

Government of Guam
Office of the Governor
Agana, Guam

EXECUTIVE ORDER NO. 68-19

NATIONAL TRAFFIC AND MOTOR VEHICLE
SAFETY ACT OF 1966 - COMPLIANCE

WHEREAS, Federal motor vehicle safety standards have been promulgated by the Department of Transportation in 23 CFR Part 255 pursuant to the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89-563); and

WHEREAS, the National Traffic and Motor Vehicle Safety Act of 1966 applies to Guam and regulations are necessary and desirable to cover the importation of motor vehicles and items of motor vehicle equipment to assure compliance with the Act;

NOW THEREFORE, by virtue of the authority vested in me by the Organic Act of Guam, it is hereby ordered as follows:

1. (a) Standards prescribed by the Department of Transportation. Motor vehicles and motor vehicle equipment manufactured on or after January 1, 1968, offered for sale, or introduction or delivery in interstate commerce, or importation into the United States are subject to Federal Motor Vehicle Safety Standards (hereafter referred to in this section as "safety standards") prescribed by the Secretary of Transportation under sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) as set forth in regulations in 23 CFR. A motor vehicle (hereafter referred to in this section as "vehicle") or item of motor vehicle equipment (hereafter referred to in this section as "equipment item"), manufactured on or after February 1, 1968, is not permitted entry into Guam unless (with certain exceptions set forth in paragraph (b)

of this section) it is in conformity with applicable safety standards in effect at the time the vehicle or equipment item was manufactured.

(b) Requirements for entry and release. (1) Any vehicle or equipment item offered for importation into Guam shall not be refused entry under this section if (i) it bears a valid certification as required by section 114 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1403) and regulations issued thereunder by the Secretary of Transportation (in the case of a vehicle, in the form of a label or tag permanently affixed to such vehicle or in the case of an equipment item, in the form of a label or tag on such item or on the outside of a container in which such item is delivered), or (ii) it is intended solely for export, such vehicle or equipment item and the outside of its container, if any, to be so labeled and tagged. (2) Any such vehicle or equipment item not bearing such certification or export label shall be refused entry unless there is filed with the entry, in duplicate, a declaration verified by the importer or consignee which states that:

(i) Such vehicle or equipment item was manufactured on a date when there were no applicable safety standards in force.

(ii) Such vehicle or equipment item was not manufactured in conformity with applicable standards but has since been brought into conformity, such declaration to be accompanied by the certificate of the manufacturer, contractor, or other person who has brought such

vehicle or equipment item into conformity which described the nature and extent of the work performed; or

(iii) Such vehicle or equipment item does not conform with applicable standards, but that the importer or consignee will bring such vehicle or equipment item into conformity with such standards; or

(iv) Such vehicle is a new vehicle being imported for purposes of resale which does not presently conform to all applicable safety standards because readily attachable equipment items are not attached, but that there is affixed to its windshield a label stating the standard with which and the manner in which such vehicle does not conform and that the vehicle will be brought into conformity by attachment of such equipment items before it will be offered for sale to the first purchaser for purposes other than resale; or

(v) The importer or consignee is a member of the armed forces of a foreign country on assignment in the United States, or is a member of the Secretariat of a public international organization so designated pursuant to 59 Stat. 669 on assignment in the United States, or is a member of the personnel of a foreign government on assignment in the United States who comes within the class of persons for whom free entry of motor vehicles has been authorized by the Department of State and that he is importing such vehicle or equipment item for purposes other than resale. The importer or consignee shall declare that the import is in fact for a temporary period, such period to end on or

about a certain date. If this period should extend beyond the specified date, the applicable standards shall be complied with, and the importer or consignee may be required to furnish a bond to ensure such compliance; or

(vi) The importer or consignee is importing such vehicle or equipment item solely for the purposes of show, test, experiment, competition repairs, or alterations and that such vehicle or equipment item will not be sold or licensed for use on the public roads. (3) Any declaration given under this section shall state the name and address of the importer or consignee, the date and the entry number, a description of any equipment item, the make and model, engine serial, and body serial numbers of any vehicle or other identification numbers, and the city and State in which it is to be registered and principally located if known. The Director of Commerce shall immediately forward the original of such declaration to the Federal Highway Administration of the Department of Transportation.

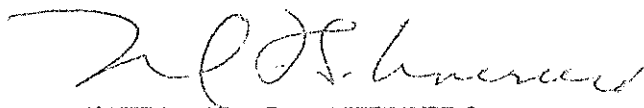
(c) Release under bond. If a declaration filed in accordance with paragraph (b) of this section states that the entry is being made under circumstances described in paragraph (b) (2) (iii) of this section, the entry shall be accepted only if the importer gives a bond for the production of a statement verified by the importer or consignee that the vehicle or equipment item described in the declaration filed by the importer has been brought into conformity with applicable safety standards and identifying the

manufacturer, contractor, or other person who has brought such vehicle or equipment item into conformity with such standards and describing the nature and extent of the work performed. The bond shall be in the amount determined by the Director of Commerce. Within 90 days after such entry, or such additional period as the Director of Commerce may allow for good cause shown, the importer or consignee shall deliver to the Director of Commerce the statement described in this paragraph which the Director of Commerce shall forward to the Federal Highway Administration. If such statement is not delivered to the Director of Commerce for the port of entry of such vehicle or equipment item within 90 days of the date of entry or such additional period as may be allowed by the Director of Commerce, for good cause shown, the importer or consignee shall deliver or cause to be delivered to the Director of Commerce those vehicles or equipment items, which were released in accordance with this paragraph. In the event that any such vehicle or equipment item is not redelivered within 5 days following the date specified in the preceding sentence, liquidated damages shall be assessed in the full amount of a bond given,

(d) Merchandise refused entry. If a vehicle or equipment item is denied entry under the provisions of paragraph (b) of this section, the Director of Commerce shall refuse to release the merchandise for entry into Guam and shall issue a notice of such refusal to the importer or consignee.

(e) Disposition of merchandise refused entry into Guam; redelivered merchandise. Vehicle or equipment items which are denied entry under paragraph (b) of this section or which are redelivered in accordance with paragraph (c) of this section and which are not exported under supervision within 90 days from the date of notice of refusal of admission or date of redelivery shall be disposed of. Provided, however, that any such disposition shall not result in an introduction into Guam of a vehicle or equipment item in violation of the National Traffic and Motor Vehicle Safety Act of 1966.

Dated at Agana, Guam this 20th day of September, 1968.


MANUEL F. L. GUERRERO
Governor of Guam

COUNTERSIGNED:


DENVER DICKERSON
Secretary of Guam