

# Importing Motorcycles and Scooters

---

## ***How does NHTSA define a Motorcycle?***

- NHTSA defines the term " [motorcycle](#), " for the purpose of the statute and regulations it administers, as " a motor vehicle with motive power having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with ground " (49 CFR 571.3).
- NHTSA defines the term " [motor driven cycle](#) " as a motorcycle with a motor that produces 5-brake horsepower or less. A motor driven cycle is exempted from certain requirements of the FMVSS that apply to motorcycles.
- NHTSA does not define the terms " [motor scooter](#), " " [moped](#), " " [pocket bike](#), " " [mini-chopper](#), " " [mini-ninja](#), " or any other terms of this nature that may be used for the purpose of marketing motorcycles and motor driven cycles. Those terms therefore have no relevance to the classification of a vehicle for the purpose of determining which FMVSS would apply to it.

## Requirements to Lawfully Import Off-Road Cycles and Motorcycles or Motor-driven Cycles for On-road Use

NHTSA regulates the importation of a " motor vehicle, " which is defined in the controlling statute (49 U.S.C. 30102) as " a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways.

Vehicles ([such as racing bikes, dirt bikes, or ATV ' s](#)) that are not " primarily manufactured for on-road use " do not qualify as motor vehicles, and may be lawfully imported without regard to whether they were originally manufactured to comply with all applicable FMVSS. Vehicles that are not primarily manufactured for on-road use may be entered under Box 8 on the HS-7 Declaration form to be given to Customs at the time of entry. To support a Box 8 entry, the importer must furnish Customs with a substantiating statement to establish that the vehicle was not primarily manufactured for on-road use.

**On-road use vehicles:** If a motorcycle or motor driven cycle is capable of a top speed above 20 miles per hour and is equipped with components (such as lights, mirrors, turn signals, and horn) that are needed for on-road use, NHTSA will regard it as having been primarily manufactured for such purposes. Motorcycles and motor driven cycles with these capabilities and equipment cannot be lawfully imported into the United States unless they were originally manufactured to comply with all applicable FMVSS and bear a label certifying such compliance that is permanently affixed by the original manufacturer. The label must be

affixed to a permanent member of the vehicle, as close as is practicable to the intersection of the steering post and the handle bars, so that its contents can be easily read without moving any part of the vehicle except for the steering mechanism. In addition, the vehicle ' s manufacturer is required to have submitted to NHTSA identifying information on itself and the products it manufactures to the FMVSS (as required by 49 CFR Part 566), provided NHTSA with information the agency would need to decipher the vehicle identification number or " VIN " the manufacturer is required (under 49 CFR Part 565) to assign to each motor vehicle manufactured for sale in the United States, and designated a U.S. resident as its agent for service of process (as required under 49 CFR 551.45).

*Issues involving the importation of small motor scooters.* The importer of a small motor scooter must file an HS-7 Declaration form with Customs at the time of entry on which it must declare whether the motor scooter is a " motor vehicle, " and if so, whether it complies with all applicable FMVSS. If the motor scooter is capable of a maximum speed above 20 miles per hour and is equipped with components (such as lights, mirrors, turn signals, and horn) that are needed for on-road use, NHTSA will regard it as a " motor vehicle. To be imported without restriction, a motor vehicle must be manufactured to comply with all applicable FMVSS and bear a label certifying such compliance that is permanently affixed by the vehicle ' s original manufacturer. Such a vehicle is entered under Box 2A on the HS-7 Declaration form. A motor vehicle that is not originally manufactured to comply with all applicable FMVSS, or is not so certified by its original manufacturer, can only be lawfully imported if it is determined eligible for importation by NHTSA and is imported by a registered importer or by a person who has a contract with a registered importer to bring the vehicle into compliance with all applicable standards after importation. Such a vehicle is imported under Box 3 on the HS-7 Declaration form.

*Small motor scooters that are incapable of a maximum speed above 20 miles per hour may be lawfully entered under Box 8 on the HS-7 Declaration form as vehicles that were not primarily manufactured for on-road use.* Such low-speed scooters can be entered in this fashion even if they are equipped with components (such as lights, mirrors, turn signals, and horn) that are normally found on vehicles intended for use on public roads. Below are links to interpretation letters in which the agency ' s Office of Chief Counsel has addressed whether low speed, two-wheeled vehicles are "motor vehicles."  
[http://www.nhtsa.dot.gov/cars/rules/interps/files/Winbel\\_scooter\\_v5.html](http://www.nhtsa.dot.gov/cars/rules/interps/files/Winbel_scooter_v5.html)  
[http://www.nhtsa.dot.gov/cars/rules/interps/files/Ocean\\_imports\\_scooter\\_03-9045.2version2.html](http://www.nhtsa.dot.gov/cars/rules/interps/files/Ocean_imports_scooter_03-9045.2version2.html)  
[http://www.nhtsa.dot.gov/cars/rules/interps/files/TransportCanada\\_000262.html](http://www.nhtsa.dot.gov/cars/rules/interps/files/TransportCanada_000262.html)  
Additionally, an informational brochure for new motorcycle manufacturers can be found at <http://www.nhtsa.dot.gov/cars/rules/maninfo/>. This brochure will provide prospective importers of small motor scooters with guidance on the standards to which a motorcycle must be certified by its original manufacturer for

the vehicle to be lawfully imported as a conforming motor vehicle under Box 2A on the HS-7 Declaration form, and other requirements that the manufacturer must meet.

**Scooters that can be imported as racing vehicles.** A small motor scooter that is capable of a maximum speed above 20 miles per hour can be imported as an off-road racing vehicle that does not have to be originally manufactured to comply with all applicable FMVSS, provided: 1. the scooter lacks equipment that is needed for on-road operation (such as lights, mirrors, turn signals, and horn); 2. the importer declares the scooter as a vehicle that was not primarily manufactured for on-road use under Box 8 on the HS-7 Declaration form; and 3. the declaration is accompanied by a substantiating statement establishing that the vehicle was not primarily manufactured for use on public roads, streets, and highways, and is being imported solely for use in competitive racing events. With regard to the first condition specified above, if the vehicle is equipped with one or more headlights, but lacks other equipment needed for on-road use, it can still be imported as a racing vehicle under Box 8, provided the other conditions are met.

**Scooters that are not motor vehicles** \* Scooters lacking seats that are operated in a stand-up mode. \* Scooters that are incapable of a top speed above 20 mph. \* Electric bicycles with operable pedals, equipped with a motor under 750 watts, whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weights 170 pounds, is less than 20 mph. List of DOT/NHTSA approved manufacturers of motorcycles and motor scooters. Please be aware that NHTSA does not approve any manufacturers or products. Instead, it is the manufacturer's responsibility to ensure that any motor vehicle or motor vehicle equipment item that it manufactures for sale in the United States conforms to all applicable FMVSS. The agency's regulations at 49 CFR Part 567 require manufacturers to affix to vehicles offered for sale in the United States labels certifying that the vehicle conforms to all applicable FMVSS in effect on the vehicle's date of manufacture. Other than issuing the standards to which the vehicle must be certified, NHTSA plays no role in the certification process. Manufacturers of motor vehicles and motor vehicle equipment items that are subject to the FMVSS must file identifying information with NHTSA within 30 days from the date they begin to manufacture those products. This registration, however, does not constitute agency approval of the manufacturer or its products. You may wish to query the agency ' s manufacturer information database at [www.nhtsa.dot.gov/cars/rules/manufacture](http://www.nhtsa.dot.gov/cars/rules/manufacture). <http://www.nhtsa.dot.gov/cars/rules/manufacture> to learn whether the manufacturer of the motorcycle or motor scooter you are seeking to import has identified itself to NHTSA. If the manufacturer has so identified itself, information will appear in the database under the heading " Part 566. " Exemptions or waivers from importation restrictions NHTSA has no authority to grant an exemption or waiver from the importation restrictions outlined above for reasons of financial hardship, physical disability, conditions of employment, military service, or for any other reasons. *Moreover, there is no such thing as a "once in*

*a lifetime exemption" that would permit a military member, or any other person for that matter, to import a nonconforming motor vehicle into the United States.*