

(incorporated by reference, see § 596.5) using the angle-penetration method.

PART 599—REQUIREMENTS AND PROCEDURES FOR CONSUMER ASSISTANCE TO RECYCLE AND SAVE ACT PROGRAM

Subpart A—General

- Sec.
- 599.100 Purpose.
- 599.101 Scope.
- 599.102 Definitions.

Subpart B—Participating Dealers, Salvage Auctions and Disposal Facilities

- 599.200 Registration of participating dealers.
- 599.201 Identification of salvage auctions and disposal facilities.

Subpart C—Qualifying Transactions and Reimbursement

- 599.300 Requirements for qualifying transactions.
- 599.301 Limitations and restrictions on qualifying transactions.
- 599.302 Dealer application for reimbursement—submission, contents.
- 599.303 Agency disposition of dealer application for reimbursement.
- 599.304 Payment to dealer.

Subpart D—Disposal of Trade-in Vehicle

- 599.400 Transfer or consignment by dealer of trade-in vehicle.
- 599.401 Requirements and limitations for disposal facilities that receive trade-in vehicles under the CARS program.
- 599.402 Requirements and limitations for salvage auctions that are consigned trade-in vehicles under the CARS program.
- 599.403 Requirements and limitations for dealers.

Subpart E—Enforcement

- 599.500 Definitions.
- 599.501 Generally.
- 599.502 Record retention.
- 599.503 Access to records.
- 599.504 Suspension, revocation, and reinstatement of registration and participation eligibility.
- 599.505 Reports and investigations.
- 599.506 Notice of violation.
- 599.507 Disclosure of evidence.
- 599.508 Statements of matters in dispute and submission of supporting information.
- 599.509 Hearing officer.

- 599.510 Initiation of action before the hearing officer.
- 599.511 Counsel.
- 599.512 Hearing location and costs.
- 599.513 Hearing procedures.
- 599.514 Assessment of civil penalties.
- 599.515 Appeals of civil penalties in excess of \$100,000.00.
- 599.516 Collection of assessed or compromised civil penalties.
- 599.517 Other sanctions.

Subpart F—Requirements and Procedures for Exceptions

- 599.600 Exceptions—Applicability and requirements.
- 599.601 Procedures for requesting exception.
- 599.603 Disposition of requests for exception.

APPENDIX A TO PART 599—SUMMARY OF SALE/LEASE AND CERTIFICATIONS

APPENDIX B TO PART 599—ENGINE DISABLEMENT PROCEDURES FOR THE CARS PROGRAM

APPENDIX C TO PART 599—ELECTRONIC TRANSACTION SCREEN

APPENDIX D TO PART 599—CARS PURCHASER SURVEY

APPENDIX E TO PART 599—DISPOSAL FACILITY CERTIFICATION FORM

APPENDIX F TO PART 599—SALVAGE AUCTION CERTIFICATION FORM

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Subpart A—General

§ 599.100 Purpose.

This part establishes requirements and procedures implementing the program authorized under the Consumer Assistance to Recycle and Save Act of 2009.

§ 599.101 Scope.

The requirements of this part apply to new vehicle purchase or lease transactions, in combination with trade-in vehicle transactions that occur on or after July 1, 2009 up to and including November 1, 2009, and to the disposal of trade-in vehicles under the CARS Act.

§ 599.102 Definitions.

As used in this part—
Agency or *NHTSA* means the National Highway Traffic Safety Administration.

CARS Act means the Consumer Assistance to Recycle and Save Act of 2009, Public Law 111–32, 123 Stat. 1859 (June 24, 2009).

CARS Program means the program authorized under the Consumer Assistance to Recycle and Save Act of 2009, which NHTSA refers to as the Car Allowance Rebate System.

Category 1 truck means a non-passenger automobile, as defined in section 49 U.S.C. 32901(a)(17) and 49 CFR 523.3, except that such term does not include a category 2 truck.

Category 2 truck means a large van with a wheelbase of 124 inches or more, or a large pickup with a wheelbase of 115 inches or more.

Category 3 truck means a work truck, as defined in 49 U.S.C. 32901(a)(19).

Clear title means title to a vehicle that is free from all liens and encumbrances.

Combined Fuel Economy means—

(1) With respect to an eligible new vehicle, the number, expressed in miles per gallon, centered below the words “Combined Fuel Economy” on the label required to be affixed or caused to be affixed on a new automobile pursuant to subpart D of 40 CFR part 600.

(2) With respect to an eligible trade-in vehicle of model year 1985 or later, the number posted under the words “Estimated New EPA MPG” or “New EPA MPG” and above the word “Combined,” except that for a bi-fuel, dual fuel, or flexible fueled vehicle, that number must also be below the word “Gasoline,” on the fueleconomy.gov Web site of the Environmental Protection Agency for the make, model, and year of such vehicle.

Credit means an electronic payment to a dealer for a qualifying transaction under the program.

Dealer means a person licensed by a State who engages in the sale of a new automobile to a person who in good faith purchases such automobile for purposes other than resale.

Disposal facility means a facility listed on <http://www.cars.gov/disposal> as eligible to receive a trade-in vehicle for crushing or shredding under the CARS program, except in the case of a U.S. territory.

End-of-Life Vehicle Solutions or ELVS means an entity established under the

National Vehicle Mercury Switch Recovery Program for the collection, recycling and disposal of elemental mercury from automotive switches.

Engine block means the part of the engine containing the cylinders and typically incorporating water cooling jackets and also including the crank shaft, connecting rods, pistons, bearings, cam(s), and cylinder head(s). In a rotary engine, the block includes the rotor housing and rotor.

GVWR means gross vehicle weight rating.

Lease means a lease of a new vehicle for a period of not less than 5 years, excluding any lease with a balloon payment due prior to the elapsing of 5 years.

Manufacturer’s Suggested Retail Price or MSRP means the base Manufacturer’s Suggested Retail Price, excluding any dealer accessories, optional equipment, taxes and destination charges.

National Motor Vehicle Title Information System or NMVTIS means the on-line system established under the oversight of the Department of Justice that enables consumers and others to access vehicle history information, including salvage history, total loss information, and title branding and odometer information, and to which insurance companies and salvage yards must report vehicle status information. (<http://www.nmvtis.gov>.)

New Vehicle means an automobile or work truck, the equitable or legal title of which has not been transferred to any person other than the purchaser.

Non-titling Jurisdiction means a State that does not issue a title for certain typically older vehicles.

Passenger automobile means a passenger automobile, as defined in section 49 U.S.C. 32901(a)(18) and 49 CFR 523.4.

Person means an individual, corporation, company, association, firm, partnership, society, or joint stock company.

Purchaser means a person purchasing or leasing a new vehicle under the CARS Program.

Salvage auction means an entity that receives a CARS trade-in vehicle from a dealer and is authorized to sell it only to a disposal facility on the Disposal Facility List and that will make

all the necessary certifications for salvage auctions under the CARS program.

State means any one of the 50 United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.

Subpart B—Participating Dealers, Salvage Auctions and Disposal Facilities

§ 599.200 Registration of participating dealers.

(a) *In general.* A dealer may apply for a credit under the CARS Program only if it meets the Required Dealer Qualifications for Registration under this subpart, is registered in accordance with this subpart, and is currently registered at the time it submits an application for reimbursement.

(b) *Required dealer qualifications for registration.* A dealer seeking to register must have:

- (1) A currently operating new automobile dealership and business address within a State in the United States;
- (2) A currently active business license under the law of the State where the new automobile dealership is located to operate that dealership;
- (3) A currently active franchise agreement to sell new automobiles with an original equipment manufacturer of automobiles;
- (4) A bank account in a U.S. bank in a State and a bank account routing number for electronic transfer of funds;
- (5) The ability to submit application materials and perform transactions electronically using the Internet; and
- (6) Not been convicted of a crime involving motor vehicles or any fraud or financial crime under State or Federal law.

(c) *Registration procedures.* (1) Using comprehensive lists of franchised dealers provided by original equipment manufacturers, as updated by these manufacturers, the agency will mail a letter to each listed dealer describing a secure electronic process and providing an authorization code by which the dealer, following the process in paragraph (c)(2) of this section, can effect registration.

(2) A dealer contacted in accordance with paragraph (c)(1) of this section may register electronically as a participating dealer under the CARS Program by using the authorization code and following the instructions provided in the letter mailed under paragraph (c)(1) of this section, and submitting the following information electronically or validating the information, where it exists already on an electronic form:

- (i) Dealer's Federal Tax Identification Number (TIN) and OEM assigned dealer franchise number;
- (ii) Legal business name, doing business as name (if applicable), dealership physical and mailing address, telephone number, and fax number;
- (iii) Name and title of dealer representative authorized to submit transactions under this program, and phone number and e-mail address of representative; and
- (iv) Name of U.S. bank used by dealership, bank account number, and bank account routing number.

(3) A dealer must register separately, following the process under paragraph (c)(2) of this section, for each make of vehicle it sells, using the authorization code associated with that vehicle make.

(d) *Disposition of registration application.* The agency will review the registration application for compliance with this part, including completeness, and notify the dealer as follows:

- (1) For an approved registration:
 - (i) By e-mail notification to the authorized dealer representative, with a user identification and password that will allow the submission of transactions; and
 - (ii) By listing the "doing business as" name, physical address, and general telephone number of the dealer on the agency Web site at <http://www.cars.gov>.

(2) For a disapproved registration, by withholding the dealer identification information from the agency's Web site and providing e-mail notification to the authorized dealer representative of the reasons for rejecting the application.

(e) *Revocation of Dealer Registration.* (1) *Termination or Discontinuance of Franchise.*

§ 599.201

(i) A dealer whose franchise agreement with an original equipment manufacturer (OEM) has expired without renewal, has been terminated, or otherwise is no longer in effect shall be automatically removed as a matter of course, subject to paragraph (e)(1)(iii), from the agency's list of registered dealers and may no longer receive a credit for new transactions under the CARS Program submitted for repayment on or after the date that the franchise expired or no longer is in effect.

(ii) Paragraph (e)(1)(i) of this section does not preclude a dealer registered under other franchise agreements from receiving a credit for transactions under those agreements that have not expired or been discontinued.

(iii) A dealer whose name is removed from the agency's list of registered dealers under paragraph (e)(1)(i) shall be reinstated to the list of registered dealers upon a showing to NHTSA of proper and adequate license to sell new vehicles to ultimate purchasers.

(2) *Other suspension or revocations actions.* The agency may also suspend or revoke the registration of a dealer as provided in § 599.504.

(f) *Notification of changes.* A registered dealer shall immediately notify the agency of any change to the information submitted under this section and any change to the status of its State license or franchise.

(g) *Pre-registration transactions.* An otherwise qualifying transaction that occurs during the time period prescribed under § 599.301(a) is not a non-complying transaction solely because a dealer is not registered at the time of the transaction, except that the dealer must be eligible to register and must register under § 599.200 in order to be entitled to reimbursement for a credit extended under the CARS program.

§ 599.201 Identification of salvage auctions and disposal facilities.

(a) *Participating entities.* Subject to the conditions and requirements of paragraph (b), participation in the transfer and disposal of a trade-in vehicle under the CARS program is limited to the following entities:

(1) A salvage auction that will transfer trade-in vehicles received under this program only to a disposal facility

49 CFR Ch. V (10–1–24 Edition)

identified in paragraph (a)(2) or (a)(3) of this section.

(2) A disposal facility listed on the Web site at <http://www.cars.gov/disposal>; or

(3) A facility that disposes of vehicles in Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.

(b) *Conditions of Participation.* A participating entity identified in paragraph (a) of this section must:

(1) Comply with all the provisions and restrictions and make all the required certifications contained in subpart D of this part.

(2) In the case of a disposal facility identified in paragraph (a)(2) of this section, be currently listed on the Web site at <http://www.cars.gov/disposal>, as of the date of its participation in the disposal of the trade-in vehicle.

(c) *Removal of authority to participate.*

(1) A disposal facility that qualifies as such by active membership in ELVS and that fails to maintain active ELVS membership may be automatically removed as a matter of course from the agency's list of disposal facilities maintained at <http://www.cars.gov/disposal> authorized to participate in the CARS program.

(2) The agency may also suspend or remove a salvage auction's or disposal facility's authority to participate in the CARS program in accordance with the procedures of § 599.504.

[74 FR 37897, July 29, 2009, as amended at 74 FR 38976, Aug. 5, 2009]

Subpart C—Qualifying Transactions and Reimbursement

§ 599.300 Requirements for qualifying transactions.

(a) *In general.* To qualify for a credit under the CARS Program, a dealer must sell or lease a new vehicle that meets eligibility requirements to a purchaser, obtain a trade-in vehicle that meets eligibility requirements from the purchaser, satisfy combined fuel economy requirements for both the new and trade-in vehicles, store the trade-in vehicle at the dealership or property owned by or under the control of the dealership until the engine is disabled, disable the engine of the

trade-in vehicle at the dealership or property owned by or under the control of the dealership, satisfy the limitations and restrictions of the program, arrange for disposal of the trade-in vehicle at a qualifying disposal facility or through a qualifying salvage auction, and register and submit a complete application for reimbursement to NHTSA, demonstrating that it meets all the requirements of this part.

(b) *Threshold eligibility requirements that apply to all trade-in vehicles.* The trade-in vehicle must be:

(1) In drivable condition, as demonstrated by actual operation of the motor vehicle on public roads by the dealer and by certification by the dealer and by the purchaser, as provided in Appendix A to this part, certifications section, that the vehicle was in drivable condition on the date of the qualifying transaction;

(2) Continuously insured consistent with the applicable State law for a period of not less than 1 year immediately prior to the trade-in, as demonstrated by:

(i) One or more current insurance cards specifying the make, model, model year, and vehicle identification number (VIN) of the insured vehicle and displaying a continuous one-year period of insurance coverage; or a copy of an insurance policy document (e.g., a declarations page or pages) showing a continuous one-year period of insurance coverage for the vehicle; or a signed letter, on insurance company letterhead, specifying the same vehicle identification information (*i.e.*, make, model, model year, and VIN) of the insured vehicle and identifying the period of continuous coverage, which must be for at least one year prior to the date of the trade-in; and

(ii) By certification by the purchaser, as provided in Appendix A to this part, certifications section, that the vehicle was so insured;

(3) Continuously registered in a State to the purchaser for a period of not less than one year immediately prior to the trade-in, as demonstrated by:

(i) A current State registration document or series of registration documents in the name of the purchaser evidencing registration for a period of not less than one year immediately

prior to the trade-in; or a current State registration document showing registration in the name of the purchaser and a title that confers title on the purchaser not less than one year immediately prior to the trade-in; or a current State registration document showing registration in the name of the purchaser and a document from a commercially available vehicle history provider evidencing registration for a period of not less than one year immediately prior to the trade-in; and

(ii) By certification by the purchaser, as provided in Appendix A to this part, certifications section, that the vehicle was so registered;

(4) Manufactured less than 25 years before the date of the trade-in, as demonstrated by model year information on the title or, where that information is inconclusive, by direct observation by the dealer of the month and year of the vehicle's manufacture, which appears on the safety standard certification label of the vehicle, provided that on the 25th year, the 25-year requirement is satisfied if the manufacture date falls anytime within the month 25 years before the date of trade-in, and by certification by the dealer, as provided in Appendix A to this part, certifications section, that the manufacture date is less than 25 years before the date of trade-in.

(c) *Threshold eligibility requirements that apply to all new vehicles.* The new vehicle must:

(1) Be either purchased or leased for a lease period of not less than 5 years;

(2) Have a manufacturer's suggested retail price of \$45,000 or less.

(d) *Trade-in Vehicle—Disclosure of Scrap Value, Engine Disablement, and Title Marking.* As part of a qualifying transaction under this part, the dealer shall:

(1) During the transaction, disclose to the person purchasing or leasing an eligible new vehicle and trading in an eligible trade-in vehicle, the best estimate of the scrap value of the trade-in vehicle, inform that person that the dealer is authorized to retain \$50 of this amount as payment for its administrative costs of participation in the program, and certify, as provided in Appendix A to this part, certifications

§ 599.300

49 CFR Ch. V (10–1–24 Edition)

section, that it has made such disclosure;

(2) Except as provided in paragraph (e) of this section, store the trade-in vehicle at the dealership or property owned by or under the control of the dealership until its engine is disabled following the procedures set forth in Appendix B to this part, disable the engine of the trade-in vehicle at the dealership or property owned by or under the control of the dealership following the procedures set forth in Appendix B to this part, and certify, as provided in Appendix A to this part, dealer certifications section, that either the engine of the trade-in vehicle has been disabled at the dealership or property owned by or under the control of the dealership, or that the trade-in vehicle will be stored at the dealership or property owned by or under the control of the dealership until the engine is disabled and the engine of the trade-in vehicle will be disabled by the dealer at the dealership or property owned by or under the control of the dealership not more than seven calendar days after the dealer's receipt of payment for the transaction; and

(3) Prior to submitting an application for reimbursement under § 599.302, legibly mark the front and back of the trade-in vehicle's title in prominent letters that do not obscure the owner's name, VIN, or other writing as follows: "Junk Automobile, CARS.gov."

(e) *Dealer transfers prior to July 24, 2009.* (1) Subject to the provisions of paragraph (e)(2) of this section, if the dealer transferred the vehicle prior to July 24, 2009, the dealer may either:

(i) Locate the vehicle, disable its engine following the procedures set forth in Appendix B to this part, and provide the certification in Appendix A to this part, certifications section, that it has disabled the engine; or

(ii) Obtain a sworn affidavit from a disposal facility that it has crushed or shredded the vehicle, including the engine block, and provide supporting documents sufficient to establish that fact.

(2) The dealer and disposal facility must comply with all other requirements of this part, including the requirement that the trade-in vehicle be crushed or shredded, except that the af-

fidavit and supporting documents provided for under paragraph (e)(1)(ii) of this section may substitute for the disposal facility certification form.

(f) *Qualifying transactions (\$3,500 Credit).* Subject to the requirements of paragraphs (b), (c), and (d), and, if applicable, paragraph (e) of this section and the additional requirements of §§ 599.301, 599.302, and 599.303 of this subpart, each of the following transactions qualifies for a credit of \$3,500 under this program:

(1) The new vehicle is a passenger automobile with a combined fuel economy of at least 22 mpg, the eligible trade-in vehicle has a combined fuel economy of 18 mpg or less and is a passenger automobile, category 1 truck, or category 2 truck, and the combined fuel economy of the new vehicle is at least 4 mpg, but less than 10 mpg higher than the combined fuel economy of the eligible trade-in vehicle.

(2) The new vehicle is a category 1 truck with a combined fuel economy of at least 18 mpg, the eligible trade-in vehicle has a combined fuel economy of 18 mpg or less and is a passenger automobile, category 1 truck, or category 2 truck, and the combined fuel economy of the new vehicle is at least 2 mpg, but less than 5 mpg higher than the combined fuel economy of the eligible trade-in vehicle.

(3) The new vehicle is a category 2 truck with a combined fuel economy of at least 15 mpg, the eligible trade-in vehicle has a combined fuel economy of 18 mpg or less and is a category 2 truck, and the combined fuel economy of the new vehicle is 1 mpg higher than the combined fuel economy of the eligible trade-in vehicle.

(4) The new vehicle is a category 2 truck with a combined fuel economy of at least 15 mpg and the eligible trade-in vehicle is a category 3 truck of model year 2001 or earlier.

(5) The new vehicle is a category 3 truck, the eligible trade-in vehicle is a category 3 truck of model year 2001 or earlier, and the new fuel efficient vehicle has a GVWR less than or equal to the GVWR of the eligible trade-in vehicle.

(g) *Qualifying transactions (\$4,500 Credit).* Subject to the requirements of

paragraphs (b), (c), and (d), and, if applicable, paragraph (e) of this section and the additional requirements of §§ 599.301, 599.302, and 599.303 of this subpart, each of the following transactions qualifies for a credit of \$4,500 under this program:

(1) The new vehicle is a passenger automobile with a combined fuel economy of at least 22 mpg, the eligible trade-in vehicle has a combined fuel economy of 18 mpg or less and is a passenger automobile, category 1 truck, or category 2 truck, and the combined fuel economy of the new vehicle is at least 10 mpg higher than the combined fuel economy of the eligible trade-in vehicle.

(2) The new vehicle is a category 1 truck with a combined fuel economy of at least 18 mpg, the eligible trade-in vehicle has a combined fuel economy of 18 mpg or less and is a passenger automobile, category 1 truck, or category 2 truck, and the combined fuel economy of the new vehicle is at least 5 mpg higher than the combined fuel economy of the eligible trade-in vehicle.

(3) The new vehicle is a category 2 truck with a combined fuel economy of at least 15 mpg, the eligible trade-in vehicle has a combined fuel economy of 18 mpg or less and is a category 2 truck, and the combined fuel economy of the new vehicle is at least 2 mpg higher than the combined fuel economy of the eligible trade-in vehicle.

(h) *No other qualifying transactions.* Transactions described under paragraphs (f) and (g) of this section are the only transactions that qualify for payment of a credit to a dealer under the CARS Program.

[74 FR 37897, July 29, 2009, as amended at 74 FR 38976, Aug. 5, 2009]

§ 599.301 Limitations and restrictions on qualifying transactions.

(a) *Date of transaction.* A qualifying transaction may not occur on a date before July 1, 2009 or after November 1, 2009, and is subject to available agency funds for the CARS Program.

(b) *One credit per transaction.* Only one credit may be applied towards the purchase or lease price of each new vehicle.

(c) *One credit per person.* A person that participates in a transaction for

which a credit is issued under the CARS Program, whether as a single owner or a joint-registered owner of either an eligible trade-in vehicle, a new vehicle, or both, may not participate or be named in another transaction for which a credit is issued under the CARS program, either as a registered owner of the trade-in vehicle or as a purchaser of the new vehicle.

(d) *Transfer of title.* (1) Except as provided in paragraph (d)(2) of this section, a dealer may not apply for or receive reimbursement for a credit extended to a purchaser under a CARS program transaction unless it has been conveyed clear title and physically possesses the title to the trade-in vehicle.

(2) In the case of a trade-in vehicle registered in a State that is a non-titling jurisdiction and that, in accordance with State law, has no title, the requirement in paragraph (d)(1) of this section that clear title be conveyed is satisfied if the purchaser shows proof of registration in the purchaser's name and provides a bill of sale conferring ownership of the trade-in vehicle to the dealer.

§ 599.302 Dealer application for reimbursement—submission, contents.

(a) *In general.* A dealer's application for reimbursement must demonstrate that the requirements and limitations governing qualifying transactions in § 599.300 and § 599.301 of this subpart have been met, and must comply with the submission and contents requirements of this section.

(b) *Electronic submission.* The application for reimbursement must be submitted by using the login and password provided under § 599.200(d)(1) and following the procedures provided in the letter mailed under § 599.200(c)(1) of this part.

(c) *Application contents.* An application shall consist of an electronic transaction form (portion reproduced in Appendix C to this part) requiring input of information into relevant fields, electronic copies of supporting documents, and applicable certifications, as provided in Appendix A to this part, certifications section. As its application for each transaction, the dealer shall:

(1) Input the following information into relevant fields on the transaction form:

(i) *Purchaser information.*

(A) *Name.* The first name, middle initial and last name of each purchaser, if an individual, or the full legal name of the company, association or other organization that is the purchaser.

(B) *Residence address (or, for an organization, business address).* The full address of each purchaser.

(C) *Driver's license or State identification number.* The State driver's license or State identification number of each purchaser or, for an organization, its tax identification number.

(ii) *Trade-in vehicle information.*

(A) *Make.* The make of the vehicle.

(B) *Model.* The model of the vehicle.

(C) *Model year.* The model year of the vehicle.

(D) *Vehicle identification number (VIN).* The 17 digit VIN of the vehicle.

(E) *CARS Act vehicle category.* The category of vehicle as defined under the CARS Act. (Enter, as applicable, passenger automobile, category 1 truck, category 2 truck or category 3 truck.)

(F) *State of title.*

(G) *State of registration.*

(H) *Start date of registration.*

(I) *Start date of insurance.*

(J) *End date of registration.*

(K) *Odometer reading.* The odometer reading of the vehicle at the time of the trade-in.

(L) *EPA combined fuel economy.* The listed EPA combined fuel economy of the vehicle.

(M) *Vehicle description.* The exact "vehicle description" for the vehicle found on <http://www.fueleconomy.gov>.

(iii) *New vehicle information.*

(A) *Make.* The make of the vehicle.

(B) *Model.* The model of the vehicle.

(C) *Model year.* The model year of the vehicle.

(D) *Vehicle identification number (VIN).* The 17 digit VIN of the vehicle.

(E) *EPA combined fuel economy.* The listed EPA combined fuel economy of the vehicle.

(F) *CARS Act vehicle category.* The category of vehicle as defined under the CARS Act. (Enter, as applicable, passenger automobile, category 1

truck, category 2 truck or category 3 truck.)

(G) *Base manufacturer's suggested retail price (MSRP).* The price of the new vehicle affixed to the Monroney label prior to the addition of any options, features, taxes or destination charges.

(H) *Vehicle description.* The exact "vehicle description" for the vehicle found on <http://www.fueleconomy.gov>.

(iv) *Trade-in vehicle disposition information.*

(A) *Identification of entity.* The name, address and telephone number of the disposal facility or salvage auction to which the vehicle will be or has been transferred or consigned.

(B) *Disposal facility number.* The unique identifier assigned to the disposal facility identified on the CARS Web site, and to which the vehicle is being transferred or consigned.

(v) *Transaction information.*

(A) *Date of sale or lease.* The date on which the vehicle transaction with the purchaser occurred.

(B) *Transaction request amount.* The amount of the credit for which the dealer is applying.

(2) Attach the following supporting documentation in electronic format (pdf, tif, jpeg) in the following order:

(i) *Proof of title.* A copy of the front and back of the title of the trade-in vehicle, showing assignment to the dealer free and clear of any lien or encumbrance on the vehicle's title, with the "Junk Automobile, CARS.gov" marking on both sides.

(ii) *Proof of insurance.* A copy of insurance policy cards or documents for the trade-in vehicle to confirm that the trade-in vehicle insurance was continuous for a period of not less than one year prior to trade in.

(iii) *Proof of registration.* A copy of the registration card or documents for the trade-in vehicle identifying the owner, the vehicle, and dates of registration to confirm that the vehicle was registered to the purchaser for a period of not less than one year prior to trade in.

(iv) *Purchaser identification.*

(v) *Summary of sale/lease and certifications form* (Appendix A to this part, summary section).

(vi) *Manufacturer certificate of origin or manufacturer statement of origin of the new vehicle.*

(vii) *CARS purchaser survey.*

(viii) *Fueleconomy.gov side-by-side comparison of the trade-in vehicle and the new vehicle.*

(ix) *Certification from salvage auction or disposal facility.*

(x) *Copy of vehicle sales or lease contract.*

(3) Make the certifications provided in Appendix A to this part, certifications section.

§ 599.303 Agency disposition of dealer application for reimbursement.

(a) *Application review.* Upon receipt of an application for reimbursement, the agency shall review the application to determine whether it is complete and satisfies all the requirements of this subpart.

(b) *Complying application.* An application that is determined to meet all the requirements of this subpart shall be approved for payment, in accordance with the provisions of § 599.304.

(c) *Non-complying application.* An application that is incomplete or that otherwise fails to meet all the requirements of this subpart shall be rejected, and the submitter shall be informed electronically of the reason for rejection. NHTSA shall have no obligation to correct a non-conforming submission.

(d) *Electronic rejection.* An application is automatically rejected, with system notification to the tendering dealer, if the transaction falls outside of the permissible time period, exceeds the permissible MSRP, identifies a purchaser that has participated in a previous transaction, or identifies the vehicle identification number of a new or trade-in vehicle that was involved in a previous transaction.

(e) *Correction and resubmission.* A dealer may correct and resubmit a rejected application for reimbursement, without penalty.

§ 599.304 Payment to dealer.

Upon completion of review of an application for reimbursement from a registered dealer that satisfies all the requirements of this part, the agency shall reimburse the dealer, by elec-

tronic transfer to the account identified under the process in § 599.200(c) of this part.

Subpart D—Disposal of Trade-in Vehicle

§ 599.400 Transfer or consignment by dealer of trade-in vehicle.

(a) *In general.* (1) A trade-in vehicle accepted as part of an eligible transaction may be provided for disposal by a dealer either to a disposal facility or to a salvage auction, as described in and subject to the conditions of § 599.201 of this part.

(2) Dealers, disposal facilities, and salvage auctions involved in the disposal of the trade-in vehicle must each comply with the applicable provisions of this subpart.

(b) *Transfer by dealer or salvage auction to a disposal facility.* If the trade-in vehicle is transferred by the dealer or salvage auction to a disposal facility, the disposal facility must, as a condition of the transfer:

(1) Make the certifications contained in the Disposal Facility Certification Form in Appendix E to this part, signed by an official with authority to bind the disposal facility;

(2) At the time of the transfer, deliver the signed Disposal Facility Certification Form to the dealer or salvage auction that transferred the trade-in vehicle; and

(3) Comply with the requirements and limitations of § 599.401.

(c) *Consignment by dealer to a salvage auction.* If the trade-in vehicle is consigned by the dealer to a salvage auction, the salvage auction must, as a condition of the consignment:

(1) Make the certifications contained in the Salvage Auction Certification Form in Appendix F to this part, signed by an official with authority to bind the salvage auction;

(2) At the time of the consignment, deliver the signed Salvage Auction Certification Form to the dealer that authorized the salvage auction to sell the trade-in vehicle.

(1) Make the certifications contained in the Salvage Auction Certification Form to the dealer that authorized the salvage auction to sell the trade-in vehicle; and

§ 599.401

(3) Comply with the requirements and limitations of § 599.402.

§ 599.401 Requirements and limitations for disposal facilities that receive trade-in vehicles under the CARS program.

(a) The disposal facility must:

(1) Not more than 7 days after receiving the vehicle, report the vehicle to NMVTIS as a scrap vehicle.

(2) Remove and dispose of all refrigerants, antifreeze, lead products, mercury switches, and such other toxic or hazardous vehicle components prior to crushing or shredding in accordance with applicable Federal and State requirements;

(3) Crush or shred the trade-in vehicle onsite, including the engine block and the drive train (unless with respect to the drive train, the transmission, drive shaft, and rear end are sold separately), using its own machinery or a mobile crusher, within 270 days after receipt of the vehicle from the dealer or salvage auction;

(4) Not more than 7 days after the vehicle is crushed or shredded, report the vehicle to NMVTIS as crushed or shredded.

(b) The disposal facility may not sell or transfer the engine block of the vehicle or, except as allowed under paragraph (c)(2) of this section, the drive train before they are crushed or shredded or otherwise allow the vehicle to leave the disposal facility before it is crushed or shredded.

(c) The disposal facility may:

(1) Sell any part of the vehicle other than the engine block or drive train;

(2) Notwithstanding paragraph (c)(1) of this section, sell the drive train provided the transmission, drive shaft, and rear end are sold as separate parts;

(3) Retain the proceeds from parts sold under this paragraph.

(d) A completed Disposal Facility Certification Form (Appendix E to this part) for an individual transaction, which includes a certification by the disposal facility that the trade-in vehicle will be crushed or shredded within 180 days of receipt by the disposal facility, is deemed to be amended to include an extension of time such that the trade-in vehicle will be crushed or

49 CFR Ch. V (10–1–24 Edition)

shredded within 270 days of receipt by the disposal facility.

[74 FR 37897, July 29, 2009, as amended at 75 FR 5251, Feb. 2, 2010]

§ 599.402 Requirements and limitations for salvage auctions that are consigned trade-in vehicles under the CARS program.

(a) The salvage auction must:

(1) Within 3 days after the date the dealer consigns the vehicle or prior to auctioning the vehicle, whichever is earlier, report the status of the vehicle to NMVTIS;

(2) Limit participation in the auction to disposal facilities that, when the auction is held:

(i) Appear on the list identified in § 599.201(a)(2) or are described in § 599.201(a)(3); and

(ii) Agree to make the certifications in the Salvage Auction Certification Form (Appendix F to this part).

(3) As a condition of transferring title to the disposal facility, obtain from that facility the signed Disposal Facility Certification Form (Appendix E to this part), insert on the top of the form the appropriate CARS invoice number received from the dealer, if known, and provide the form to NHTSA at disposal@cars.gov, and include that invoice number in the e-mail subject line.

(b) [Reserved]

§ 599.403 Requirements and limitations for dealers.

A dealer receiving a Disposal Facility Certification Form or Salvage Auction Certification Form under § 599.400(b)(2) or (c)(2) shall insert on the top of the form the appropriate CARS invoice number, if known, and within 7 days of receipt, submit such certification form to NHTSA at disposal@cars.gov.

Subpart E—Enforcement

§ 599.500 Definitions.

As used in this subpart—

Administrator means the Administrator of the National Highway Traffic Safety Administration, or his or her designee.

Chief Counsel means the NHTSA Chief Counsel, or his or her designee.

Hearing Officer means a NHTSA employee who has been delegated the authority to assess civil penalties.

NHTSA Enforcement means the NHTSA Associate Administrator for Enforcement, or his or her designee.

Notice of violation means a notification of violation and preliminary assessment of penalty issued by the Chief Counsel to a party.

Party means the person alleged to have committed a violation of the CARS Act, regulations thereunder, or other applicable law, and includes an individual, a public or private corporation, and a partnership or other association.

Violation means any non-conformance with the CARS Act or the regulations in this part except § 599.200(e)(1)(i) and § 599.201(c)(1), the submission of incomplete or inaccurate information to NHTSA or an entity identified under this part, or the failure to maintain records, to permit access to records or to update information that has been submitted to NHTSA under this part, but does not include a clerical error. In the context of dealer registration and disposal facility or salvage auction participation eligibility, *violation* also includes any conviction of a crime involving motor vehicles or any fraud or financial crime under State or Federal law.

§ 599.501 Generally.

The provisions of 5 U.S.C. 554, 556 and 557 do not apply to any proceedings conducted pursuant to this subpart.

§ 599.502 Record retention.

(a) Manufacturers, dealers, salvage auctions, and disposal facilities shall keep records of all transactions under the CARS Act and regulations thereunder for a period of five calendar years from the date on which they were generated or acquired by the manufacturer, salvage auction, dealer, or disposal facility, and shall promptly make those records available to NHTSA Enforcement or DOT's Office of the Inspector General upon request.

(b) Records to be retained under this subpart include all documentary materials and other information-storing media that contain information concerning transactions under the CARS

Program, including any material generated or communicated by computer, electronic mail, or other electronic means. Such records include, but are not limited to, lists, compilations, certifications, dealer application information, salvage auction or disposal facility information, owner eligibility information, vehicle eligibility information (including vehicle fuel economy), dealer applications for reimbursement under the program, vehicle identification number data, vehicle ownership information, vehicle title, registration and insurance information, sales agreements, bills of sale, lease agreements, manufacturer's certificate or statement of origin, other rebate and/or incentive programs used in conjunction with transactions under the program, bank account and routing number information, electronic funds transfer and payment information, reports made to the National Motor Vehicle Title Information System (NMVTIS), reports regarding vehicle scrappage values and payment, reports in connection with the transfer of vehicles to salvage auctions and disposal facilities; reports from disposal facilities in connection with the crushing or shredding of vehicles under the program, and any other documents that are related to transactions.

(c) Duplicate copies need not be retained. Information may be reproduced or transferred from one storage medium to another (e.g., from electronic format to CD-ROM) as long as no information is lost in the reproduction or transfer, and when so reproduced or transferred the original form may be treated as a duplicate.

§ 599.503 Access to records.

The Administrator shall have the right to enter onto the premises of manufacturers, dealers, salvage auctions and disposal facilities during normal business hours in order to: access, inspect and audit records and other sources of information maintained by any of these entities under this Program; to inspect vehicles traded in or sold under this program, including taking all actions necessary to determine

§ 599.504

whether trade-in vehicles have operative engines; and/or to interview persons who may have relevant knowledge.

§ 599.504 Suspension, revocation, and reinstatement of registration and participation eligibility.

(a) *Suspension or revocation of dealer registration, or salvage auction or disposal facility participation eligibility.* (1) When the NHTSA Chief Counsel determines that a violation has likely occurred, the Administrator may notify the dealer, salvage auction or disposal facility in writing of the facts giving rise to the allegation of a violation and the proposed length of a suspension, if applicable, or revocation of registration, in the case of a dealer, or participation eligibility in the case of a salvage auction or disposal facility.

(2) The notice shall afford the dealer, salvage auction or disposal facility an opportunity to present data, views, and arguments, in writing and/or in person, within 30 days of the date of the notice, as to whether the violation occurred, why its registration or participation eligibility ought not to be suspended or revoked, or whether the suspension should be shorter than proposed. The Administrator may, for good cause, reduce the time allowed for response.

(3) If the Administrator decides, on the basis of the available information, that the dealer, salvage auction or disposal facility has committed a violation, the Administrator may suspend or revoke the dealer registration or the participation eligibility of the salvage auction or disposal facility.

(4) The Administrator shall notify the dealer, salvage auction or disposal facility in writing of the decision, including the reasons for it. The decision shall reflect the gravity of the offense.

(5) A suspension or revocation is effective as of the date of the Administrator's written notification, unless another date is specified therein.

(6) The Administrator shall state the period of any suspension in the notice to the dealer, salvage auction or disposal facility.

(7) There shall be no opportunity to seek reconsideration of the Administrator's decision issued under this paragraph (a).

49 CFR Ch. V (10–1–24 Edition)

(b) *Reinstatement of suspended registration or participation eligibility.* (1) When a registration or participation eligibility has been suspended under this subpart, the registration or participation eligibility will be reinstated after the expiration of the period of suspension specified by the Administrator, or such earlier date as the Administrator may subsequently decide is appropriate.

(2) Reinstatement is automatically effective as of the date previously set forth in the Administrator's written notification of suspension, unless another date is specified by the Administrator in writing.

(c) *Effect of suspension or revocation of registration or participation eligibility.* (1) If a dealer's registration or a salvage auction or disposal facility's participation eligibility is suspended or revoked, as of the date of suspension or revocation, the dealer, salvage auction or disposal facility will not be considered registered or eligible to participate in the CARS Program, and must cease participating in the program.

(2) A dealer whose registration has been suspended will not be entitled to any rights or reimbursement of funds for new transactions submitted as of the effective date of the suspension or revocation.

(3) NHTSA may take such action as appropriate, including publication, to provide notice that a dealer's registration, or salvage auction's or disposal facility's participation eligibility has been suspended or revoked.

§ 599.505 Reports and investigations.

(a) Any person may report an apparent violation of the CARS Act or regulations issued thereunder to NHTSA.

(b) NHTSA may independently monitor for violations of the CARS Act or regulations issued thereunder.

(c) When a report of an apparent violation has been received by NHTSA, or when an apparent violation has been detected by any person working for NHTSA, the matter may be investigated or evaluated by NHTSA Enforcement. If NHTSA Enforcement believes that a violation may have occurred, NHTSA Enforcement may prepare a report and send the report to the NHTSA Chief Counsel.

(d) The NHTSA Chief Counsel will review the reports prepared by NHTSA Enforcement to determine if there is sufficient information to establish a likely violation.

(1) The matter may be returned to NHTSA Enforcement for further investigation, if warranted.

(2) The Chief Counsel may close a matter. A matter may be closed if, for example, the investigation has established that a violation did not occur, the alleged violator is unknown, there is insufficient information to support the existence of a violation and little likelihood of discovering additional relevant facts, or the magnitude of the matter is, under the circumstances, including availability of resources, insufficient to be pursued further.

(3) If the Chief Counsel determines that a violation has likely occurred, the Chief Counsel may:

(i) Issue a Notice of Violation to the party, and/or

(ii) In the case of a dealer recommend that the Administrator suspend or revoke registration in the program or in the case of a salvage auction or disposal facility, recommend that the Administrator suspend or revoke participation eligibility in the program.

(4) In the case of either paragraphs (d)(3)(i) or (ii) of this section, the NHTSA Chief Counsel will prepare a case file with recommended actions. A record of any prior violations by the same person or entity, shall be forwarded with the case file.

§ 599.506 Notice of Violation.

(a) The agency has the authority to assess a civil penalty for any violation of the CARS Act or this part. The penalty may not be more than \$15,000 for each violation.

(b) The Chief Counsel may issue a Notice of Violation to a party. Notice of Violation will contain the following information:

(1) The name and address of the party;

(2) The alleged violation and the applicable law or regulations violated;

(3) The amount of the maximum penalty that may be assessed for each violation;

(4) The amount of proposed penalty;

(5) A statement that payment of the proposed penalty within 30 days will settle the case without admission of liability;

(6) The place to which, and the manner in which, payment is to be made;

(7) A statement that the party may decline the Notice of Violation and that if the Notice of Violation is declined, the party has the right to a hearing prior to a final assessment of a penalty by a Hearing Officer.

(8) A statement that failure to either pay the proposed penalty on the Notice of Violation or to decline the Notice of Violation and request a hearing within 30 days of the date shown on the Notice of Violation will result in a finding of violation by default and that NHTSA will proceed with the civil penalty in the amount proposed on the Notice of Violation without processing the violation under the hearing procedures set forth in this subpart.

(c) The Notice of Violation may be delivered to the party by:

(1) Hand-delivery to the party or an employee of the party;

(2) Mailing to the party (certified mail is not required);

(3) Use of an overnight or express courier service; or

(4) Facsimile transmission or electronic mail (with or without attachments) to the party or an employee of the party.

(d) If a party submits a written request for a hearing as provided in the Notice of Violation within 30 days of the date shown on the Notice of Violation, the case file will be sent to the Hearing Officer for processing under the hearing procedures set forth in this subpart.

(e) If a party pays the proposed penalty on the Notice of Violation or an amount agreed on in compromise within 30 days of the date shown on the Notice of Violation, a finding of "resolved with payment" will be entered into the case file. Such payment shall not be an admission of liability.

(f) If the party agrees to pay the proposed penalty, but has not made payment within 30 days of the date shown on the Notice of Violation, NHTSA will enter a finding of violation by default in the matter and NHTSA will proceed with the civil penalty in the amount

§ 599.507

proposed on the Notice of Violation without processing the violation under the hearing procedures set forth in this subpart.

(g) If within 30 days of the date shown on the Notice of Violation a party fails to pay the proposed penalty on the Notice of Violation; and fails to request a hearing, then NHTSA will enter a finding of violation by default in the case file, and will assess the civil penalty in the amount set forth on the Notice of Violation without processing the violation under the hearing procedures set forth in this subpart.

(h) NHTSA's order assessing the civil penalty following a party's default is final agency action.

§ 599.507 Disclosure of evidence.

The alleged violator may, upon request, receive a free copy of all the written evidence in the case file, except material that would disclose or could lead to the disclosure of the identity of a confidential source. Following a timely request for a hearing, other evidence or material, if any, of whatever source or nature, may be examined at the Hearing Officer's offices or such other places and locations that the Hearing Officer may, in writing, direct, if there are adequate safeguards to prevent loss or tampering.

§ 599.508 Statements of matters in dispute and submission of supporting information.

(a) Within 30 days of the date shown on the Notice of Violation, the party, or counsel for the party, shall submit to NHTSA at the person or office listed in the Notice of Violation two complete copies via hand delivery, use of an overnight or express courier service, facsimile or electronic mail of:

(1) A detailed statement of factual and legal issues in dispute; and,

(2) All statements and documents supporting the party's case.

(b) One copy of the party's submission set forth above shall be labeled "For Hearing Officer."

(c) Failure to specify any non-jurisdictional issue in the party's submission will preclude its consideration.

49 CFR Ch. V (10-1-24 Edition)

§ 599.509 Hearing Officer.

(a) If a party timely requests a hearing after receiving a Notice of Violation, the Hearing Officer shall hear the case.

(b) The Hearing Officer is solely responsible for the case referred to him or her. The Hearing Officer has no other responsibility, direct or supervisory, for the investigation of cases referred for the assessment of civil penalties.

(c) The Hearing Officer decides each case on the basis of the information before him or her, and must have no prior connection with the case.

§ 599.510 Initiation of action before the Hearing Officer.

(a) After the Hearing Officer receives a case file from the Chief Counsel, the Hearing Officer notifies the party in writing of:

(1) The date, time and location of the hearing and whether the hearing will be conducted telephonically or at the DOT Headquarters building in Washington, D.C.;

(2) The right to be represented at all stages of the proceeding by counsel as set forth in § 599.511; and,

(3) The right to a free copy of all written evidence in the case file as set forth in § 599.507.

(b) On the request of a party, or at the Hearing Officer's direction, multiple proceedings may be consolidated if at any time it appears that such consolidation is necessary or desirable.

§ 599.511 Counsel.

A party has the right to be represented at all stages of the proceeding by counsel. A party electing to be represented by counsel must notify the Hearing Officer of this election in writing, after which point the Hearing Officer will direct all further communications to that counsel. A party represented by counsel bears all of its own attorneys' fees and costs.

§ 599.512 Hearing location and costs.

(a) Unless the party requests a hearing at which the party appears before the Hearing Officer in Washington, DC, the hearing shall be held telephonically. The hearing is held at the

headquarters of the U.S. Department of Transportation in Washington, DC.

(b) The Hearing Officer may transfer a case to another Hearing Officer at a party's request or at the Hearing Officer's direction.

(c) A party is responsible for all fees and costs (including attorneys' fees and costs, and costs that may be associated with travel or accommodations) associated with attending a hearing.

§ 599.513 Hearing procedures.

(a) There is no right to discovery in any proceedings conducted pursuant to this subpart.

(b) The material in the case file pertinent to the issues to be determined by the Hearing Officer is presented by the Chief Counsel or his or her designee.

(c) The Chief Counsel may supplement the case file with information prior to the hearing. A copy of such information will be provided to the party no later than 3 days before the hearing.

(d) At the close of the Chief Counsel's presentation of evidence, the party has the right to examine, respond to and rebut material in the case file and other information presented by the Chief Counsel.

(e) In receiving evidence, the Hearing Officer is not bound by strict rules of evidence. In evaluating the evidence presented, the Hearing Officer must give due consideration to the reliability and relevance of each item of evidence.

(f) A party may present the testimony of any witness either through a written statement or a personal appearance. If a party wishes to present testimony through a personal appearance, the party is responsible for obtaining that personal appearance, including any costs associated with such appearance. The Hearing Officer may, at his or her discretion, accept a stipulation in lieu of testimony.

(g) At the close of the party's presentation of evidence, the Hearing Officer may allow the introduction of rebuttal evidence that may be presented by the Chief Counsel. The Hearing Officer may allow the party to respond to any such evidence submitted.

(h) The Hearing Officer may take notice of matters which are subject to a

high degree of indisputability and are commonly known in the community or are ascertainable from readily available sources of known accuracy. Prior to taking notice of a matter, the Hearing Officer shall give the party an opportunity to show why notice should not be taken. In any case in which notice is taken, the Hearing Officer places a written statement of the matters as to which notice was taken in the record, with the basis for such notice, including a statement that the party consented to notice being taken or a summary of the party's objections.

(i) After the evidence in the case has been presented, the Chief Counsel and the party may present argument on the issues in the case. The party may also request an opportunity to submit a written statement for consideration by the Hearing Officer and for further review. If granted, the Hearing Officer shall allow a reasonable time for submission of the statement and shall specify the date by which it must be received. If the statement is not received within the time prescribed, or within the limits of any extension of time granted by the Hearing Officer, the Hearing Officer prepares the decision in the case.

(j) A verbatim transcript of the hearing will not normally be prepared. A party may, solely at its own expense, cause a verbatim transcript to be made. If a verbatim transcript is made, the party shall submit two copies to the Hearing Officer not later than 15 days of the hearing. The Hearing Officer shall include such transcript in the record.

§ 599.514 Assessment of civil penalties.

(a) Not later than 30 days following the close of the hearing, the Hearing Officer shall issue a written decision on the Notice of Violation, based on the hearing record. The decision shall set forth the basis for the Hearing Officer's assessment of a civil penalty, or decision not to assess a civil penalty. In determining the amount of the civil penalty, the severity of the violation and the intent and history of the party committing the violation shall be taken into account. The assessment of a civil penalty by the Hearing Officer

§599.515

49 CFR Ch. V (10–1–24 Edition)

shall be set forth in an accompanying final order.

(b) If the Hearing Officer assesses civil penalties in excess of \$100,000.00, the Hearing Officer's decision contains a statement advising the party of the right to an administrative appeal to the Administrator. The party is advised that failure to submit an appeal within the prescribed time will bar its consideration and that failure to appeal on the basis of a particular issue will constitute a waiver of that issue in its appeal before the Administrator.

(c) The filing of a timely and complete appeal to the Administrator of a Hearing Officer's order assessing a civil penalty shall suspend the operation of the Hearing Officer's penalty.

(d) There shall be no administrative appeals of civil penalties of \$100,000.00 or less.

§599.515 Appeals of civil penalties in excess of \$100,000.00.

(a) A party may appeal the Hearing Officer's order assessing civil penalties over \$100,000.00 to the Administrator within 21 days of the date of the issuance of the Hearing Officer's order.

(b) The Administrator will affirm the decision of the Hearing Officer unless the Administrator finds that the Hearing Officer's decision was unsupported by the record as a whole.

(c) If the Administrator finds that the decision of the Hearing Officer was unsupported, in whole or in part, then the Administrator may:

- (1) Assess or modify a civil penalty;
- (2) Rescind the Notice of Violation; or
- (3) Remand the case back to the Hearing Officer for new or additional proceedings.

(d) In the absence of a remand, the decision of the Administrator in an appeal is a final agency action.

§599.516 Collection of assessed or compromised civil penalties.

(a) Payment of a civil penalty, whether assessed or compromised, shall be made by check, postal money order, or electronic transfer of funds, as provided in instructions by the agency. A payment of civil penalties shall not be considered a request for a hearing.

(b) The party must remit payment of any assessed civil penalty to NHTSA within 30 days after receipt of the Hearing Officer's order assessing civil penalties or, in the case of an appeal to the Administrator, within 30 days after receipt of the Administrator's decision on the appeal. Failure to make timely payment may result in the institution of appropriate action under the Federal Claims Collection Act, as amended, the regulations issued thereunder, and other applicable law.

(c) The party must remit payment of any compromised civil penalty to NHTSA on the date and under such terms and conditions as agreed to by the party and NHTSA. Failure to pay a compromised civil penalty to NHTSA on the date and under such terms and conditions as agreed to by the party and NHTSA may either result in the institution of appropriate action under the Federal Claims Collection Act, as amended, the regulations issued thereunder, and other applicable law, or NHTSA entering a finding of violation by default and assessing a civil penalty in the amount proposed in the Notice of Violation without processing the violation under the hearing procedures set forth in this part.

§599.517 Other sanctions.

The procedures and penalties described in this subpart are not the only procedures and penalties that may apply to someone who violates the CARS Act or submits a false certification required by this rule. Anyone who submits false information on these forms or otherwise violates the CARS Act or this part may not only be subject to the procedures and penalties described in this subpart, but also civil and criminal penalties. Such civil and criminal penalties may include penalties three times any amount falsely claimed to be due from the United States pursuant to the False Claims Act (31 U.S.C. 3729), or imprisonment of up to 5 years and fines of up to \$250,000 (18 U.S.C. 1001). In addition, NHTSA may request that the Attorney General seek appropriate injunctive relief to address violations of the CARS Act or this part.

Subpart F—Requirements and Procedures for Exceptions

SOURCE: 74 FR 49340, Sept. 28, 2009, unless otherwise noted.

§ 599.600 Exceptions—Applicability and requirements.

(a) *Applicability.* (1) *Eligible Requesters.* To qualify for an exception under this subpart, a requester must be a dealer registered in accordance with the requirements of § 599.200.

(2) *Filing deadline.* A request for an exception must be postmarked no later than October 13, 2009.

(3) *Availability of funds.* An exception shall be approved under this subpart only if Federal funds are available for payment.

(4) *Exclusion.* No exception may be approved for an application for reimbursement that was successfully submitted to the CARS system.

(b) *Threshold requirements.* Subject to the requirements of § 599.600(a), a registered dealer may submit a request for exception and seek reimbursement of a CARS credit under this subpart if the dealer:

(1) Prior to August 24, 2009, 8 pm EDT, completed a qualifying deal meeting the requirements of § 599.300 and § 599.301;

(2) Took ownership and possession of a trade-in vehicle and transferred ownership and possession of a new vehicle to the purchaser; and

(3) Prior to August 25, 2009, 8 pm EDT, attempted to submit an application for reimbursement meeting the requirements of § 599.302, but was prevented from submitting the application for any of the reasons identified in § 599.600(c).

(c) *Exception cases.* A dealer is eligible for an exception if:

(1) *Password rejection.* The dealer's account password was locked out and not reset by NHTSA;

(2) *Transaction rejection.* The application was rejected at submission because the dealer entered a State identification number, a trade-in vehicle VIN, or a new vehicle VIN that was already entered into the CARS program system, but that State identification number, trade-in vehicle VIN, or new

vehicle VIN was never used for a CARS deal; or

(3) *Other hardship.* The dealer experienced any other hardship attributable to NHTSA action or inaction that the Administrator determines in his or her discretion should be redressed, consistent with the purposes of the CARS Act.

§ 599.601 Procedures for requesting exception.

(a) *Submission.* A request for exception must be made in writing and mailed by United States mail to the NHTSA Administrator, 1200 New Jersey Ave SE., Washington, DC 20590.

(b) *Contents.* The request must include paper copies of the following materials:

(1) *Explanation of hardship.* A written explanation of a hardship identified in § 599.600(c) that prevented the dealer from submitting its transaction, and the steps the dealer took to contact the agency and timely resolve the issue;

(2) *Proof of hardship.* Documents evidencing that the dealer was unable to complete and submit an application for reimbursement prior to the deadline because of hardship caused by NHTSA. Documents may include copies of correspondence with the agency;

(3) *Documentation of qualifying transaction.* Paper copies of all supporting attachments required by § 599.302(c)(2) which reveal that a qualifying CARS transaction, including the transfer of ownership and possession of the trade-in vehicle to the dealer and the delivery of ownership and possession of the new vehicle to the purchaser, was made prior to August 24, 2009, 8 p.m. EDT; and

(4) *Certifications.* Paper copies of all certifications provided in Appendix A to this part, signed by both the dealer and the purchaser.

(5) *Evidence of prior notice to NHTSA.* Evidence, if any, that the dealer attempted to contact NHTSA prior to August 25, 2009, 8 p.m. EDT, to request assistance with a problem described in § 599.600(c).

§ 599.603

49 CFR Ch. V (10–1–24 Edition)

§ 599.603 Disposition of requests for exception.

(a) *In general.* Upon receipt of the request for exception, the agency will review the request to determine whether the exception should be granted and approved for payment.

(b) *Deciding official.* The NHTSA Administrator or his or her designee shall serve as the Deciding Official for all determinations under this subpart.

(c) *Incomplete requests.* A request for exception that fails to include all of the documents required under this subpart may be rejected without further review.

(d) *Denied requests.* If the Deciding Official denies the request, the requester will be informed in writing of the reasons for the denial of the request.

(e) *Granted requests.* If the Deciding Official grants the request, the requester will be notified by electronic mail, at the e-mail address identified in § 599.200(c)(2)(iii), and the requester's application for reimbursement will be processed for payment by the agency as a qualifying transaction in accordance with § 599.304.

(f) *No appeals.* There are no appeals from the Deciding Official's decision.

APPENDIX A TO PART 599—SUMMARY OF SALE/LEASE AND CERTIFICATIONS

OMB No. 2127-0660
Expiration Date: 01/31/2010



SUMMARY OF SALE OR LEASE

Date of Sale or Lease	
Purchaser Name(s)	
Purchaser Address	
Purchase or Lease (please specify)	
Make	
Model	
Model Year	
New Vehicle VIN	
Trade-In Vehicle VIN	
New Vehicle Base MSRP	
CARS Credit Applied (\$3,500 or \$4,500)	
Dealer's Best Estimate of Trade-In Vehicle Scrappage Value	
Dealer Rebate(s) or Discount(s) (please specify; if none, enter "none.")	
Manufacturer Rebate(s) or Discount(s) (please specify; if none, enter "none.")	
Other available Federal, State, or local incentive(s) or State- issued voucher(s) (please specify; if none, enter "none.")	
Other Rebate(s) or Discount(s) (please specify; if none, enter "none.")	

WARNING

This is a legal document that contains certifications under penalty of law. There are significant civil and criminal penalties for submitting false information. Please read each certification and ensure that the information that you are certifying by signing this document is, to the best of your knowledge and belief, true, accurate, and complete.

DEALER CERTIFICATIONS

The person signing this document as “Dealer” certifies under penalty of law that:

Registration in the CARS Program

- The dealer has been approved as a registered dealer under the CARS program.
- The dealer has a currently active business license under State law to operate a new automobile dealership.
- The dealer has a currently active franchise agreement with an original equipment manufacturer to sell new automobiles.

Summary of Sale or Lease

- The summary of sale or lease set forth above is true and correct.

Purchaser and Trade-In Vehicle Eligibility for the CARS Program

- I have verified the identity of the person signing this document under “Purchaser” (hereinafter simply “Purchaser”).
- I have verified that the trade-in vehicle is in drivable condition, and I or an employee under my direction or supervision has operated the trade-in vehicle to confirm that the trade-in vehicle is in drivable condition.
- I have verified that the trade-in vehicle has been continuously insured for a period of not less than one (1) year prior to the date of this transaction (not applicable to trade-in vehicles registered in New Hampshire or Wisconsin).
- I have verified that the Purchaser has been the registered owner of the trade-in vehicle continuously for a period of not less than one (1) year prior to the date of this transaction.
- I have observed the trade-in vehicle’s date of manufacture (both month and year) as it appears on the trade-in vehicle’s safety standard certification label, and have verified that the trade-in vehicle was manufactured less than 25 years before the date of the trade-in.
- I have verified that the trade-in vehicle’s fuel economy is eligible for the CARS program.

New Vehicle Eligibility for the CARS Program

- The new vehicle is being purchased or, in the case of a lease, leased for a period of not less than five (5) years.
- I have verified that the CARS program credit amount requested (i.e., either \$3,500.00 or \$4,500.00, as applicable) corresponds to the difference between the trade-in vehicle’s fuel economy and the new vehicle’s fuel economy under the requirements of the CARS program.
- The new vehicle has a base manufacturer’s suggested retail price (MSRP) as shown on the Monroney label affixed to the new vehicle of \$45,000 or less (exclusive of any accessories, optional equipment, taxes or destination charges).

Transaction Conforms to the Requirements of the CARS Program

- I have reduced the price of the new vehicle that is being purchased or leased by the CARS Program credit amount requested (i.e., either \$3,500.00 or \$4,500.00, as applicable).

- I have disclosed to the Purchaser the best estimate of the scrappage value of the trade-in vehicle.
- I have retained no more than \$50.00 of the scrappage value as payment for any of the dealer's administrative costs in connection with this CARS transaction.
- I have not charged the Purchaser any additional fees for participating in the CARS program in this transaction.
- I have applied the credit under the CARS program in addition to any other rebate or discount advertised by the dealer or offered by the manufacturer for the new vehicle, and have not used the CARS program credit to offset any such other rebate or discount.
- I have not reduced the value of the CARS program credit amount requested (i.e., either \$3,500.00 or \$4,500.00, as applicable) by any other available Federal, State, or local incentive or a State-issued voucher for the purchase or lease of a new fuel efficient automobile.

Disposal of the Trade-in Vehicle

- The trade-in vehicle has not been, and will not be, sold, leased, exchanged or otherwise disposed of for use as an automobile in the United States or in any other country.
- As a condition of the government's payment of the credit to me, (a) I have disabled the engine following the procedures of the CARS Program; or (b) I will store the trade-in vehicle at the dealership or property owned by or under the control of the dealership until the engine is disabled by me, and will disable the engine following the procedures of the CARS Program not more than seven calendar days after receiving payment by the government for the transaction and prior to transferring possession of the trade-in vehicle; or, (c) if this transaction occurred prior to July 24, 2009 and the trade-in vehicle is no longer in my possession, then I have either located the vehicle, disabled the engine following the procedures of the CARS Program and hereby certify that I have done so, or I am submitting to NHTSA under Miscellaneous Documents a sworn affidavit from a disposal facility that the engine block has been crushed or shredded.
- I have transferred or will transfer the trade-in vehicle, including the engine block, to either: (a) a CARS program participating disposal facility that will crush or shred the trade-in vehicle; or, (b) to a participating salvage auction that will transfer the vehicle to such a disposal facility.
- I have provided the disposal facility and/or salvage auction information and written notice that it is responsible for the removal and appropriate disposition of refrigerants, antifreeze, lead products, mercury switches, and such other toxic or hazardous vehicle components prior to the crushing or shredding of an eligible trade-in vehicle, in accordance with all applicable Federal and State requirements.

PURCHASER CERTIFICATIONS

All persons signing this document as "Purchaser" certifies under penalty of law that:

Summary of Sale or Lease

- The summary of sale or lease set forth above is true and correct.

Purchaser and Trade-In Vehicle Eligibility for the CARS Program

- The information I have provided to the dealer verifying my identity is true and correct.
- I have not previously participated in the CARS program.
- The trade-in vehicle is in drivable condition, and an employee of the dealer has operated the trade-in vehicle to confirm that the trade-in vehicle is in drivable condition.

- The trade-in vehicle has been continuously insured for a period of not less than one (1) year prior to the date of this transaction (not applicable to trade-in vehicles registered in New Hampshire or Wisconsin).
- I have been the registered owner of the trade-in vehicle continuously for a period of not less than one (1) year prior to the date of this transaction.
- The trade-in vehicle was manufactured less than 25 years before the date of this transaction.
- The trade-in vehicle's fuel economy is eligible for the CARS program.
- The trade-in vehicle has not been a part of any previous CARS program transaction.

I certify under penalty of law that:

- *I have authority to execute this document,*
- *I have read each of the foregoing certifications,*
- *I understand that payment of the CARS program credit amount is conditioned on compliance with these certifications,*
- *This document, and all attachments, were either prepared by me or prepared under my direction or supervision,*
- *The information set forth in this document, and all attachments, is, to the best of my knowledge and belief, true, accurate, and complete,*
- *I am aware that there are significant penalties for submitting false information, including the possibility of civil penalties under the CARS program, suspension or revocation of continued participation in the CARS program, as well as fines and/or imprisonment.*

DATE: _____, 2009

DEALER

(signature)

(print name)

(title)

(contact phone and e-mail)

DATE: _____, 2009

PURCHASER

(signature)

(print name)

Nat'l Highway Traffic Safety Admin., DOT

Pt. 599, App. A

DATE: _____, 2009

PURCHASER (ADDITIONAL) (if any)

(signature)

(print name)

Privacy Act Statement

This notice is provided pursuant to the Privacy Act of 1974, 5 USC § 552a: This information is solicited under the authority of Public Law 111-32, 123 Stat. 1859. Furnishing the information is voluntary, but failure to provide all or part of the information may result in disapproval of your request for a credit on this purchase or lease transaction under the Cars Program. The principal purposes for collecting the information are to determine if purchase or lease transactions are eligible for credits under the CARS Program, to ensure proper disposal of trade-in vehicles, to prevent, identify and penalize fraud in connection with the Program, and to update an existing government database of Vehicle Identification Numbers. If you complete the optional survey, the survey information will be used to report to Congress on the Program. Other routine uses are published in the Federal Register at 65 F.R. 19476 (April 11, 2000), available at: www.dot.gov/privacy.

Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2127-0660. Public reporting for this collection of information is estimated to be approximately 17 minutes per response for dealers, 11 minutes for buyers, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, National Highway Traffic Safety Administration, 1200 New Jersey Ave, S.E., Washington, DC, 20590.

NHTSA Form 1072

[74 FR 38976, Aug. 5, 2009]

APPENDIX B TO PART 599—ENGINE DISABLEMENT PROCEDURES FOR THE CARS PROGRAM

Engine Disablement Procedures for the CARS Program
THIS PROCEDURE IS NOT TO BE USED BY THE VEHICLE OWNER

Perform the following procedure to disable the vehicle engine.

Since the vehicle will not be drivable after this procedure is performed, consider where the procedure will be performed and how the vehicle will be moved after the procedure is complete.

1. Obtain solution of 40% sodium silicate/60% water. (The Sodium Silicate (SiO₂/Na₂O) used in the solution must have a weight ratio of 3.0 or greater.)
2. Drain engine oil for environmentally appropriate disposal.
3. Install the oil drain plug.
4. Pour enough solution in the engine through the oil fill for the oil pump to circulate the solution throughout the engine. Start by adding 2 quarts of the solution, which should be sufficient in most cases.
CAUTION: Wear goggles and gloves. Appropriate protective clothing should be worn to prevent silicate solution from coming into contact with the skin.
5. Replace the oil fill cap.
6. Start the engine.
7. Run engine at approximately 2000 rpm (for safety reasons do not operate at high rpm) until the engine stops. (Typically the engine will operate for 3 to 7 minutes. As the solution starts to affect engine operation, the operator will have to apply more throttle to keep the engine at 2000 rpm.)
8. Allow the engine to cool for at least 1 hour.
9. With the battery at full charge or with auxiliary power to provide the power of a fully charged battery, attempt to start the engine.
10. If the engine will not operate at idle, the procedure is complete.
11. If the engine will operate at idle, repeat steps 6 through 10 until the engine will no longer idle.
12. Attach a label to the engine that legibly states the following:

This engine is from a vehicle that is part of the Car Allowance Rebate System (CARS). It has significant internal damage caused by operating the engine with a sodium silicate solution (liquid glass) instead of oil.

APPENDIX C TO PART 599—ELECTRONIC TRANSACTION SCREEN

CARS iSupplier Portal
Home Logout Preferences

Home Finance

Create Invoices View Invoices

Details Legal Information Review and Submit

Create Invoice: Details

* Indicates required field

TIP % sign is the wildcard character to search on in any List of Values

Cancel Step 1 of 3 Next

Dealership Information

* Name

* Remit To

Address

* Remit To Bank Account

Invoice

* Invoice Number

TIP: Do not enter any special characters eg. \$ & @

* Invoice Date

(example: 21-Jul-2009)

* Currency

Invoice Description

* Sale Date

* Disposal Status

* Disposal Facility ID

* Disposal Facility Contact Info

* Purchaser Full Name

* Purchaser Full Address

* Purchaser State ID Number

Co-Owner Purchaser State ID Number

* Sales Type

Attachment Add

*** Amount**

TIP: Do not enter any special characters. (eg. & % \$) for VIN

* Trade-In VIN

* Trade-In Vehicle Category

* Trade-In Vehicle Description

* Trade-In Title State

* Trade-In Registration State

* Trade-In Registration Start Date

* Trade-In Registration Expiration Date

Trade-In Insurance Start Date

Trade-In Flagged Date

* Trade-In Odometer Reading

* New Vehicle VIN

* New Vehicle Category

* New Vehicle Description

* New Vehicle Base MSRP

Cancel Step 1 of 3 Next

Privacy Statement
Home Finance Home Logout Preferences
Copyright (c) 2005, Oracle. All rights reserved.

APPENDIX D TO PART 599—CARS PURCHASER SURVEY



**Survey of Consumer Response to
(Commonly known as 'Cash for Clunkers')**



OMB 2127-0659 Exp. 1/31/2009

Please answer the following 3 questions regarding your trade-in transaction. Your answers are for program evaluation purposes only and will not influence your eligibility in any way. Please put an X in the box by the appropriate answer.

Question #1: If you were not offered the CARS program trade-in incentive, would you still have traded in your current vehicle to purchase a new or used vehicle this month?

a) Yes

b) No

If no, when were you planning to trade-in, sell or dispose of your vehicle?

- | | | |
|---|----------------------------------|---|
| <input type="checkbox"/> Within the next year | <input type="checkbox"/> 4 years | <input type="checkbox"/> 8 years |
| <input type="checkbox"/> In about 1 year | <input type="checkbox"/> 5 years | <input type="checkbox"/> 9 years |
| <input type="checkbox"/> 2 years | <input type="checkbox"/> 6 years | <input type="checkbox"/> 10 years |
| <input type="checkbox"/> 3 years | <input type="checkbox"/> 7 years | <input type="checkbox"/> More than 10 years |

Question # 2: If you were not offered the CARS program trade-in incentive, when you disposed of this vehicle, would you have purchased another vehicle?

a) No

b) Yes, a new vehicle (Please select one type below)

c) Yes, a used vehicle (Please select one type below)

- a) **a subcompact car** (for example a Honda Fit, or a Toyota Yaris, etc.)
- b) **a compact car** (ex. Ford Focus, Nissan Sentra, Toyota Corolla, Honda Civic, etc.)
- c) **a mid-sized car** (ex. Chevrolet Malibu, Nissan Altima, Toyota Camry, etc.)
- d) **a large car** (ex. Chrysler 300, Ford Crown Victoria, etc.)
- e) **a small SUV** (ex. Honda CR-V, Ford Escape, etc.)
- f) **a mid-sized SUV** (ex. Ford Explorer, Honda Pilot, etc.)
- g) **a large SUV** (ex. Chevrolet Suburban, Ford Expedition, etc.)
- h) **a small pickup** (ex. Ford Ranger, etc.)
- i) **a mid-sized pickup** (ex. Dodge Dakota, Toyota Tacoma, etc.)
- j) **a large pickup** (ex. Chevrolet Silverado, Ford F-150, etc.)
- k) **a full sized passenger van** (ex. Ford E-Series, Chevrolet Express, etc.)
- l) **a full sized cargo van** (ex. Chevrolet Express, Dodge Sprinter, etc.)
- m) **a mini-van** (ex. Toyota Sienna, Dodge Caravan, etc.)
- n) **other type** (specify) _____

Question #3: What is your best estimate of the number of miles you drove the traded-in vehicle during the past 12 months?

- | | | |
|--|--|--|
| <input type="checkbox"/> 0 – 2,499 | <input type="checkbox"/> 7,500 – 9,999 | <input type="checkbox"/> 15,000 – 17,499 |
| <input type="checkbox"/> 2,500 – 4,999 | <input type="checkbox"/> 10,000 – 12,499 | <input type="checkbox"/> 17,500 – 19,999 |
| <input type="checkbox"/> 5,000 – 7,499 | <input type="checkbox"/> 12,500 – 14,999 | <input type="checkbox"/> 20,000 or more |

*Thank you for participating in the CARS Initiative Consumer Response Survey!
Please contact the CARS Hotline at (866)-CAR-7891 or TTY at (800)-424-9153 if you wish to provide any comments.*

signing this document is, to the best of your knowledge and belief, true, accurate, and complete.

The person signing this document certifies under penalty of law that:

- This facility appears on the CARS program Disposal Facility List.
- This facility participates in the End of Life Vehicle Solutions (ELVS) program. (Excluding facilities located in Maine or a U.S. territory).
- This facility is capable of crushing or shredding the trade-in vehicle, either with its own equipment or by use of a mobile crusher.
- This facility meets all applicable Federal and State laws.
- This facility has a currently active State license to operate as a disposal facility in the State where it is located.
- This facility received the trade-in vehicle bearing the above listed Vehicle Identification Number (VIN) on the date listed above from the dealer or salvage auction listed above.
- I, or an employee of this facility under my direction or supervision, will report to the National Motor Vehicle Title Information System (NMVTIS) the status of the trade-in vehicle as a scrap vehicle not more than seven (7) days after the above-listed date of receipt.
- The trade-in vehicle has not been, and will not be, sold, leased, exchanged or otherwise disposed of for use as an automobile in the United States or in any other country.
- This facility will not transfer the trade-in vehicle to another disposal facility prior to its crushing or shredding.
- This facility will not sell or transfer the trade-in vehicle's engine block and drive train (unless with respect to the drive train, the transmission, drive shaft, or rear end are sold as separate parts) at any time prior to its crushing or shredding.
- I, or an employee of this facility under my direction or supervision, will dispose of refrigerants, antifreeze, lead products, mercury switches, and such other toxic or hazardous vehicle components prior to the crushing or shredding of the trade-in vehicle, in accordance with all applicable Federal and State requirements.
- If this facility participates in ELVS, I, or an employee of this facility under my direction or supervision, will return all mercury switches in accordance with the procedures of the National Vehicle Mercury Switch Recovery Program (NVMSRP).
- I, or an employee of this facility under my direction or supervision, will crush or shred (or cause to be crushed or shredded on our premises), the trade-in vehicle within one-hundred eighty (180) days after the above-listed date of receipt.
- I, or an employee of this facility under my direction or supervision, will report to NMVTIS that this facility crushed or shredded the trade-in vehicle not more than seven (7) days after the date of crushing or shredding. (**Note:** The CARS program does not require that this facility, or any other entity which may subsequently receive the crushed trade-in vehicle, subsequently submit to NHTSA a CARS program Disposal Facility Certification Form, nor does it require that this facility, or any other entity which may subsequently receive the crushed trade-in vehicle, report to NMVTIS that the crushed trade-in vehicle has been shredded).

I certify under penalty of law that:

- ***I have authority to execute this document,***
- ***I have read each of the foregoing certifications,***
- ***This document, and any attachments, were either prepared by me or prepared under my direction or supervision,***
- ***The information set forth in this document, and any attachments, is, to the best of my knowledge and belief, true, accurate, and complete,***

- *I am aware that there are significant penalties for submitting false information, including the possibility of civil penalties under the CARS program, suspension or revocation of continued participation in the CARS program, as well as fines and/or imprisonment.*

DATE: _____, 2009

DISPOSAL FACILITY

(signature)

(print name)

(title)

(contact phone and e-mail)

Privacy Act Statement

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Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2127-0658. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, National Highway Traffic Safety Administration, 1200 New Jersey Ave, S.E., Washington, DC, 20590.

NHTSA Form 1073

[74 FR 38976, Aug. 5, 2009]

The person signing this document certifies under penalty of law that:

- This facility meets all applicable Federal and State laws.
- This facility has a currently active State license to conduct business as a salvage auction in the State where it is located.
- This facility received the trade-in vehicle bearing the above listed Vehicle Identification Number (VIN) on the date listed above from the dealer listed above.
- I, or an employee of this facility under my direction or supervision, will report to the National Motor Vehicle Title Information System (NMVTIS) the status of the trade-in vehicle within three (3) days after the date the dealer consigns the trade-in vehicle, or prior to auction (whichever is earlier).
- This facility will limit any auction sale of the trade-in vehicle solely to disposal facilities that appear on the CARS program Disposal Facility List.
- The trade-in vehicle has not been, and will not be, sold, leased, exchanged or otherwise disposed of for use as an automobile in the United States or in any other country.
- This facility will not remove any parts from the trade-in vehicle.
- This facility will not transfer the trade-in vehicle at any time prior to its sale at auction, and then only to a disposal facility that appears on the CARS program Disposal Facility List.

I certify under penalty of law that:

- ***I have authority to execute this document,***
- ***I have read each of the foregoing certifications,***
- ***This document, and any attachments, were either prepared by me or prepared under my direction or supervision,***
- ***The information set forth in this document, and any attachments, is, to the best of my knowledge and belief, true, accurate, and complete,***
- ***I am aware that there are significant penalties for submitting false information, including the possibility of civil penalties under the CARS program, suspension or revocation of continued participation in the CARS program, as well as fines and/or imprisonment.***

DATE: _____, 2009

SALVAGE AUCTION

(signature)

(print name)

(title)

(contact phone and e-mail)

Privacy Act Statement

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