November 7, 2022

# A Notice by the U.S. Customs and Border Protection on 10/27/2022

## Exportation of Used Self-Propelled Vehicles

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## COMMENTS

The following comments are submitted by NAVTA.
To learn more about NAVTA, please visit NAVTA.org.

Underlined words may contain applicable links for supporting legislation.

**APPLICABLE LINKS FOR REFERENCE:**
CBP - Exporting a Motor Vehicle
CBP - Requirements for exporting a vehicle (including: snowmobile, ATV and Motorcycle)
PART 192 - EXPORT CONTROL

**OVERVIEW OF THIS INFORMATION COLLECTION**

The general purpose of collecting a used self-propelled vehicle title certified copy or original prior to export, is to ensure that stolen vehicles or vehicles associated with other criminal activity are not exported, and that the person providing the title is in fact the owner of the vehicle for export purposes.

Collection of this information is authorized by 19 U.S.C. 1627a, which provides CBP with authority to impose export reporting requirements on all used self-propelled vehicles.
It is also authorized by Title IV, Section 401 of the Anti-Car Theft Act of 1992, 19 U.S.C. 1646c, which requires all persons exporting a used self-propelled vehicle to provide to CBP, at least 72 hours prior to export, the VIN **and proof of ownership of each automobile**.
This information collection is provided for by 19 CFR part 192.
Further guidance regarding these requirements is provided at: CBP - Exporting a Motor Vehicle

**SECTION 192.2 REQUIREMENTS FOR EXPORTATION**

b. Documentation required
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 Customs**, at the time and place specified in this section, the original Certificate of Title or a certified copy of the Certificate of Title and two complete copies of the original Certificate of Title or certified copy of the original.

# NAVTA COMMENTS

An original certificate of title issued by any jurisdiction within the United States has the title's "force" cancelled once a reassignment has been signed by the registered owner from the face of the title.

A reassignment gives only a right for a purchaser to transfer title/ownership to a purchaser's name.

Determining vehicle ownership otherwise, enhances and promotes curb-stoning, title jumping (multiple re-assignments) and tax payment avoidance by a purchaser who declines to transfer title to the purchaser's name, which risks a title to be in force or compliant with issuing jurisdictions. These actions are non-compliance and suggest felony and/or criminal activity elements.

CBP has no other effective, verifiable and efficient method available with determining proof of vehicle ownership, nor can it recognize ownership in any other method, since jurisdictions that issue vehicle titles have limitations with re-assignment use, interpretation, purpose, legal obligations and rights.

If a title is not transferred within a prescribed time, then it is non-compliant with jurisdictions that determine vehicle ownership by the name on the title and its applicability of force.

A compliant title for export can only remain in force, when a jurisdiction issues a title in the name of an existing owner/exporter/supplier-seller within a prescribed time along with no encumbrances.

CBP can only determine vehicle ownership proof of fact and force from the face of the title issued by a jurisdiction within the USA, by comparing the title name with the exporter's name/information on the export declaration.

If a non-resident, foreigner or agent is exporting the vehicle, then the supplier/seller's information and EIN# displayed on the export declaration, must match the title to obtain proof of ownership.

A vehicle exporter is only recognized as the owner when the export declaration matches the vehicle title, where the issuing state recognizes vehicle ownership.

There are no other compliant options available for CBP to recognize ownership or title in force if the vehicle title is in the name of a person/entity other than the what is stated on the export declaration.

A title in the name of person/entity which is not the same as the exporter's name and/or vehicle sellers name (required EIN#) on the export declaration may be noncompliance with the export requirements, since the exporter and/or supplier/seller is not recognized by the issuing state as the vehicle owner.