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GOVERNOR

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6 February 2013

EXECUTIVE ORDER NO. 003 – 2013

**AN ORDER AMENDING EXECUTIVE ORDER 003-2012 TO MODIFY THE
PROHIBITION ON MOTOR VEHICLE IMPORTS**

Section 1: Authority

This executive order is hereby issued in accordance with the powers and authority granted to the Governor by Article IV, Sections 6 and 7 of the Revised Constitution of American Samoa, and the American Samoa Code Annotated, § 4.0111(a).

Section 2: Purpose

While the importance of protecting our environment is recognized, the existing ASG Climate Change Mitigation Rules (the "Rules"), as promulgated in Executive Order 003-2012 and as implemented in General Memorandum 128-2012, are unduly restrictive with respect to the importation of older motor vehicles. This has had a negative impact on the lives of our people whose limited resources often prevent them from making the expenditures necessary for compliance with the Rules.

The purpose of this executive order is to modify Executive Order 003-2012 to increase from 10 years to 15 years the age of motor vehicles allowed to be imported into American Samoa, to simplify the waiver request process, to reduce from two to one the project waiver categories, and to create a minimum fixed bond amount for vehicles imported pursuant to a project waiver.

Section 3: Order

a. Section 1.01 of Executive Order 003-2012 is hereby amended to read as follows:

"1.01 Prohibition

It shall be prohibited to import any vehicle to American Samoa that is more than 15 years old. The age of the vehicle shall be determined based on the vehicle's model year and the calendar year."

b. Section 1.02 of Executive Order 003-2012 is hereby amended to read as follows:

"1.02 Projects and Classic Car Waiver

A limited temporary waiver may be granted for a vehicle unavailable in American Samoa under a showing of specific required need for a particular project, or for a special classic car exception. To qualify for such a waiver, the individual shall submit a written request for a waiver from the requirements of this section to the Governor's Office for processing.

c. Section 1.03 of Executive Order 003-2012 is hereby amended to read as follows:

"1.03 Implementation

Customs and the Office of Motor Vehicles shall be charged with the implementation and enforcement of this section through their existing enforcement powers, in consultation with the American Samoa Environmental Protection Agency (AS-EPA"). Enforcement shall be carried out in accordance with the procedures outlined in General Memorandum 038-2013.

d. A new Section 1.04 of Executive Order 003-2012 is hereby added to read as follows:

"1.04 Bond for older cars

Any vehicle imported into American Samoa under a project waiver provision shall require the posting a bond in the amount \$5,000, or the amount of the import excise tax on the vehicle, whichever is greater. In the event the vehicle is not returned to its point of origin within 90 days of project completion date, or ceases to be operable during the course of the project, the bond shall be forfeit.

Section 3: Effective Date

This order shall take effect immediately.

Dated: February 6, 2013

LoLo M. Moliga

LOLO M. MOLIGA
Governor of American Samoa