

imposed duties in August 2019 on products entering under HTSUS 8703.10.50 (“Golf carts and similar motor vehicles”), which is the primary HTSUS category under which subject CLSPTVs enter the United States and which are currently subject to 7.5 percent Section 301 duties.<sup>10</sup>

**E. Scope of the Investigation and a Detailed Description of the Subject Merchandise (19 C.F.R. § 351.202(b)(5))**

**1. Scope of Investigation**

The physical characteristics of the covered products, which define the scope of this investigation, are as follows:

The merchandise covered by this order consists of certain low speed personal transportation vehicles (CLSPTV) and subassemblies thereof, whether finished or unfinished and whether assembled or unassembled, with or without tires, wheels, seats, steering columns and steering wheels, canopies, roofs, or batteries. CLSPTVs meeting this description are generally open air vehicles with a minimum of four wheels, a steering wheel, a traditional side-by-side or in-line row seating arrangement (*i.e.*, non-straddle), foot operated accelerator and brake pedals, and a gross vehicle weight of no greater than 5,500 pounds. The main power source for subject CLSPTVs is either an electric motor and battery (including but not limited to lithium-ion batteries, lithium phosphate batteries, lead acid batteries, and absorbed glass mat batteries) or a gas-powered internal combustion engine. Subject CLSPTVs may be described as golf carts, golf cars, low speed vehicles, personal transportation vehicles, or light utility vehicles.

CLSPTVs subject to this order typically have a maximum top nameplate speed of no greater than 25 miles per hour as required by federal, state, and local laws and regulations. Subject CLSPTVs with a maximum top nameplate speed greater than 20 miles per hour normally must comply with the U.S. Department of Transportation’s Federal Motor Vehicle Safety Standards for Low-Speed Vehicles set forth in 49 C.F.R. § 571.500. CLSPTVs that otherwise meet the physical description of this scope but are not certified under 49 C.F.R. § 571.500 and are not certified under other sections of subpart B of the Federal Motor Vehicle Safety Standards (49 C.F.R. § 571), are not excluded from this order. CLSPTVs that are certified under both 49 C.F.R. § 571.500 and other sections of subpart B of the Federal Motor Vehicle Safety Standards remain subject to the scope of this order. Subject CLSPTVs that have a maximum top nameplate speed of less than 25 miles per hour may be certified to the SAE International (SAE) standards SAE

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<sup>10</sup> See *Notice of Modification of Section 301 Action: China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation*, 84 Fed. Reg. 43,304 (U.S. Trade Rep. Aug. 20, 2019); *Notice of Modification of Section 301 Action: China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation*, 85 Fed. Reg. 3741 (U.S. Trade Rep. Jan. 22, 2020).

J2258 and SAE J2358. CLSPTVs that have a maximum top nameplate speed of less than 20 miles per hour may also be certified to the Outdoor Power Equipment Institute (OPEI) standards OPEI Z130.1 and OPEI Z135.

An unfinished and/or unassembled CLSPTV subject to this order covers at a minimum a subassembly, also known as a “rolling chassis,” which is typically comprised of, but not limited to, a frame or body with front and/or rear suspension components (such as arms, springs, axles, spindles, and shafts) installed and powertrain components (including either an electric motor or a gas-powered internal combustion engine) installed or ready for installation.

When imported together with a “rolling chassis” subject to this order, other CLSPTV components, such as batteries, bumpers, wheel and tire assemblies, cowlings, fenders, grills, kick plates, steering column and steering wheel assemblies, dash assembly, seat assemblies, pedal assemblies, brake assemblies, canopy or roof assemblies, temporary rain enclosures, windshields, mirrors, headlights, taillights, lighting systems, or storage—whether assembled or unassembled, whether as part of a kit or not, and whether or not accompanied by additional components—constitute part of an unfinished and/or unassembled CLSPTV that is subject to this order. The inclusion of other products, components, or assemblies not described here does not remove the product from the scope.

Subject CLSPTVs and subassemblies are covered by the scope of this order whether or not they are accompanied by other parts. This order covers all CLSPTVs and subassemblies meeting the physical description of the scope, regardless of overall length, width, height, or weight. Individual components that do not comprise a subject CLSPTV or subassembly that are entered and sold by themselves are not subject to the order, but components entered with a CLSPTV or subassembly, whether finished or unfinished and whether assembled or unassembled, are subject merchandise.

CLSPTVs and subassemblies subject to this order include those that are produced in the subject country whether assembled with other components in the subject country or in a third country. Processing or completion of finished and unfinished CLSPTVs and subassemblies either in the subject country or in a third country does not remove the product from the scope.

Specifically excluded from the scope of this order are all-terrain vehicles (which typically have straddle seating and are steered by handlebars), multipurpose off-highway utility vehicles (which typically have a maximum top nameplate speed of greater than 25 miles per hour), and recreational off-highway vehicles (which typically have a maximum top nameplate speed of greater than 30 miles per hour). Also excluded from the scope are go-karts, electric scooters, golf trolleys, and mobility aids (which include power wheelchairs and scooters and which are used for the express purpose of enabling mobility for a person).

The CLSPTVs subject to the order are typically classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 8703.10.5030. CLSPTVs subject to the order may also enter under HTSUS subheading 8703.90.0100. The CLSPTV subassemblies that are subject to the order typically enter under HTSUS subheadings 8706.00.1540 and 8707.10.0040. The HTSUS subheadings are provided for convenience and customs purposes only, and the written description of the merchandise subject to the order is dispositive.

## 2. Technical Characteristics and Uses

The merchandise subject to these investigations consist of CLSPTVs used to transport one or more passengers relatively short distances at low speeds. CLSPTVs covered by the scope are typically referred to and used as golf carts or golf cars, low speed vehicles (“LSVs”), personal transportation vehicles (“PTVs”), and light utility vehicles (“LUVs”). Generally, subject CLSPTVs are comprised of, at a minimum, a “rolling chassis” or fabricated steel and/or aluminum frame or body with front and/or rear suspension components (such as arms, springs, axles, spindles, and shafts) installed, and powertrain components (including an electric motor or internal combustion engine) installed or ready for installation. Below are examples of assembled rolling chassis with wheel and tire assemblies installed.



Whether in their assembled or unassembled form, rolling chassis may also be accompanied by other components and subassemblies such as batteries, bumpers, wheels/tires, cowlings, fenders, grills, kick plates, steering column and steering wheel assemblies, dash assemblies, seat assemblies, pedal assemblies, brake assemblies, canopy or roof assemblies,