



UNITED STATES IMPORTER DECLARATION ACCEPTING JOINT AND SEVERAL LIABILITY

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Statutory Requirements

Pursuant to California Revenue and Taxation Code section 30165.1(b)(3)(E) and (f)(4), a Non-Participating Manufacturer ("NPM") located outside of the United States must provide a declaration from each of its importers to the United States that such importer accepts joint and several liability with the NPM for:

1. All escrow deposits due under Health and Safety Code section 104557 and implementing regulations;
2. All penalties assessed in accordance with Article 3 (commencing with Section 104555) of Chapter 1 or Part 3 of Division 103 of the Health and Safety Code;
3. Payment of all fees, costs, attorney's fees, penalties, and refunds imposed or required by Revenue and Taxation Code section 30165.1, including, but not limited to, all refunds resulting from the removal of the manufacturer or any of its brand families from the California tobacco directory.

The importer must also:

1. Appoint a resident agent for service of process in California;
2. Consent to the jurisdiction of the California courts for the purpose of enforcement of Division 8.6 (commencing with section 22979) of the Business and Professions Code, Sections 104555 to 104557, inclusive, of the Health and Safety Code, Section 30165.1 of the Revenue and Taxation Code, and regulations adopted pursuant thereto;
3. Waive any sovereign immunity defenses in a form and manner acceptable to the Attorney General or post a surety bond in a form and manner directed by the Attorney General, as required by Business & Professions Code section 22979(a)(4); and
4. Attach a copy of the current tobacco importer's permit issued by the U.S. Alcohol and Tobacco Trade Bureau with any amendments.

Importer Information

Importer Name: _____

Contact Name and Title: _____

Mailing Address: _____

Phone Number: _____ Fax Number: _____

E-Mail Address: _____

Federal Taxpayer ID Number: _____

Non-Participating Manufacturer Identification

Importer declares that it is a United States importer for the following NPM. (*Please identify below the foreign NPM whose products you import into the United States. Complete this form for each foreign NPM from whom you import cigarettes or tobacco products.*)

Manufacturer Name: _____

Mailing Address: _____

Phone Number: _____ Fax Number: _____

E-Mail Address: _____



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Importer's Resident Agent for Service of Process

Resident Agent Name: _____

Mailing Address: _____

Phone Number: _____ Fax Number: _____

E-Mail Address: _____

Proof of Appointment: Attach notarized Importer's Notice of Appointment of Registered Agent and Registered Agent Form (JUS-TOB13).

Importer's Declaration

I certify that, based upon my personal knowledge, all of the information contained in this declaration and any attachments are true and accurate, and that I am authorized, under the laws of the state of California or the jurisdiction where the importer resides or is organized, to bind the importer making this certification.

Pursuant to Revenue and Taxation Code section 30165.1(b)(3)(E) and (f)(4), I declare that the importer accepts strict, joint and several liability with the above identified Non-Participating Manufacturer for:

- (1) All escrow deposits due under Health and Safety Code section 104557 and implementing regulations,
- (2) All penalties assessed in accordance with Article 3 (commencing with Section 104555) of Chapter 1 of Part 3 of Division 103 of the Health and Safety Code; and
- (3) Payment of all fees, costs, attorney's fees, penalties, and refunds imposed or required by Revenue and Taxation Code section 30165.1, including, but not limited to, all refunds resulting from the removal of the manufacturer or any of its brand families from the California tobacco directory.

In addition, I also declare that the importer:

- 1. Has appointed a resident agent for service of process in California;
- 2. Consents to the jurisdiction of the California courts for the purpose of enforcement of Division 8.6 (commencing with section 22979) of the Business and Professions Code, Sections 104555 to 104557, inclusive, of the Health and Safety Code, Section 30165.1 of the Revenue and Taxation Code, and regulations adopted pursuant thereto; and
- 3. Has waived any sovereign immunity defenses in a form and manner acceptable to the Attorney General or posted a surety bond in a form and manner directed by the Attorney General, as required by Business & Professions Code section 22979(a)(4).

Executed this _____ day of _____, 20 ____.

Signature of Authorized Officer or Agent for Importer

Name (Please Print Legibly)

Title (Please Print Legibly)



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Notary:

City/County of _____, State of _____

Subscribed and affirmed before me on this date: _____

Signature: _____ Printed Name: _____

[Notary Public]

My commission expires: _____

Send original fully executed Declaration, including attachments and supporting documents to:

NPM Enforcement Coordinator
Tobacco Litigation and Enforcement Section
Office of the Attorney General
P.O. Box 944255
Sacramento, CA 94244-2550