

**U.S. CUSTOMS AND BORDER PROTECTION  
FIELD OPERATIONS, NEW YORK  
PORT OF NEW YORK/NEWARK**

**INFORMATIONAL PIPELINE NO. 16-004-NWK**

**TO: All Exporters, Freight Forwarders, Carriers, Terminal Operators and other Concerned Parties**

**SUBJECT: Revised Procedures for Exporting Self-Propelled Vehicles**

**DATE: DEC 04 2015**

**PURPOSE:**

To provide information concerning revised local operational procedures and policies relating to the exportation of self-propelled vehicles.

**REFERENCE:**

This Pipeline supersedes Pipeline No. 08-012-NWK

**BACKGROUND:**

Pipeline No. 08-012-NWK dated June 30, 2008, waived the requirement for a stamped release for export vehicles to allow CBP Officers sufficient time for title validation without slowing the flow of commerce.

**ACTION:**

The following changes to the Port of New York/Newark procedures relating to the exportation of self-propelled vehicles are effective immediately:

CBP will provide a stamped "release" for export vehicles and require vehicles to be "held on dock" awaiting such a release past the 72 hour requirement complying with CBP regulation 19 CFR 192.2. CBP will require all stamped release documents to be presented to the steamship line prior to loading vehicles for export. *The steamship line and terminal are not authorized to load vehicles for export without such stamped "release".*

**Compliance is mandatory.**

**Carriers and exporters are liable for penalties set forth in 19 CFR 192 - Export Control.**

# 19 CFR Part 192 Regulations

Although 19 CFR Part 192 is concerned with export controls for vehicles, vessels, and aircraft, and includes penalty provisions for violations that are found at 192.3, this guide addresses only the export of used vehicles.

## PROCEDURES

### A. 19 CFR 192.1 DEFINITIONS

1. **Certified.** Certified when used with reference to a copy means a document issued by a government authority that includes on it a signed statement by the authority that the copy is an authentic copy of the original.
2. **Copy.** Copy refers to a duplicate or photocopy of an original document. Where there is any writing on the backside of an original document, a complete copy means that both sides of the document are copied.
3. **Self-propelled Vehicle.** Self-propelled vehicle includes any automobile, truck, tractor, bus, motorcycle, motor home, self-propelled agricultural machinery, self-propelled construction equipment, self-propelled special use equipment, and any other self-propelled vehicle used or designed for running on land but not rail.
4. **Title Record, Title Summary, Title Abstract, or similar name.** The title record, title summary, etc., is a Department of Motor Vehicles (DMV) – generated computer printout of the vehicle’s title data that is then certified by the DMV with a seal and original signature of the certifying official.
5. **Ultimate Purchaser.** “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.
6. **Used.** “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.
7. **Export.** Export refers to the transportation of merchandise out of the U.S. for the purpose of being entered into the commerce of a foreign country.
8. **End user. (15 CFR 772.1)** The person abroad that receives and ultimately uses the exported or re-exported items. The end user is not a forwarding agent or intermediary, but may be the purchaser or ultimate consignee.

## **B. BASIC REQUIREMENTS**

A person attempting to export a used self-propelled vehicle shall present to U. S. Customs and Border Protection (CBP), at the port of exportation, both the vehicle and the required documentation describing the vehicle to include the Vehicle Identification Number (VIN) or, if the vehicle does not have a VIN, the product identification number. Exportation of a vehicle will be permitted only upon compliance with these requirements, unless the vehicle was entered into the United States under an in-bond procedure, or under a Carnet or Temporary Importation Bond: a vehicle entered under an in-bond procedure, or under a Carnet or Temporary Importation Bond is exempt from these requirements. The person attempting to export the vehicle may employ an agent for the exportation of the vehicle.

## **C. DOCUMENTATION REQUIRED**

### **1. For U.S. titled vehicles**

- (a) **Vehicles issued an original certificate of title.** For used, self-propelled vehicles issued, by any jurisdiction in the United States, a Certificate of Title or a Salvage Title that remains in force, the owner must provide to CBP, at the time and place specified below, the original Certificate of Title or a certified copy of the Certificate of Title, one complete copy of the original Certificate of Title or certified copy of the original.

**Note: See definition of Certified Copy. A notarized copy of these required documents will not be accepted.**

- (b) **Where title evidences third-party ownership/claims.** If the used, self-propelled vehicle is leased or a recorded lien exists in the U.S., in addition to complying with paragraph (a) above, the provisional owner must provide to CBP an approval letter in writing from the third-party-in-interest which expressly provides that the subject vehicle may be exported. This writing must be on the third party's letterhead paper, and contain a complete description of the vehicle including the VIN, the name of the owner or lien holder, and the telephone numbers at which that owner or lien holder may be contacted. The writing must bear an original signature of the third party and state the date it was signed.

If the vehicle has a recorded lien and the lien holder issues a letter authorizing the vehicle to be exported but will not release the original certificate of title, the exporter may satisfy the requirements of 19CFR192 by securing a certified copy of the title or copy of the title record. Certified copies of the certificate of title that have been obtained by the lien holder from the state DMV on behalf of the exporter are acceptable for presentation to CBP. A certified or notarized copy issued by the lien holder is **NOT** acceptable. The copy of the title record must be presented to CBP together with the letter of authorization from the lien holder.

### **Certified Copy and Copy of the Title Record**

Several states will not issue a certified copy of the certificate of title under certain circumstances. In some states, the certified copy becomes the negotiable instrument if an original title has been lost, destroyed, damaged, or has become illegible. These states will not issue a certified copy if the original is still available. Similarly, if a recorded lien exists and the original title is held by the lien holder, a state DMV will not issue a certified copy.

In these situations, CBP will accept another document (known as a copy of the title record, title record, title summary, title abstract, or similar name) to meet the ownership document requirements of 19 CFR 192.2 (b)(1). The copy of the title record is a DMV generated computer printout of the vehicle's title data that is then certified by the DMV with a seal and original signature of the certifying official. *Only documents issued by the state DMV – the same government authority that issued the original certificate of title – will be accepted by CBP. This document must be certified. Application for title will not be accepted as evidence of ownership.*

**(c) Where U.S. Government employees are involved.** If the used, self-propelled vehicle is owned by a U.S. Government employee and is being exported in conjunction with that employee's reassignment abroad pursuant to official travel orders, then, in lieu of complying with paragraph (a) above, the employee may be required to establish that he has complied with the sponsoring agency's internal travel department procedures for vehicle export.

U.S. Government employees traveling on official orders must still notify CBP if exporting a vehicle. To ensure proper notification, the following procedures have been developed for primary and secondary vehicles exported in accordance with 19CFR192.2.

The primary vehicle is the automobile that will be moved at government expense in conjunction with official U.S. Government travel orders. CBP requires copies of the following documents for the vehicle: (1) the official travel orders and if the vehicle is leased or has a recorded lien, the exporter must comply with the lease or lien holder requirements of Section C. 1(b) as outlined above.

Secondary vehicles are additional, privately owned vehicles that are exported at the government employee's personal arrangement, expense and liability. If these privately owned vehicles are listed with the primary vehicle on the employee's official U.S. Government travel orders, the requirements and procedures to export them will be the same as for the primary vehicle.

If the secondary vehicles are not listed with the primary vehicle on the travel orders, their export is considered to be an independent shipment. The secondary vehicles are then reportable to CBP and all requirements of 19CFR192 apply and must be satisfied.

**2. For foreign-titled vehicles**

For used, self-propelled vehicles that are registered or titled abroad, the owner must provide to CBP, at the time and place specified below, the original document that provides satisfactory proof of ownership (with an English translation of the text if the original language is not in English), and one complete copy of that document (and translation, if necessary).

**3. For untitled vehicles**

- (a) Newly manufactured vehicles issued an MSO.** For newly manufactured, self-propelled vehicles that are purchased from a U.S. manufacturer, distributor, or dealer that become used, as defined in Section A.6. above, and are issued a Manufacturer's Statement of Origin (MSO), but not issued a Certificate of Title by any jurisdiction of the United States, the owner must provide to CBP, at the time and place specified below, the original MSO and the supporting documents of the original dealer invoice, certified proof of payment and one complete copy of all these documents.
- (b) Newly manufactured vehicles not issued an MSO.** For newly manufactured, self-propelled vehicles purchased from a U.S. manufacturer, distributor, or dealer that become used, as defined in this Section A.6. above, and not issued an MSO or a Certificate of Title by any jurisdiction of the United States, the owner must establish that the jurisdiction from where the vehicle comes does not have any ownership documentation requirements regarding such vehicles and provide to CBP at the time and place specified below, an original document that proves ownership such as a dealer's invoice and one complete copy of such original documentation.
- (c) Vehicles issued a junk or scrap certificate.** For used, self-propelled vehicles for which a junk or scrap certificate issued, by any jurisdiction of the United States, remains in force, the owner must provide to CBP, at the time and place specified below, the original certificate or a certified copy of the original document and one complete copy of the original document or certified copy.
- (d) Vehicles issued a title or certificate that is not in force or are otherwise not registered.** For used, self-propelled vehicles that were issued, by any jurisdiction of the United States, a title or certificate that is no longer in force, or that are not required to be titled or registered, and for which an MSO was not issued, the owner must establish that the jurisdiction from where the vehicle comes does not have any ownership documentation requirements regarding such vehicles and provide to CBP, at the time and place specified below, the original document that shows the basis for ownership or right of possession, such as a bill of sale, and

one complete copy of that original document. Further, the owner must certify in writing to CBP that the procurement of the vehicle was a bona fide transaction, and that the vehicle presented for export is not stolen.

**D. WHEN PRESENTED**

Exportation by vessel or aircraft - For those vehicles exported by vessel or aircraft, the required documentation and the vehicle must be presented to Customs and Border Protection *at least 72 hours prior to export*. The purpose of requiring the documentation and the vehicle presented to CBP at least 72 hours before export of the vehicle is so that CBP officers have the time necessary to physically examine the vehicle. The minimum statutory 72 hour requirement does not include weekends and Federal Holidays. It is suggested that the documentation be presented at least 72 hours prior to the start of any holiday weekend, to ensure the documents are processed timely and the vehicle export is not delayed.

**Plan appropriately for Federal Holidays. There are no exceptions to the 72 hour requirement regardless of circumstance. Overnight mail packages are not accepted for title presentation.**

**E. WHERE PRESENTED**

Port Directors will establish locations at which exporters must present the required documentation and the vehicles for inspection. Port Directors will publicize these locations, including their hours of operation.

**1. Vehicle Presentation.**

Due to the logistics of the Port of New York/Newark, presentation of the vehicles for inspection at a single site or several sites within the port is not practical. In light of this, the vehicle(s) will be presented at least 72 hours in advance to the terminal from where export will occur.

In order for CBP to efficiently carry out its VIN inspection responsibility and verify compliance with the 72 hour requirement, the exporter or agent must obtain a document that acknowledges delivery of the vehicle to the terminal of export and contains information that identifies the vehicle. This document will be in the form of a stamped dock receipt which the exporter or agent will subsequently use for presentation to Customs and Border Protection as evidence of compliance with the 72 hour requirement. **The dock receipt must be stamped.**

## 2. Document Presentation for Processing

The following documentation must be presented for processing:

- Exporters, Carriers or Freight Forwarders must submit proof of ownership documentation as required under 19 CFR 192 along with the Internal Transaction Number (ITN) EEI/AES proof of filing (clearly visible on the stamped dock receipt) 72 hours prior to export **NOT** including weekends and Federal holidays.
- Dock Receipts must **NOT** be altered in any way. Original Pier/Date stamps, VIN Numbers and Shipper/Consignee information must be legible and complete.
- All Terminals must stamp the Dock Receipt with a stamp which includes date and terminal location. Only one stamp format is to be utilized by each exporting carrier terminal location. Before a carrier changes its stamp format, an example **MUST** be submitted to the CBP export vehicle desk.

In all cases the title documentation must be submitted to CBP and the vehicle must be in the Carrier's possession *at least 72 hours prior to export.*

## 3. Location

Vehicle documentation as outlined in Section C above, along with one copy of the stamped dock receipt may be presented by the exporter or the exporter's agent for processing Monday through Friday between the hours of 7:30 a.m. and 3:30 p.m. at the following location:

### **Port of New York/Newark – Tactical Operations Division**

1210 Corbin Street

Elizabeth, NJ 07201

Contact: 201-443-0100 or 201-443-0300

**Please keep in mind that the 72 hour period *excludes* weekends and holidays.**

**\*Overnight mail packages are not accepted for title presentation\***

## 4. Authentication of documentation

CBP will determine the authenticity of the documents submitted and suitability for export. Once the authenticity of the documents is established, CBP will provide a stamped "release" on the documents. In most cases, the original documents will be returned to the exporter.

## 5. Title Document Retrieval

The exporter or agent may retrieve processed title documentation Monday through Friday between the hours of 7:30 a.m. and 3:30 p.m. from the location listed in section E (3).

F. **DEPARTMENT OF COMMERCE REGULATIONS, AUTOMATED EXPORT SYSTEM (AES) FILERS AND THE 72-HOUR REQUIREMENT**

In accordance with the Foreign Trade Regulations (FTR), the U.S. Census Bureau (Census) mandates filing of Electronic Export Information (EEI) through the Automated Export System (AES) or through *AESDirect* for all used self-propelled vehicles 72 hours prior to export regardless of destination, value or condition. (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).

The used vehicle exportation requirements provided for in the 19 C.F.R. 192 are separate and distinct from the Department of Commerce requirements for export commodity data. **If a party other than the exporter files the Electronic Export Information (EEI), a power of attorney including a copy of a valid passport or a driver's license MUST be obtained from the U.S. Principal Party in Interest.**

The requirements of 19CFR192 cannot be satisfied through the Automated Export System (AES) filing of the commodity data contained in the Electronic Export Information. *Because Customs and Border Protection and Department of Commerce regulations are different, the 72 hour clock does not begin when export vehicle data is filed via AES; it begins when the required documentation is presented to CBP.*

F. **LIABILITY OF CARRIERS**

Per 19CFR192.4 and under the provisions of 19 U.S.C. 1436, the vessel master is charged with the responsibility of presenting a true manifest. If used vehicles are not included on the manifest or are inaccurately described thereon, a liability for penalties may be incurred.

Additional information is available on the CBP Website at [www.CBP.gov](http://www.CBP.gov). Vehicle exports are detailed on the website in the Trade section's "Basic Import and Export" category: <http://www.cbp.gov/trade/basic-import-export/export-docs/motor-vehicle#>  
You may also contact the Newark Outbound Enforcement Team at: [NWK-OUTBOUND@cbp.dhs.gov](mailto:NWK-OUTBOUND@cbp.dhs.gov)



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