

# Overview of EPA Import Requirements for Vehicles and Engines



# Overview of EPA Import Requirements for Vehicles and Engines

Compliance and Innovative Strategies Division  
Office of Transportation and Air Quality  
U.S. Environmental Protection Agency

U. S. Environmental Protection Agency  
Requirements Only

## DISCLAIMER:

This overview is produced by the U.S. Environmental Protection Agency (EPA) and is updated periodically. It is the responsibility of the importer to refer to the most recent version of the *Overview* and/or the more detailed *Procedures for Importing Vehicles and Engines into the United States* when importing motor vehicles.

---

**Table of Contents**

	<b><u>Page</u></b>
<b>Section 1: Permanent Importations of Vehicles and Engines.....</b>	<b>1</b>
1.1 U.S. Version Vehicles.....	1
1.1.1 What is a U.S. Version Vehicle? .....	1
1.1.2 Exporting a U.S. Version Vehicle.....	2
1.1.3 EPA Requirements for Importing a U.S. Version Vehicle .....	2
1.1.3.1 U.S. Version Vehicles -- Modified or Altered.....	2
1.1.3.2 U.S. Version Vehicles -- Not Modified or Altered.....	2
1.1.3.3 Bonded Entries.....	3
1.2 Canadian Version Vehicles.....	3
1.2.1 What is a Canadian Version Vehicle? .....	3
1.2.2 Canadian Version Vehicles -- Identical to U.S. Version .....	3
1.2.3 Canadian Version Vehicles -- For Use by Immigrants, Workers, and Students.....	4
1.2.4 Canadian Version Vehicles -- Received by Inheritance .....	4
1.2.5 Canadian Version Vehicles -- Other Exemptions.....	4
1.3 Non-U.S. Version Vehicles.....	5
1.3.1 What is a non-U.S. version vehicle?.....	5
1.3.2 Permanent Exemptions .....	5
1.3.2.1 Vehicles Identical to U.S. Versions .....	5
1.3.2.2 Vehicles Modified to be Identical to U.S. Versions .....	6
1.3.2.3 Importation by an ICI.....	6
1.4 Nonroad or Heavy-Duty Highway Engines.....	6
1.4.1 Permanent Exemptions for Nonroad or Heavy-duty Highway Engines.....	7
1.4.2 Other Exemptions for Nonroad or Heavy-duty Highway Engines.....	7
1.4.3 Excluded Engines.....	7
<b>Section 2: Temporary Importations.....</b>	<b>9</b>
2.1 Repair or Alteration .....	9
2.2 Display .....	9
2.3 Testing.....	9
2.4 Diplomats or Foreign Military .....	10
2.5 Nonresident .....	10
2.6 Temporary Nonroad or Heavy-duty Highway Engine Imports .....	11

---

<b>Section 3: Exclusions.....</b>	<b>13</b>
3.1 Vehicles at Least 21 Years Old.....	13
3.2 Engines Not in a Vehicle or Chassis.....	13
3.3 Racing Vehicles .....	14
3.4 Unregulated Fuel Vehicles.....	14
<b>Section 4: Motor Vehicle Definition.....</b>	<b>16</b>
4.1 Application of section 216(2).....	16
4.2 Off-Road/Recreational Vehicles.....	17
4.3 Imported Used Japanese Mini-trucks and Vans.....	18

---

## Quick Overview of Vehicle and Engine Import Requirements

### Introduction

This overview outlines EPA requirements for importing a motor vehicle or engine into the United States, and is organized by the type of vehicle or engine to be imported. The Overview also describes requirements for vehicles which are modified for export, and later returned to the U.S. For a broader understanding of EPA requirements, see the [Automotive Imports Facts Manual](#).

EPA Standard Form 3520-1 must be submitted to the U.S. Customs Service to import passenger vehicles, highway motorcycles, and the corresponding engines into the United States. Importation of nonroad engines and heavy-duty highway engines requires EPA Standard [Form 3520-21](#).

### Section 1: Permanent Importations of Vehicles and Engines

#### 1.1 U.S. Version Vehicles

##### 1.1.1 What is a U.S. Version Vehicle?

A U.S. version vehicle is manufactured in conformity with federal emission requirements. The manufacturer attaches a label in the engine compartment that states, in English, that the vehicle conforms to all EPA regulations. A vehicle lacking the EPA emission compliance label is considered non-complying.

Alternative proof is a written statement from the manufacturer's U.S. representative stating the vehicle is a U.S. version. EPA does not accept passing a state inspection test as proof. State inspection tests do not determine conformity with Federal emission standards. EPA also does not accept having a catalytic converter as proof. The presence of a catalytic converter does not mean the vehicle is a U.S. version, or that it meets Federal emission standards.

*Vehicle importers will likely need to know:*

*Year of manufacture;  
Model year, make, and model of vehicle (i.e., 1990 Chevy Lumina);  
Whether the vehicle conforms to U.S. emissions requirements;  
Type of fuel the vehicle uses;  
Whether the vehicle was manufactured with or without a catalytic converter; and  
Gross vehicle weight for trucks*

*Engine importers will likely need to know:*

*Engine and ignition type;  
Engine power and/or displacement;  
First year the engine was manufactured;  
Whether the engine conforms to U.S. standards;  
Intended use;  
Engine, vehicle, or equipment manufacturer, model and serial number, engine family name, and/or type of equipment; and  
Build date if uncertified.*

---

### **1.1.2 Exporting a U.S. Version Vehicle**

In some countries, it will be difficult or impossible to obtain unleaded fuel for your vehicle. If the vehicle is driven using leaded fuel, it will be necessary for you to replace the catalyst and oxygen sensor upon its return to the U.S. To avoid this expense, you may obtain authorization from EPA to remove the catalyst and oxygen sensor before the vehicle is shipped overseas. When the vehicle returns to the U.S., you must file an EPA form 3520-1 with Customs and declare code "F" on the form. Doing so will allow you to reenter your U.S. version vehicle into the U.S. without bond, upon your assurance that you will have the reinstallation performed.

*To obtain authorization to remove the catalyst and oxygen sensor prior to export, contact EPA at (202) 564-2417.*

### **1.1.3 EPA Requirements for Importing a U.S. Version Vehicle**

The importer must be able to demonstrate that the vehicle is a U.S. version. Note that Customs may seize a non-U.S. version vehicle if it is falsely declared as a U.S. version.

If the vehicle has been modified or altered, such as the original engine being replaced with another type of engine, a Customs bond will be required. Under a Customs bond, the importer will need to replace damaged or missing emission components and repair or restore the vehicle to its original certified configuration.

*Military members should import their U.S. version vehicle through the military P.O.V. program, if possible.*

#### **1.1.3.1 U.S. Version Vehicles -- Modified or Altered**

A vehicle originally manufactured as a U.S. version vehicle that has since been modified or altered, will not meet U.S. emission requirements. For example, if the engine has been altered or replaced with another type of engine, the vehicle is no longer considered a U.S. version.

A modified or altered vehicle may be conditionally imported as a U.S. version pending repair and restoration. Upon entry, the importer must file an EPA Form 3520-1 with Customs, declare code "F" on the form, and post a bond with Customs. The importer has 120 days to demonstrate to EPA that the vehicle has been repaired or restored to its original configuration.

Alternatively, the vehicle owner may contract with an Independent Commercial Importer (ICI) that has a valid EPA certificate of conformity to import the vehicle as a non-U.S. version vehicle and to convert it to meet the EPA requirements. More information on importing non-U.S. version vehicles with the help of an ICI is included in Section 1.3.2.3.

#### **1.1.3.2 U.S. Version Vehicles -- Not Modified or Altered**

A vehicle originally manufactured as a U.S. version vehicle that has not been modified or altered may be imported without approval or a Customs bond required by EPA. Upon entry, the importer must file an EPA Form 3520-1 with Customs, and declare code "B" on the form.

If your vehicle is a U.S. version vehicle, and either the catalyst, oxygen sensor, or fuel filler neck restrictor were removed for use outside the U.S., or may have become damaged

---

through leaded fuel use, EPA does not require you to bond the vehicle upon its return to the U.S. However, you must file an EPA form 3520-1 with Customs and declare code "F" on the form. The catalyst, and/or oxygen sensor, and/or fuel filler neck restrictor, as applicable, must be reinstalled or replaced, and if leaded gasoline was used, the fuel tank must be drained and refilled with unleaded gasoline.

### **1.1.3.3 Bonded Entries**

EPA will require a Customs bond upon importation of a U.S. version vehicle that has been modified or altered. The bond is needed to ensure that the necessary repair and restoration work will be completed. Even though the bond amount is set by Customs, EPA recommends to Customs that the bond be at least the current market value of the vehicle. After a bonded entry has been made with Customs, the importer has 120 days to bring the vehicle into compliance with EPA requirements. Otherwise, Customs may seize the vehicle, require the vehicle to be exported, and seek monetary damages and penalties.

## **1.2 Canadian Version Vehicles**

### **1.2.1 What is a Canadian Version Vehicle?**

Canadian vehicles are those that are originally manufactured to be sold in Canada and certified to meet the Canadian requirements. They will usually not have an EPA emissions compliance label, but instead will have a Transport Canada label.

*For other exclusions and exemptions for which a Canadian vehicle may be eligible, see Section 1.3: Non-U.S. Version Vehicles and Engines.*

EPA categorizes Canadian vehicles as either identical to U.S. version vehicles or not identical to U.S. version vehicles, with regard to emission requirements.

### **1.2.2 Canadian Version Vehicles -- Identical to U.S. Version**

Anyone may import a Canadian vehicle that is identical in all material respects to a vehicle certified by EPA for sale in the U.S. No Customs bond or approval is required by EPA in these cases, but the imported vehicle must meet one of the following two conditions.

- For 2002 and newer model year vehicles, the importer must provide a letter from the U.S. representative of the manufacturer stating that the vehicle met all U.S. emission requirements when it was manufactured, except possibly for labeling or warranty.
- For 1988 to 2001 model year vehicles, the vehicle must be on the EPA list of Canadian models identical to U.S. version vehicles. The EPA list is located on EPA's Imports Website and includes all 1988 to 2001 model year Canadian cars and light-duty trucks (pick-ups and vans under 8,500 GVWR).

For additional information, see the imports website at <http://www.epa.gov/otaq/imports>. For importation requirements for 1987 and older model year vehicles, see Section 3.1 below.

---

Upon entry, the importer must file an EPA Form 3520-1 with Customs declaring code "EE" in block 8 of that form if for personal use, or code "FF" if for resale. If the vehicle is not on the EPA list, attach the letter from the original equipment manufacturer's U.S. representative.

### **1.2.3 Canadian Version Vehicles -- For Use by Immigrants, Workers, and Students**

Persons with documented proof of permanent Canadian immigrant status or Canadian worker or student status in the U.S. for longer than one year are eligible for an exemption to import their Canadian vehicles. For those in the U.S. for less than a year, EPA requires that eligible importers obtain a nonresident exemption, EPA form 3520-1 code "O."

*Other Federal Agencies require that the importer obtain a letter of compliance from the manufacturer before attempting to import any vehicle. The U.S. representative of the manufacturer is not required to issue compliance letters. If you cannot obtain a letter of compliance from the manufacturer you may not be able to import your vehicle even if it meets EPA requirements.*

Upon entry, the importer must file an EPA Form 3520-1 with Customs declaring code "M" on the form, and attach proof that the vehicle is a Canadian version and that the importer owned the vehicle prior to importation. For proof that the vehicle is a Canadian version importers may use a copy of the Canadian title or registration, a letter from the manufacturer's U.S. or Canadian representative stating that the vehicle was manufactured to comply with applicable Canadian emission requirements, or a sales receipt showing that the vehicle was purchased new from a Canadian dealership. Adequate proof of ownership before importation may be a copy of the Canadian title or registration in the name of the importer.

No Customs bond or approval is required by EPA.

### **1.2.4 Canadian Version Vehicles -- Received by Inheritance**

A U.S. resident is eligible for an EPA exemption if he/she receives a vehicle from a Canadian resident by inheritance. No Customs bond or approval is required by EPA.

Upon entry, the importer must file an EPA Form 3520-1 with Customs declaring code "M" on the form, and attach a copy of two documents. The first document must prove the vehicle was owned by the Canadian resident, such as a copy of the vehicle registration or title in the name of the Canadian resident. The second document must prove that the vehicle was obtained from the Canadian resident by inheritance.

### **1.2.5 Canadian Version Vehicles -- Other Exemptions**

Canadian Vehicles and their importers also have the same requirements as for other non-U.S. version vehicles and may not use code "EE" or "FF" for non-U.S. version vehicles.

---

## 1.3 Non-U.S. Version Vehicles

### 1.3.1 What is a non-U.S. version vehicle?

Non-U.S. version vehicles generally are those that are sold in foreign countries. They will not have the EPA compliance label. Non-U.S. version vehicles may also include U.S. version vehicles that have been modified or altered, other than missing or damaged catalysts, oxygen sensors, and fuel filler neck restrictors.

*EPA does not recommend the importation of non-conforming vehicles. Conversion of non-conforming vehicles is usually very expensive, and sometimes impossible or impractical.*

Importers with modified U.S. version vehicles may enter the vehicle as a non-conforming vehicle under the requirements of this section. A non-conforming vehicle is any motor vehicle or motor vehicle engine not covered by a certificate of conformity. Non-U.S. version vehicles proven to be identical to U.S. certified version vehicles (e.g., many Canadian vehicles) may be eligible for exemption as "identical to U.S. version vehicles" or "modified to be identical to U.S. version vehicles."

An individual may import a non-U.S. version vehicle only (1) if the individual qualifies for an exclusion (see Excluded Vehicles) or (2) qualifies for and obtains a written letter of exemption from EPA. A non-U.S. version vehicle may also be imported by an ICI, which is a private business in the U.S. that holds a current EPA certificate of conformity, and which will modify and test the vehicle, as applicable, to meet EPA emission requirements.

The importation of non-conforming vehicles is regulated by several Federal agencies, including EPA, Customs, the Department of Transportation, and the Internal Revenue Service. Customs will not permit admission of your vehicle until both emission (EPA) and safety ([Department of Transportation](#)) requirements for conditional admission are met.

### 1.3.2 Permanent Exemptions

Some vehicles which otherwise must be EPA certified to be imported may be eligible for an exemption from the emission regulations.

#### 1.3.2.1 Vehicles Identical to U.S. Versions

The vehicle may qualify for an exemption if it was manufactured to be identical to an EPA certified version. No Customs bond or approval is required by EPA. However, a vehicle is not eligible for the "identical" exemption if it has been modified or altered since it was manufactured. Note that an OEM may not import a vehicle using this exemption.

*An "identical" vehicle may not be imported for resale, except for "identical" Canadian cars and light trucks.*

The importer must obtain a letter from the manufacturer's U.S. representative stating the vehicle met the U.S. emission requirements at the time of manufacture. (See also: 1.2.2 Canadian Version Vehicles -- Identical to U.S. Version.)

---

Upon entry, the importer must file an EPA Form 3520-1 with Customs declaring code "EE" in item 8 and attach the letter from the manufacturer's U.S. representative, if required.

### **1.3.2.2 Vehicles Modified to be Identical to U.S. Versions**

The vehicle may qualify for an exemption if it is modified to be identical to a U.S. version. The importer must arrange the importation and modifications with an ICI that holds a current certificate of conformity from EPA. The ICI must obtain a letter from the manufacturer's U.S. representative listing the specific modifications required to make the vehicle identical to its U.S. certified counterpart and then make those modifications in accordance with the manufacturer's instructions. Upon entry, the ICI must attach the instructions to EPA Form 3520-1 and declare code Z in block 8 of that form.

### **1.3.2.3 Importation by an ICI**

An ICI is a private business located in the U.S. that has at least one current, valid certificate of conformity from EPA allowing it to import and modify certain non-conforming vehicles to bring them into compliance with the EPA requirements. The ICI is not associated with EPA or the original vehicle manufacturer, and the EPA does not guarantee the work of the ICI.

Vehicles required to be imported by ICIs must be entered through Customs by the ICI, not the vehicle owner. The ICI must retain custody until the vehicle has met all EPA requirements. Those requirements include a fifteen day holding period, after the ICI informs EPA that all the work and testing have been completed. Before making any purchase or shipping arrangements, you should be sure that there is an ICI who holds a current, valid EPA certificate; that the ICI is willing to import your vehicle; and that you are prepared to pay the ICI charges and wait the necessary time.

## **1.4 Nonroad or Heavy-Duty Highway Engines**

U.S. certified heavy-duty highway engines, certified nonroad engines, or nonroad engines installed in a certified vehicle, covered by a valid U.S. EPA certificate of conformity and bearing a U.S. emissions control label in English, can be imported using Form 3520-21 (check box 1). There are eight categories of nonroad or heavy-duty highway engines, vehicles, and equipment that must conform to EPA requirements and emission standards under several Federal regulations. The categories include: heavy-duty highway engines, locomotives, marine compression-ignition (CI) engines, marine spark-ignition (SI) engines, recreational SI engines, nonroad CI engines below 37 kW, and all nonroad SI engines.

These engines may be imported as U.S. certified engines or engines installed in certified vehicles. If this scenario does not apply, the engine may still be imported under certain circumstances (e.g., exemptions). The exemptions and exclusions available to importers of nonroad or heavy-duty highway engines are described in further detail below.

---

### **1.4.1 Permanent Exemptions for Nonroad or Heavy-duty Highway Engines**

In some cases, a permanent exemption may apply to a heavy duty highway engine or nonroad engine/vehicle, including older engines, manufacturer-owned, replacement engines, hardship, and configurations identical to a U.S. certified version. If importing a non-conforming engine under one of the permanent exemptions, importers should check the appropriate exemption using boxes 2 through 9 on Form 3520-21. The applicable regulatory references are listed on EPA Form 3520-21.

### **1.4.2 Other Exemptions for Nonroad or Heavy-duty Highway Engines**

For engines that are not yet subject to EPA emission standards, importers should check box 17 or 18 on Form 3520-21. These include engines that were manufactured before applicable emission standards were in effect. A recreational marine compression-ignition engine below 2.5 liters per cylinder imported under this provision must be manufactured before the 2006 model year. A recreational vehicle imported under this provision must be manufactured before the 2007 model year. In addition, certain sterndrive/inboard marine spark-ignition engines may also be eligible for an exemption if they are not yet subject to EPA standards (see 40 CFR part 91).

There are a number of other specific engine categories and special cases that allow for importers to claim an exemption. Importers should check the appropriate option from boxes 24 through 27 on Form 3520-21 if they are importing an engine that is subject to the Transition Program for Equipment Manufacturers, intended for personal-use only, or imported by an ICI. Some of these exemptions have limitations on the number of engines that can be imported (see Form 3520-21 for information on the limitations associated with each exemption).

### **1.4.3 Excluded Engines**

In addition to the exemptions that may apply, there are also several engine categories that EPA does not regulate. These would qualify for an exclusion from EPA's import requirements. Importers should indicate the appropriate option from boxes 19 through 23 on Form 3520-21 if importing an engine that is excluded from EPA emission standards. These include engines used for competition, stationary engines (model year 2006 and before), nonroad CI engines used for underground mining, and hobby engines. Note that 2007 and later model year Stationary compression-ignition engines are subject to certification (see: 40 CFR Parts 60 and 89) and thus, not considered to be excluded engines. In addition, rules for spark-ignition stationary engines were finalized on January 18, 2008 (see: <http://www.epa.gov/fedrgstr/EPA-AIR/2008/January/Day-18/a25394.pdf>).

---

*[This page intentionally left blank.]*

---

## **Section 2: Temporary Importations**

Vehicles and engines imported into the U.S. temporarily for the specific reasons listed below may be eligible for an exemption from complying with Federal emission requirements. Vehicles imported under this type of exemption may not be sold or otherwise transferred to another party in the U.S except with certain restrictions under the diplomatic exemption. Except for diplomatic use, written EPA approval is required for temporary importation and importers should keep a copy of the letter for proof of the exclusion. After the purpose of the exemption has been satisfied, the vehicle must be exported, destroyed, or brought into compliance through the services of an ICI.

### **2.1 Repair or Alteration**

If a vehicle is imported only for repair or alteration, it may not be operated on public roads or highways in the U.S. This exemption may not be used for the purpose of converting a vehicle to meet Federal emission requirements. After the repair or alteration has been made, the vehicle must be exported.

Upon entry, the importer must file EPA Form 3520-1 with Customs, declare code "G" on this form, and attach an EPA letter of approval to Form 3520-1. The importer must also post a bond with Customs.

### **2.2 Display**

Generally, a legitimate display purpose is a display in the interest of the general public or business. This exemption may not be used for private purposes, and offering a non-conforming vehicle for sale, as a gift, or as a prize in the U.S. violates the Clean Air Act.

The vehicle may not be operated on public roads or highways in the U.S., except as necessary for the display purpose (e.g., filming the vehicle for a movie or advertisement). Driving demonstrations in conjunction with testing programs are permitted only under a testing exemption. The vehicle must be exported, destroyed or brought into compliance through the services of an ICI after the display has been completed or at the end of the exemption date, whichever comes first.

Upon entry, the importer must file an EPA Form 3520-1 with Customs, and declare code "K" on the form and attach the EPA letter of exemption. The importer must also post a bond with Customs.

### **2.3 Testing**

If a vehicle or engine is being imported for testing purposes involving research, investigations, studies, demonstrations, or training, the vehicle or engine may be operated on public roads only if such operation is an integral part of the test program. The vehicle must be exported after the testing has been completed or at the end of the exemption date, whichever comes first.

---

Upon entry, the importer must file an EPA Form 3520-1 with Customs and declare code "I" on the form and attach the letter of exemption. The importer must also post a bond with Customs.

## **2.4 Diplomats or Foreign Military**

If a vehicle is being imported temporarily for personal use by a representative of a foreign government or international organization on assignment in the U.S., the representative must have authorization for free entry of a vehicle in writing by the U.S. Department of State. However, for members of the armed forces of a foreign country, their official orders for duty in the U.S. are considered to be sufficient documentation.

No Customs bond or approval is required by EPA.

Upon entry, the importer must file an EPA Form 3520-1 with Customs, declare code "N" on the form, and attach a copy of the U.S. Department of State authorization, or orders for duty in the U.S. for members of the armed forces of foreign countries. Documents from foreign governments or other U.S. agencies are not acceptable, except for members of the armed forces of foreign countries.

The vehicle may not be sold or otherwise transferred to another party in the U.S. unless the new owner has required U.S. Department of State authorization of orders for duty in the U.S. for members of the armed forces of foreign countries, and the new owner submits a new EPA form 3520-1 to U.S. Customs.

The vehicle must be exported at the end of the authorizing assignment, or U.S. Department of State authorization, whichever comes first. Alternatively, the vehicle may be brought into compliance through the services of an ICI.

## **2.5 Nonresident**

Individual nonresidents may import a vehicle under this exemption if it is being temporarily imported by a nonresident and primarily for personal use by the importer. Motor vehicles and motor vehicle equipment for personal use may be imported for up to one year. The vehicle must be imported in connection with your arrival, and it must be owned by you or on order before you depart from abroad. The vehicle may not be used to conduct business or for principle use by persons other than the importer or importer's spouse. The importer must be a nonresident according to Customs requirements. The vehicle must be exported after one year, or upon the nonresident departing the U.S., whichever comes first.

No Customs bond is required. However, written EPA approval must be obtained before clearance at Customs.

Upon entry, the importer must file an EPA Form 3520-1 with Customs and declare code "O" on the form and attach the EPA letter of exemption. The importer should retain a copy of the letter as proof of exemption.

---

## 2.6 Temporary Nonroad or Heavy-duty Highway Engine Imports

There are also a number of temporary exemptions that may apply to nonroad or heavy-duty highway engines. Importers should check the boxes and review associated definitions on Form 3520-21 if importing a non-conforming engine under the temporary exemptions for:

Repairs or alterations;

Testing;

Display;

Export (both the engine and shipping container must be labeled or tagged to identify them solely as export);

Diplomatic or military use (does not apply to locomotive or marine compression-ignition engines);

Delegated assembly;

A partially complete engine; or

An engine that will be installed in an application not yet subject to EPA emission standards.

---

*[This page intentionally left blank.]*

---

## **Section 3: Exclusions**

Some vehicles are excluded from the motor vehicle emission requirements of the Clean Air Act. Reasons for exclusion include vehicle age (i.e., manufactured prior to the regulations), fuel type, maximum speed, exclusive use for competition or racing, or lack of features associated with practical street or highway use. Please note that some vehicles excluded from the motor vehicle requirements may be subject to non-road vehicle and emission standards which have become effective in recent years.

### **3.1 Vehicles at Least 21 Years Old**

A vehicle is exempted if it has been 21 years or more since its original production year and it is in its original unmodified condition. Vehicles in any condition may be excluded if they were manufactured prior to the year in which EPA's regulations for the class of vehicle took effect. Vehicles at least 21 years old with replacement engines are not eligible for this exemption unless they contain equivalent or newer EPA certified engines and emission control systems. Upon entry, the importer must file an EPA Form 3520-1 with Customs and declare code "E" on the form.

### **3.2 Engines Not in a Vehicle or Chassis**

EPA regulates the entire vehicle, not individual parts, for cars, light trucks, medium duty passenger vehicles (MDPVs), chassis-certified HDVs, and motorcycles. If an engine is not installed, and is to be used in a car, motorcycle, or light truck, it may be imported as an automotive part. Anyone may import a non-chassis-mounted light-duty engine for use in a motor vehicle which is currently covered by an EPA certificate or will be covered by an EPA certificate prior to introduction into commerce. No approval or Customs bond is required by EPA. However, importers should be aware that several engine uses are violations of the Clean Air Act:

- Mounting an engine to a chassis to "manufacture" a vehicle without proper certification of conformity from EPA;
- Mounting a non-identical engine to a certified vehicle; and
- Importing an engine for use in an engine-certified heavy-duty vehicle or heavy-duty truck without a proper label indicating that it is covered under a certificate of conformity, or was built prior to 1970, or is otherwise excluded or exempted.

To import an engine for use in a car, light truck, MDPV, chassis-certified HDV, or motorcycle, the importer must file with Customs, upon entry, an EPA Form 3520-1 and declare code "W" on the form. For an engine-certified "heavy-duty vehicle" or "heavy-duty truck," EPA regulates the engine, whether or not it is installed. EPA considers a vehicle or truck "heavy" if it has a gross vehicle weight rating of more than 8,500 pounds, or a curb weight of more than 6,000 pounds. To be imported, such an engine must be either excluded, exempted, covered by an EPA certificate of conformity, or imported by an ICI. Note that EPA Form 3520-21 is used to import heavy duty highway engines.

---

### 3.3 Racing Vehicles

Not all vehicles used in races are excluded from emissions compliance. To qualify for the racing vehicle exclusion, EPA requires specific documentation as proof that the vehicle is incapable of being safely and practically driven on streets and highways and that it will be used only for racing. This documentation includes:

1. Importer's name, address, and daytime telephone number;
2. Vehicle information (make, model, model year and VIN);
3. A list of racing features (features that make the vehicle a racing vehicle);
4. A list of street features that are lacking (features that have been removed or have never been installed that would permit safe driving on streets or highways);
5. At least four photographs showing the front, rear, and each side view; and if a vehicle with an interior, photographs of the interior;
6. The name of the sanctioning body and competition class;
7. A schedule of racing events, including dates and locations where the vehicle will participate;
8. A copy of the competition racing license; and
9. Other proof that the vehicle cannot be used on streets and highways, such as a letter from a state's Department of Motor Vehicles (DMV) that explains the vehicle cannot be licensed for use on public roads, and explains why it cannot be licensed.

At a later date, the importer may also be required to provide the EPA with proof showing that the vehicle had been entered into official races. Written EPA approval must be obtained before clearance at Customs. Upon entry, the importer must file an EPA Form 3520-1 with Customs, declare code "L" in block 8 of that form, and attach the EPA letter of approval.

Once a racing vehicle is imported, it is a violation of the Clean Air Act to register or license it for street use, or to convert it into a motor vehicle, unless it is covered by an applicable EPA certificate of conformity. If an imported racing vehicle is subsequently converted to a motor vehicle and registered or licensed for street use, the converter may be considered a manufacturer of a new motor vehicle and subject to a penalty of \$25,000 per day for failing to meet EPA emission requirements.

### 3.4 Unregulated Fuel Vehicles

Regulated fuels are typically gasoline, diesel, ethanol, methanol, Compressed Natural Gas (CNG), and Liquid Petroleum Gas (LPG) (including propane) fuels depending on the model year of the vehicle as described below.

- For model years earlier than 1991, gasoline and diesel are regulated fuels.
- For 1990-1996 model years, gasoline, diesel, ethanol, and methanol are regulated fuels.
- For 1997-2003, gasoline, diesel, ethanol, methanol, CNG, and LPG (including propane) are regulated fuels.

***For 2004 and later model years, only fuel cell and electric vehicles are unregulated.***

- 
- This exemption does not apply to 2004 and later model year vehicles, except for fuel cell and electric vehicles.

Note that a dual-fueled or multi-fueled vehicle is regulated if it is capable of running on any regulated fuel.

No Customs bond or approval is required by EPA for unregulated fuel vehicles.

Upon entry, the importer must file an EPA Form 3520-1 with Customs and declare code "Y" in block 8 of that form.

Converting a vehicle that runs solely on an unregulated fuel to run on a regulated fuel without a proper certificate of conformity from EPA is a violation of the Clean Air Act.

---

## **Section 4: Motor Vehicle Definition**

### **4.1 Application of section 216(2) 40CFR § 85.1703**

(a) For the purpose of determining the applicability of section 216(2), a vehicle which is self-propelled and capable of transporting a person or persons or any material or any permanently or temporarily affixed apparatus shall be deemed a motor vehicle, unless any one or more of the criteria set forth below are met, in which case the vehicle shall be deemed not a motor vehicle and excluded from the operation of the Act:

(1) The vehicle cannot exceed a maximum speed of 25 miles per hour over level, paved surfaces;  
or

(2) The vehicle lacks features customarily associated with safe and practical street or highway use, such features including, but not being limited to, a reverse gear (except in the case of motorcycles), a differential, or safety features required by state and/or federal law; or

(3) The vehicle exhibits features which render its use on a street or highway unsafe, impractical, or highly unlikely, such features including, but not being limited to, tracked road contact means, an inordinate size, or features ordinarily associated with military combat or tactical vehicles such as armor and/or weaponry.

EPA will make written determinations of exclusion for individual vehicle models upon receipt of dimensions, technical specifications and photographs or drawings of the model in question. While some vehicles can be easily determined to be excluded, particularly those of inordinate size, others require more review. An importer that makes his or her own determination does so at his or her own risk.

---

**\*The following vehicles are subject to regulations under parts 90, 1051, 1065, 1068 and 86**

## **4.2 Off-Road/Recreational Vehicles**

Off-road/recreational vehicles include, but are not limited to, vehicles such as snowmobiles, all-terrain vehicles and off-highway motorcycles, utility vehicles, sand cars, and motorized bicycles.

All 2006 or later model year off-road/recreational vehicles are subject to certification in accordance with [40 CFR Part 1051](#). Exclusion determinations for 2005 or earlier off-road/recreational vehicles are based on the capability of the subject vehicles to safely and practically be driven on public roads, not on their intended or principal use. Model year 2005 and earlier off-road/recreational vehicles are excluded, unless they also meet the definition of an on-highway motor vehicle or motorcycle.

*Note that the deletion, removal, or absence of features associated with safe and practical street or highway use (that can be readily added) is not sufficient grounds for this exclusion.*

EPA will make written determinations of exclusions for individual vehicle models upon receipt of dimensions, technical specifications and photographs or drawings of the model in question. While some vehicles can be easily determined to be excluded, particularly those of inordinate size, others require more review. An importer that makes his or her own determination does so at his or her own risk.

EPA Form 3520-1 is no longer used for the importation of nonroad and off-road/recreational vehicles. The importer must file with Customs, upon entry, an EPA Form 3520-21. For 2006 and later model year vehicles subject to certification, use box 1 or the appropriate box for an exemption. For 2005 and earlier model year vehicles, you must use box 17 and attach proof that the vehicle was manufactured in 2005 or earlier, is a 2005 or earlier model, and lacks safety or other features that are required for safe and practical street operation (including evidence of inordinate size or weight preventing highway use).

A 2005 or earlier model year highway motor scooter or motorcycle with an engine displacement of less than 50 cc is not regulated, and may be imported without an approval or Customs bond under EPA declaration code "U" on Form 3520-1. Any 2006 or later model year highway motor scooter or motorcycle with an engine displacement less than 50 cc is subject to certification in accordance with [40 CFR Part 86](#), Subpart E.

Vehicles using this exclusion may not be registered or licensed for use on, or operated on, the public roads or highways (with the exception of motorized bicycles). Any 2006 or later model year vehicle must be certified accordance with 40 CFR 1051 and must not be for use in racing or competition. If an imported off-road/recreational vehicle is subsequently converted to a motor vehicle and registered or licensed for street use, the converter may be considered a

---

manufacturer of a new motor vehicle and subject to a penalty of \$25,000 per day for failing to meet EPA emission requirements.

### **4.3 Imported Used Japanese Mini-trucks and Vans**

In recent years, significant numbers of used model year 2004 and older mini-trucks and vans (also known as Kei-class vehicles) have been imported illegally from Japan into the U.S. These vehicles, originally manufactured as on-road motor vehicles in Japan, are imported in violation of the CAA because they were determined by EPA to be uncertified motor vehicles, or were excluded from motor vehicle regulations and then subsequently modified to operate as a motor vehicle. Mini-vehicles imported into the U.S. and sold as a nonroad engine or vehicle must have the permanent physical attributes necessary to ensure that they cannot exceed the 25 mph threshold. Mini-vehicles that are capable of exceeding the 25 mph threshold, either as originally manufactured or with the speed governing limiters removed, are regulated as "motor vehicles" under the CAA and must be certified. Note that only modifications approved in writing by EPA or performed in a manner consistent with EPA-issued guidance are sufficient to exclude mini-vehicles from the motor vehicle requirements of the CAA.

When EPA or U.S. Customs determines that imported equipment does not meet EPA emissions certification requirements, Customs will detain or seize the equipment. EPA and Customs then coordinate on enforcement to address the CAA violations, including collection of a penalty and exportation of the illegal equipment. The maximum penalty is \$32,500 for each illegal engine or vehicle, although penalties may be reduced for first-time violators and for importers who voluntarily disclose and remedy the violation and all prior violations.