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📌 HQ 964844 📅 Mar 13, 2002

Type : Classification • HTSUS : 8512.30.00

Related: 965368; 964660; 964661

CLA-2 RR:CR:GC 964844 JAS

C.K. Yun
 ISTECH Inc. North America
 3801 Glenrock Circle
 Raleigh, NC 27613-4438

RE: Ultrasonic Parking Guide System

Dear Mr. Yun:

In your letter to the Director of Customs National Commodity Specialist Division, New York, dated January 7, 2001, you inquire as to the classification, under the Harmonized Tariff Schedule of the United States (HTSUS), of the Ultrasonic Parking Guide System. Your ruling request, with accompanying sample, was referred to this office for reply. We regret the delay in responding. FACTS:

The Ultrasonic Parking Guide System (the System) is a device used with motor vehicles which allows drivers to avoid obstacles when parallel parking or otherwise operating the vehicle in reverse. It consists of a dashboard-mounted transmitter/controller with light emitting diode (LED)-based digital viewer or display unit, and two sensors for mounting on the car's rear bumper. The device is powered by the vehicle's 12-volt electrical system. In use, the transmitter emits ultrasonic pulses of sound through the sensors. The controller measures the time for each pulse to travel to another surface and return. Using the speed of sound as a constant, the controller calculates the distance from its position to the target point. The digital viewer or display panel incorporates the LED which indicates the location of the article (left or right) and also displays numerals indicating the distance from the object in feet. In addition, the controller emits an audible beep, presumably for the benefit of the driver, with the signal increasing to a continuous sound as the vehicle gets closer to an object.

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The HTSUS provisions under consideration are as follows:

Electrical lighting or signaling equipment (excluding articles of heading 8539), windshield wipers, **Get the CustomsMobile app!** ✕

defrosters and demisters, of a kind used for cycles or motor vehicles; parts thereof: 8512.30.00 Sound signaling equipment

* * * *

[R]angefinders;....:

Electrical

9015.10.80 Other

ISSUE:

Whether the System is a good of heading 8512.

LAW AND ANALYSIS:

Under General Rule of Interpretation (GRI) 1, Harmonized Tariff Schedule of the United States (HTSUS), goods are to be classified according to the terms of the headings and any relative section or chapter notes, and provided the headings or notes do not require otherwise, according to GRIs 2 through 6. GRI 3(b) states in part that composite goods made up of different components are to be classified as if consisting of the component which gives the good its essential character.

Devices that function in a manner substantially similar to the System, but which lack the capability for actually measuring and displaying distance, have been classified in subheading 8512.30.00, HTSUS, as sound signaling equipment of a kind used on motor vehicles. See HQ 965368, dated March 6, 2002, and cases cited. The principles of HQ 965368 are incorporated by reference in this decision. Similarly, automotive burglar alarms that emit a high-pitch piercing sound have been so classified. See HQ 964660 and HQ 964661, both dated January 4, 2001. Copies of the cited rulings are enclosed for your convenience. However, the System has the additional capability of measuring the actual distance between the instrument and a given object and displaying that distance numerically in feet. Devices called rangefinders measure the time for a pulse of sound to travel to a surface and return, then calculate distance from the estimated speed of sound. Often optical or opto-electronic, these devices may also be ultrasonic. Rangefinders are described by name in heading 9015.

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For purposes of GRI 3, HTSUS, composite goods are those made up of different components which are attached to each other to form a practically inseparable whole, and also those with separable components, provided these components are adapted one to the other and are mutually complementary and that together they form a whole that would not normally be offered for sale in separate parts. The System is a composite good that is prima facie classifiable both in heading 8512 and in heading 9015. Each heading, however, describes part only of the good. In this case, GRI 3(b) directs that the System be classified according to the component which imparts the essential character to the entire good. The factor or factors which determines essential character will vary with the good. It may, for example, be determined by the nature of the material or component, its bulk, quantity, weight or value, or by the role of a constituent

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material or component in relation to the use of the good. In this case, it is the nature of the components and their respective roles in relation to the use of the System which we believe are the most significant. When parallel parking or merely backing up, a driver will instinctively look behind him, in the direction he's steering the vehicle, rather than at the display unit which is in front of him. Also, it is the beeping alarm that first alerts the driver to the presence of an obstacle behind him and causes him to turn around. In both cases the distance on the display unit is of relatively little importance to the driver. We conclude that it is the sound signaling function described by heading 8512 which imparts the essential character to the System.

HOLDING:

Under the authority of GRI 3(b), HTSUS, the Ultrasonic Parking Guide System is provided for in heading 8512. It is classifiable in subheading 8512.30.00, HTSUS.

As the System may utilize an electronic circuit or circuits to generate ultrasonic waves, importation of this good into the customs territory of the United States may require compliance with certain regulations of the U.S. Department of Health and Human Services, Food and Drug Administration, as indicated in section 12.91(b) of the Customs Regulations (19 CFR § 12.91(b)). A copy of this provision is also enclosed. You may obtain further information by contacting the Food and Drug Administration's Center for Devices and Radiological Health, Division of Small Manufacturers Assistance, 9200 Corporate Blvd., Rockville, MD 20850. They may be reached by telephone at (301) 443-6597.

Sincerely,

John Durant, Director
Commercial Rulings Division
Enclosures