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NY N257786 📅 Oct 21, 2014

Type : Classification • HTSUS : 8501.10.6060

CLA-2-85:OT:RR:NC:N1:112

Gloria Cheng  
Telco Intercontinental Corporation  
9812 Whithorn Dr.  
Houston, TX 77095

RE: The tariff classification of DC Gear Motor from China

Dear Ms. Cheng:

In your letter dated September 30, 2014, you requested a tariff classification ruling.

The merchandise in question is referred to as a 12VDC Right-Angled Gearmotor (Part # GWP64190-R-BD). The motor measures 7.68 inches in length, 2.15 inches in depth, and 2.5 inches in width. The ruling request stated that the 12 volt DC motor has an output of 20 Watts and is used to operate a bus door.

You suggested the motor is properly classified under 8708.29.1500, Harmonized Tariff Schedule of the United States (HTSUS), which provides for "Parts and accessories of the motor vehicles of headings 8701 to 8705: Other parts and accessories of bodies (including cabs): Other: Door assemblies." This office disagrees with the proposed classification.

Classification of merchandise under the HTSUS is governed by the General Rules of Interpretation (GRIs). GRI 1 provides that classification is determined first in accordance with the terms of the headings of the tariff and any relative section or chapter notes. Legal note 2 (f) to Section XVII excludes electrical machinery or equipment from being classified in this section. Therefore, classification of the motor at issue in heading 8708 is precluded.

Additionally, while not dispositive, the Explanatory Notes (ENs) to the Harmonized Commodity Description and Coding System represent the official interpretation of the tariff at the international level and facilitate classification under the HTSUS by offering guidance in understanding the scope of the headings and the

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GRI. ENs 85.01 state in pertinent part, "Motors remain classified here even when they are equipped with pulleys, with gears or gear boxes..." The motor under consideration here consists of an electric motor and an attached gear box. Based on the aforementioned, the motor is classifiable under heading 8501, HTSUS.

The applicable subheading for the 12VDC Right-Angled Gearmotor (Part # GWP64190-R-BD) will be 8501.10.6060, HTSUS, which provides for "Electric motors...: Motors of an output not exceeding 37.5 W: Of 18.65 W or more but not exceeding 37.5 W: DC: Other. The general rate of duty will be 2.8%.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on World Wide Web at <http://www.usitc.gov/tata/hts/>.

This ruling is being issued under the provisions of Part 177 of the Customs Regulations (19 C.F.R. 177).

A copy of the ruling or the control number indicated above should be provided with the entry documents filed at the time this merchandise is imported. If you have any questions regarding the ruling, contact National Import Specialist Karl Moosbrugger at [karl.moosbrugger@cbp.dhs.gov](mailto:karl.moosbrugger@cbp.dhs.gov).

Sincerely,

Gwenn Klein Kirschner  
Director  
National Commodity Specialist Division

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