

# THE MODIFIABLE MERCEDES

Although there currently are no roads linking the US to countries such as England, Italy, Germany, or Japan, car collectors here have overcome this minor obstacle to obtain desired vehicles made in other lands. This is not to say that there are not some "bumps" in the road to importing collector cars. Some of these are mapped out in the pages of the *United States Code* and the *Code of Federal Regulations*, as American statutes and rules impose certain restrictions on the importation of automobiles.

For example, the National Traffic and Motor Vehicle Safety Act prohibits, subject to some exceptions, importation of an automobile which, when manufactured, failed to conform to applicable existing US federal motor vehicle safety standards. One exception is if the automobile is "substantially similar" to (and the same model year as) a vehicle originally manufactured (and certified) for importation into and sale in the US, and can be readily modified to conform to all such standards. The importer (who must be registered and must pay a fee) must guarantee he or she will bring the car into conformity with such standards within a specific time after importation. (This exception has further complexities from which I will spare you.)

The importation of automobiles under these provisions is a process that takes some effort, time and care. A recent successful example was the project undertaken by Champagne Imports Inc. of Lansdale, Pennsylvania, a registered importer.

Champagne wanted to import a 1970 Mercedes-Benz 250C passenger car (Model ID 114.021) manufactured by Daimler Benz A.G. As required of importers, it submitted a petition with the National Highway Traffic Safety Administration (NHTSA) seeking a determination of the automobile's eligibility from that agency. Champagne indicated it be-

lieved the vehicle was substantially similar to the 1970 Mercedes-Benz 250C (Model ID 114.023) that Daimler Benz offered for sale in the US and certified as conforming to all applicable federal motor vehicle safety standards.

Champagne provided evidence that the non-US-certified model either conformed or could be readily modified to conform to the federal standards. The importer stated that the vehicle was identical to its US-certified counterpart with respect to compliance with several of the standards. With regard to other standards, Champagne contended that the automobile it wished to import could easily be modified in such ways as: (1) replacing the marking on the brake failure indicator lamp; (2) installing headlamp assemblies incorporating sealed beam headlamps and front sidemarkers, and taillamp assemblies incorporating rear sidemarkers; (3) installing a tire information placard; (4) installing a buzzer microswitch in the steering lock assembly, and a warning buzzer; (5) installing a VIN (vehicle information number) plate and reference label; and (6) installing a rollover valve in the fuel tank vent line between the fuel tank and the evaporative emissions collection canister.

Pursuant to regulations, NHTSA published a notice of Champagne's petition in the January 22, 1993 *Federal Register*. This notice gave interested persons an opportunity to comment on the petition.

The regulations further provide that, at the close of the comment period, NHTSA must determine, based on the petition and any comments received, whether the vehicle is eligible for importation. The agency then publishes its determination in the *Federal Register*.

NHTSA did not receive any comments

on Champagne's petition by the February 22 end of the comment period.

On April 12, NHTSA published its determination that the nonconforming 1970 Mercedes-Benz 250C automobile *was* eligible for importation. The agency based its decision on the fact that the car was substantially similar to the model originally manufactured and certified for importation, and could be readily modified to conform to all applicable federal standards.

Fortunately for many car collectors, the federal requirements are *somewhat* different (that is, less restrictive) if you want to import an automobile solely for your *personal* use as opposed to *resale*. Moreover, if your preference is for older cars, you're in luck: Vehicles that are 25 or more years old are exempted from certain requirements. Additional exemptions may be granted in some cases for automobiles imported solely for purposes of research, investigations, studies, demonstrations, training, or competitive racing events.

If you are contemplating importing a collector car, you should carefully familiarize yourself with the often-complex applicable laws and regulations — or consult with an expert who is already familiar and experienced with them. Such preparation and/or assistance can help you avoid having your efforts at international collecting being made into a federal case.

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