

# Southern Currents



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## Notice to the Area Port of New Orleans Trade Community

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Date: May 2, 2104

No.: 14-010

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### NOTICE TO BROKERS, EXPORTERS, FREIGHT FORWARDERS, CARRIERS, STEAMSHIP COMPANIES AND ALL OTHERS CONCERNED

#### SUBJECT:

**U.S. Customs and Border Protection (CBP) Regulations amending the exportation of self-propelled vehicles**

#### BACKGROUND:

Under provisions of the Anti-Car Theft Act of 1992, Public Law 102-519, CBP requires all persons or entities exporting self-propelled vehicles by air or sea to present all documentation and vehicles to CBP **at least 72 hours prior to lading [Three (3) Working Days]**. Self-propelled vehicles include any automobile, truck, tractor, bus, motorcycle, motor home, self-propelled agricultural machinery, self-propelled special use equipment and any other self-propelled vehicle used or designed for running on land but not on rail. All used self-propelled vehicles are reportable to CBP unless specifically exempted by the definitions found in 19 CFR § 192.1. It is incumbent upon the exporter or the exporter's agent to satisfy CBP that a vehicle is exempt from reporting to CBP.

#### PROCEDURES:

Effective April 5, 2014, new export regulations require "EEI Filing" mandatory for all used, self-propelled vehicles regardless of value or country of destination. Reference: 15 CFR §30.2(a)(1)(iv)(H). Additionally, all used, self-propelled vehicles must be filed in AES 72 hours prior to export. Reference: 15 CFR §30.4(b)(5).

All exportations of self-propelled vehicles will be subject to the following procedures:

1. No documents should be presented to CBP until the vehicle is located at the carrier's facility, available and ACCESSIBLE for CBP inspection.
2. Present to CBP: An original plus one copy, or a certified copy plus one copy of the documents identified below:
  1. Certificate of Title (copies must include front and back)
  2. Memorandum of ownership
  3. Right of possession

4. Bill of sale, or a sales invoice, or any other document sufficient to prove lawful ownership

If the vehicle is to be exported by vessel or aircraft, these documents must be presented three (3) working days prior to lading, to the CBP Outbound Team located at 701 Loyola Ave., 13<sup>th</sup> Floor, New Orleans, LA 70113.

Please be advised that if the CBP Outbound Team is unable to inspect your cargo because any documents are late, your shipment will have to roll-over to the next voyage, which is why CBP requests that the documents are presented 72 hours in advance.

5. In addition to the above documents, the following information must be provided on two (2) copies of the vehicle export worksheet:
  - a. Freight Forwarder or Broker Information
  - b. Exporter
  - c. Consignee
  - d. Exporting Vessel
  - e. Vehicle Description (including location of vehicle for inspection)

If any documents are incomplete, the package will be rejected and returned.

If all documentation is in order, CBP will: 1) record the date and time received, 2) assign an export control number, and 3) return the original copy of the vehicle export report.

Once it has been determined that the vehicle is released for export, the original will be returned to the exporter, agent or individual. A copy of the CBP Vehicle Export Report must accompany the EEI (Shippers Export Declaration) when filling the complete outward manifest. Any documentation that is received by CBP from out of town must be addressed as follows:

Customs and Border Protection  
701 Loyola Ave. 13<sup>th</sup> Floor  
New Orleans, LA 70113  
ATTN: Outbound Team

If any exporter desires their papers (the original) to be returned via the U.S. Postal Service, a self-addressed stamped envelope must be provided. CBP will not provide the service of contacting UPS or Federal Express couriers to pick up completed documents. Any documentation that is not accompanied by a self-address mailing envelope will be placed in the Miscellaneous Brokers Box located at the Marine Desk.

**PENALTIES:**

Failure to comply with the requirements of Section 192 of the CBP Regulations may subject the violator, at a minimum, to a civil penalty of \$500.00 for each violation.

A penalty not to exceed \$10,000 may be assessed against an importer or exporter who knowingly imports, exports, or attempts to import or export: (1) any stolen self-propelled vehicle, vessel aircraft, or part of a self-propelled vehicle, vessel, or aircraft; (2) any self-propelled vehicle or part of a self-propelled vehicle from which the identification number has been removed, obliterated, tampered with or altered.

**REFERENCES:**

- Anti-Car Theft Act 1992
- Motor Vehicle Theft Enforcement Act of 1984
- Tariff Act 1930, as amended
- 19 CFR Chapter 1, as amended
- Treasury Decision 89-46

**2014 Update Regarding Electronic Filing Requirements:**

On March 14, 2013, the Department of Commerce issued the amended Foreign Trade Regulations (FTR) eliminating the vehicle filing exemptions. **The exporter has to file the Electronic Export Information (EEI) for all used self-propelled vehicles, regardless of value, condition or destination. The FTR changes require filing the EEI 72 hours prior to export to be consistent with the 72 hour rule under 19 CFR 192.**

Effective April 5, 2014, the U.S. Census Bureau (Census) Foreign Trade Regulations (FTR) mandates filing of export information through the Automated Export System (AES) or AES Direct for all used self-propelled vehicles 72 hours prior to export regardless of destination or value. (Reference: Federal Register Notice 78 FR 16366, Title 15 Code of Federal Regulations (CFR) Part 30.2(a)(1)(iv)(H) and 15 CFR 30.4(b)(5))

When the regulations become effective, exporters, carriers or freight forwarders must submit proof of ownership documentation as required under 19 CFR 192 along with the AES filing proof of filing known as the Internal Transaction Number (ITN) which must be clearly visible on the export documentation 72 hours prior to export.

Pursuant to the FTR, civil penalties not to exceed \$10,000 per violation may be imposed for failure to file export information in AES, delayed filing, filing of false or misleading information, and other violations of the FTR.

**On April 3, 2014, Census notified the trade community (Ref: FTR Letter No 8 – Notice of 180 Day Informed Compliance Period for Regulatory Changes) that Census, in concurrence with U.S. Customs and border Protection (CBP), agrees to provide an additional 180 days to come into compliance with the new requirements. The period of informed compliance will take place from the revised FTR effective date of April 5, 2014 through October 2, 2014.**

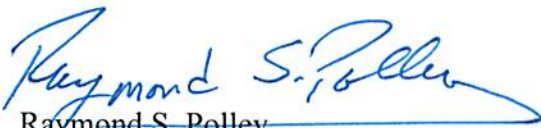
## EXPORTING NEW vs. USED VEHICLES

The 19 CFR §192 reporting requirements apply only to used self-propelled vehicles; therefore, it is necessary to distinguish “new” from “used”. The term “new” is not defined in either the statute or the regulations; however, it is possible to derive the meaning of new from an examination to the term “used” as defined in Part 192 of the Customs Regulations.

“USED” refers to any self-propelled vehicle the equitable or legal title to which has been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser. An “ultimate purchaser” means the first person, other than a dealer purchasing in his capacity as a dealer, who in good faith purchases a self-propelled vehicle for purposes other than resale. The definition of a used vehicle, for purposes of the reporting requirements, is not determined by the physical condition, economic value, or operating order of the self-propelled vehicle at the time of export.

Thus, a vehicle will be “NEW” for purposes of this provision if (1) the manufacturer, distributor, or dealer retains legal and equitable title to the vehicle at the time of exportation, or (2) the manufacturer, distributor, or dealer has transferred legal or equitable title to a dealer who purchased the vehicle in his capacity as a dealer. For example, a vehicle being exported will be considered new, and thus not subject to the provisions of Part 192, if a manufacturer sends an unsold vehicle to another of its own facilities in a foreign country to increase inventory or if a manufacturer sells a vehicle to an overseas dealer who will then sell it to an ultimate purchaser.

Any questions regarding these procedures should be directed to the CBP Outbound Team at (504) 623-6682 or (504) 623-6680.



Raymond S. Polley  
Area Port Director  
New Orleans, Louisiana



# U.S. CUSTOMS AND BORDER PROTECTION

## PORT OF NEW ORLEANS VEHICLE EXPORT REPORT

ITN # \_\_\_\_\_

E# \_\_\_\_\_

DATE/TIME RELEASED \_\_\_\_\_

DATE/TIME RECEIVED \_\_\_\_\_

BY \_\_\_\_\_

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### FREIGHT FORWARDER INFORMATION

COMPANY NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_ CITY, ST & ZIP \_\_\_\_\_

POINT OF CONTACT \_\_\_\_\_ OFFICE # \_\_\_\_\_

FAX # \_\_\_\_\_ CELL # \_\_\_\_\_

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### EXPORTER INFORMATION

LAST NAME \_\_\_\_\_ FIRST \_\_\_\_\_ MI \_\_\_\_\_

ADDRESS \_\_\_\_\_ CITY, ST & ZIP \_\_\_\_\_

DRIVER'S LIC # \_\_\_\_\_ STATE \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_

SS # AND/OR Passport # \_\_\_\_\_ COUNTRY \_\_\_\_\_

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### CONSIGNEE INFORMATION

LAST NAME \_\_\_\_\_ FIRST \_\_\_\_\_ MI \_\_\_\_\_

ADDRESS \_\_\_\_\_ CITY & COUNTRY \_\_\_\_\_

DATE OF BIRTH \_\_\_\_\_ FOREIGN DESTINATION \_\_\_\_\_

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### VESSEL INFORMATION

EXPORTING VESSEL & VOYAGE # \_\_\_\_\_

ESTIMATED ARRIVAL DATE \_\_\_\_\_ DEPARTURE DATE \_\_\_\_\_

DOCK/WHARF LOCATION \_\_\_\_\_

BOOKING # \_\_\_\_\_ CONTAINERIZED YES \_\_\_ NO \_\_\_ CONTAINER WEIGHT \_\_\_\_\_

CONTAINER # \_\_\_\_\_ SEAL # \_\_\_\_\_

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### VEHICLE INFORMATION

YEAR/MAKE/MODEL/COLOR \_\_\_\_\_

VIN/PIN # \_\_\_\_\_ VALUE \_\_\_\_\_

ADDRESS/LOCATION OF VEHICLE FOR INSPECTION \_\_\_\_\_

REMARKS/SPECIAL INSTRUCTIONS \_\_\_\_\_

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**VEHICLE MUST BE DELIVERED TO EXPORTING CARRIER AND/OR EXPORTER'S BONDED FACILITY BEFORE PRESENTATION OF DOCUMENTS TO CBP. COMPLIANCE IS MANDATORY. CARRIERS AND EXPORTERS ARE LIABLE FOR PENALTIES SET FORTH IN 19CFR PART 192 – EXPORT CONTROL.**