1.20	26374	
	COMPLAINT:	RECALL: P61 PWR MIRROR WIRING			
	CAUSE:	RECALL NOTICE			
	CORRECTION:	INSTALLED MIRROR CONNECTORS AND WATER SHIELDS			
		1 0VU01524-AB			
	TOTALS				0.00

JOB#	3 CHARGES	LABOUR	UNITS	TECH(S)	WARRANTY
	# 3+08JEZAELECT2	ELECTRICAL 2		26374	
	Added Operation	(SURESH @ 11/23/2015 14:36)			
	COMPLAINT:	CHECK AND REPORT RADIO SCREEN IN-OP			
	CAUSE:	INTERMITTENT			
	CORRECTION:	PART RECEIVED: DEFECTIVE - ORDERED ANOTHER-CLIENT TO RETURN			
	TOTALS				0.00

**COMPLETELY SATISFIED**

THIS IS THE MOST IMPORTANT MEASUREMENT OF OUR SERVICE.

**IMPORTANT**

Thank you for giving us the opportunity to service your vehicle. We are excited by Chrysler Canada through customer surveys. If you are "Completely Satisfied" we would appreciate you indicating so and sending in your surveys as you receive them. If you are not, could you please let us know now in order for us to address your concerns.



The Consumer Protection Act, 2002 provides you with rights in relation to having a motor vehicle repaired. Among other things, you have a right to a written estimate. A repairer may not charge an amount that is more than ten (10) per cent above that estimate. If you waived your right to an estimate, the repairer must have your authorization of the maximum amount that you will pay for the repairs. The repairer may not charge more than the maximum amount you authorized. In either case the repairer may not charge for any work you did not authorize.

If you have concerns about the work or repairs performed by the repairer or about your rights or duties under the Consumer Protection Act, 2002, you should contact the Ministry of Consumer and Business Services.

All work guaranteed for 90 days or 6400 kms. Dealer installed new Chrysler parts 12 month/unlimited kms parts and labour guarantee. (Some conditions apply) Scarsview Chrysler Dodge Jeep is concerned about our environment, we follow Ministry guidelines when disposing of toxic substances there may be a disposal charged on the work performed.

*Thank You*

## Recall Remedy Evidence #2

If the manufacturer does provide the means to search a vehicle's recall status online by VIN, navigate to the manufacturer's web page, enter the VIN, and conduct the search. Acceptable substantiating evidence would be provided by printing the manufacturer's web site search results showing that the vehicle with the subject VIN has no outstanding recalls and including this printout in your conformity package to NHTSA. (See sample below.)

9/28/2016

Recall Search Date Shown

TOYOTA CANADA: Recalls & Campaigns

TOYOTA

Recalls & Campaigns

Look Up Safety Recalls and Service Campaigns by VIN

Toyota is committed to developing technologies to ensure that you derive optimal enjoyment from your vehicle. From time to time, we may need to repair or replace a vehicle component to help maintain the quality and safety of your vehicle. As a Toyota owner or lessee, you will be notified by mail if your vehicle requires repairs or servicing and you will be instructed as to how to obtain the repair or servicing at no cost to you.

Campaigns conducted by Toyota can be Safety Recall Campaigns and/or Limited Service Campaigns. Certain Warranty Enhancement Programs may also be applicable to your vehicle.

Campaign Definitions

VIN Shown

VIN: 4T3BK3BB1D11 [VIN last 6 redacted for RI newsletter]  
2013 Toyota VENZA V6 AWD

There are no outstanding campaigns associated with this VIN

There are no outstanding campaigns associated with this Vehicle Identification Number.

Look Up Another Vehicle

To ensure we have your correct mailing address, please [click here to update your information](#).

If you have any questions about your vehicle, please contact Toyota Canada's Customer Interaction Centre at 1-888-TOYOTA-8 (1-888-869-6828) Monday to Friday between 8:00 am and 6:00 pm Eastern Time. You can also [click here to send us an email](#).

If the web site recall search shows an incomplete recall (for whatever reason), you must substantiate that the safety recall has been performed. Acceptable substantiation would include evidence in the form of a document/printout from the manufacturer or dealer showing that the recall has been remedied for the vehicle with the subject VIN. (See Sample shown in Recall Evidence #1.)

**Recall Remedy Parts Unavailability:** Because some manufacturers are experiencing parts unavailability with respect to parts needed to remedy recalled vehicles (e.g., Takata air bags), NHTSA suggests that RIs check the VINs via the manufacturers' websites or franchised dealerships to determine whether recall parts are available prior to importing the vehicles. If parts are unavailable in either Canada or in the United States and the RI imports the vehicle, by NHTSA's regulations, the RI must, among other things, maintain custody of the vehicle at its US-based, NHTSA-approved facility. The RI may be unable to provide NHTSA with evidence of the recall remedy in its conformity package before the 120-day period for submitting conformity data expires. In such situations, NHTSA would be free to seek forfeiture of the bond. See e.g. 49 CFR 592.6(h).

**Original Vehicle Manufacturer Recall Responsibility:** You should be aware that an original vehicle manufacturer is not obligated to provide recall remedies for Canadian-certified vehicles that RIs import into the United States. If the manufacturer refuses to provide a recall remedy, the RI is required to remedy the vehicle at its own expense. See e.g. 49 CFR 592.6(i).

**Required Service Insurance Policy:** For each vehicle for which it furnishes a certificate of conformity to the agency, an RI must maintain a prepaid mandatory service insurance policy in the amount of \$2,000 per vehicle, 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 e.g. 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. See 49 CFR 592.6(f). 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(d)(ix).

**Conclusion:** In closing, we recommend that RIs review their responsibilities under NHTSA statutes and regulations cited herein relating to safety-related defects and noncompliances with the FMVSS. In particular, RIs should carefully review 49 CFR Part 592. Failure to properly follow the regulations not only places public safety at risk, but can lead to an RI's registration being suspended or revoked, or the imposition of substantial civil penalties. Those penalties were recently increased in the FAST Act to \$21,000 per violation, up to a maximum civil penalty of \$105,000,000 for a related series of violations, with a separate penalty existing for each vehicle that is incorrectly certified by the RI as being free of outstanding recalls.