§ 12.85 Coast Guard boat and associated equipment safety standards.

(a) Applicability of standards or regulations prescribed by the Commandant, U.S. Coast Guard. Boats and associated equipment (as hereinafter defined) are subject to U.S. Coast Guard safety regulations or standards when imported or, under certain conditions, brought into the United States after November 1, 1972. Those regulations or standards are prescribed by the Commandant, U.S. Coast Guard, pursuant to sections 5, 7, and 39, Federal Boat Safety Act of 1971 (46 U.S.C. 1454, 1456, 1488), as set forth in 33 CFR parts 181, 183.

(1) The term “boats” includes:

   (i) All vessels manufactured or used primarily for noncommercial use.

   (ii) All vessels leased, rented, or chartered to another for the latter's noncommercial use.

   (iii) All vessels engaged in the carrying of six or fewer passengers (see section 4.80 of this chapter on prohibitions against foreign vessels transporting passengers in the coastwise trade).

   (2) For purposes of §12.85 the term “boat” does not include:

   (i) Foreign vessels temporarily using waters subject to U.S. jurisdiction.

   (ii) Military or public vessels of the United States, except recreational type public vessels.

   (iii) A vessel whose owner is a State or subdivision thereof, which is principally used for governmental purposes, and which is clearly identifiable as such.

   (iv) Ships’ lifeboats.

(3) The term “associated equipment” means:
(i) Any system, part, or component of
a boat as originally manufactured, or a
similar part or component manufac-
tured or sold for replacement, repair,
or improvement of such system, part,
or component (excluding radio equip-
ment).

(ii) Any accessory or equipment for,
or appurtenance to, a boat (excluding
radio equipment).

(iii) Any marine safety article, acces-
sory, or equipment intended for use by
a person on board a boat (excluding
radio equipment).

(4) The term “product” as used in
this section, includes the terms
“boats” and “associated equipment” as
defined in paragraphs (a) (1), (2), and (3)
of this section.

(b) Evidence of compliance with boating
standards or regulations as condition of
entry. A product for which entry is
sought into the Customs territory of
the United States will, subject to the
exceptions specified in paragraph (c) of
this section, be denied entry unless ac-
accompanied by evidence of compliance
with standards or regulations as fol-
lows:

(1) A product subject to standards
prescribed in 33 CFR part 183 will have
affixed to it a compliance certification
label in accordance with the require-
ments of subpart B, 33 CFR part 181.

(2) A boat hull subject to subpart C,
33 CFR part 181 will have affixed to it
a hull identification number affixed by
the importer or the original manufac-
turer. The number shall comply with
the format requirements of subpart C,
33 CFR part 181.

(c) Products not in compliance with
standards or regulations: Alternative evi-
dence required as condition of entry
and release. Certain products shall be per-
mitted entry and release without a
compliance certification label or hull
identification number affixed, as is re-
quired by subparts B and C, 33 CFR
part 181, if they fall within one of the
following categories, and if the condi-
tions for entry and release specified for
each category of product are met:

(1) Products manufactured before stand-
ards or regulations in effect. For certain
products manufactured before an appli-
cable standard or regulation was in ef-
fact, a declaration will be filed in ac-
cordance with the requirements of
paragraph (d) of this section. The de-
claration will state that the product
was manufactured before the applica-
ble standard or regulation was in ef-
fact. If the port director believes that
it is necessary in a particular case, he
may communicate with the nearest
Coast Guard district commander by the
most expedient means to request that
the Coast Guard determine that alter-
ation of the product is not required.

(2) Products exempted from standards or
regulations by Coast Guard Grant of Ex-
emption. For certain products specifi-
cally exempted from applicable stand-
ards or regulations by a Coast Guard
Grant of Exemption, a declaration will
be filed in accordance with paragraph
(d) of this section. The declaration will
state that the product has been specifi-
cally exempted from applicable stand-
ards or regulations by a U.S. Coast
Guard Grant of Exemption, issued
under the authority of section 9 of the
Federal Boat Safety Act of 1971 (46
U.S.C. 1458), and in effect on the date
the product was manufactured. The
declaration will also state that the
product complies with all the terms
and conditions of the exemption. A
copy of the exemption, certified by the
importer or consignee to be a true
copy, shall be attached to each declara-
tion.

(3) Products to be brought into con-
formity. In the case of products that are
not in conformity at the time of entry
but will be brought into conformity, a
declaration will be filed in accordance
with paragraph (d) of this section. The
declaration will state that the product
does not conform with applicable safe-
ty standards or regulations, but that
the importer or consignee will bring
the product into conformity with safe-
ty standards or regulations, and will
also state that the product will not be
sold or offered for sale, or used on wa-
ters subject to the jurisdiction of the
United States and on the high seas be-

beyond the territorial seas for a vessel
owned in the United States except for
the purpose of bringing it into con-
formity, until the bond has been satis-
ified with respect to this obligation. To
secure entry under this provision, bond
must be given in accordance with para-
graph (e)(1) of this section.
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(4) Certain products entering the United States for repair or alteration. In the case of a nonresident of the United States who wishes to enter a product for the purpose of making repairs or alterations to it for a period not exceeding 1 year from the date of entry, a declaration will be filed in accordance with paragraph (d) of this section. The declaration shall state that the importer or consignee is a nonresident of the United States, that the product is being brought in for the purpose of making repairs or alterations to it, that it will not remain in the Customs territory of the United States for more than 1 year following the date of the entry, and that it will not be offered for sale, sold, or used for pleasure in waters subject to the jurisdiction of the United States during that time.

(5) Products owned by certain foreign governments. In the case of an importer or consignee employed in one of the capacities set forth in this subparagraph, a declaration will be filed in accordance with paragraph (d) of this section. The declaration shall state that the importer or consignee is either a member of the armed forces of a foreign country on assignment in the U.S. or is a member of the personnel of a foreign government on assignment in the U.S. or other individual who comes within the class of persons for whom free entry of boats has been authorized by the Department of State in accordance with general principles of international law, and that he is importing the product for purposes other than resale.

(6) Certain products entered for tests, experiments, exhibits, or races. An importer or consignee seeking to enter a product for period not to exceed 1 year, for tests, experiments, exhibits, or races but not for sale in the United States, shall file a declaration in accordance with paragraph (d) of this section. The declaration shall state that the importer or consignee is importing the product solely for the stated purpose and that it will not be sold or operated in the United States, unless the operation is an integral part of the stated use for which the product was imported. The importer or consignee shall attach to the declaration a description of use for which the product is being imported, the time period estimated for completion, and disposition to be made of the product after completion. Entry under this paragraph may be authorized for a period not to exceed 1 year from the date of importation. However, this period may be extended at the discretion of the port director for one or more additional periods which, when added to the initial 1-year period, shall not exceed a total of 3 years.

(d) Declaration requirements. All declarations submitted must:

(1) Be filed at the time of entry, in duplicate on Form CG–5096.

(2) Be signed by the importer or consignee.

(3) State the name and U.S. address of the importer or consignee.

(4) State the entry number and date.

(5) Provide the make, model, and hull identification number, if affixed, or date of manufacture if hull identification number not affixed, of any boat, and a description of any equipment or component.

(6) Identify, if known, the city or state in which the product will be principally located.

(7) Be sent by the port director, to the Commandant (G-BBS-1/42), U.S. Coast Guard, Washington, D.C. 20593.

(e) Release under bond—(1) When bond required. A bond will be required of the importer or consignee on Customs Form 301, containing the bond conditions set forth in §113.62 of this chapter, in such amount as the port director deems appropriate, when a declaration is made that a product is to be brought into conformity. When the importer or consignee of a product declares that it will be brought into conformity before being sold or offered for sale, or before being used on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for a vessel owned in the United States and seeks entry of the product under paragraph (c)(3) of this section, the entry shall be accepted only if bond is given for the production of a statement by either the importer or the consignee that the product described in the declaration is in conformity with applicable safety standards or regulations. The statement shall identify the person or firm
§ 12.91 Electronic products offered for importation under the Act.

(a) Standards prescribed by the Department of Health and Human Services. Electronic products offered for importation into the customs territory of the United States are subject to standards prescribed under section 358 of the Act (42 U.S.C. 263f) unless intended solely for export. Prescribed standards shall not apply to any electronic product intended solely for export if:

(1) Such product and the outside of any shipping container used in the export of such product are labeled or tagged to show that it is intended for export, and

(2) Such product complies with all the applicable requirements of the country to which it is intended for export.

(b) Requirements for entry and release. Electronic products subject to standards in effect under section 358 of the Act (42 U.S.C. 263f), when offered for importation into the customs territory of the United States, shall be refused entry unless there is filed with the entry, in duplicate, a declaration (FDA Form FD 2877) verified by the importer of record which identifies the products and affirms:

(1) That the electronic products were manufactured before the date of any applicable electronic product performance standard (the date of manufacture shall be specified); or

(2) That the electronic products comply with all standards in effect under section 358 of the Act (42 U.S.C. 263f), and chapter I, subchapter J, title 21, Code of Federal Regulations (21 CFR, chapter I, subchapter J), and that the certification required by section 360 of the Act (42 U.S.C. 263h) in the form of...