

§ 191.166

_____, 19____, in Foreign Trade Zone No. _____, _____ (City and State). Ex- ceptions: _____.

____ (Name of operator)

By _____ (Name and title)

(3) *Transferor's declaration.* The trans- feror shall declare on Customs Form 7539 as follows:

TRANSFEROR'S DECLARATION

I, _____, of the firm of _____, declare that the merchandise described in the within entry was duly entered at the customhouse on arrival at this port; that the duties thereon have been paid as specified in this entry; and that it was transferred to Foreign Trade Zone No. _____, located at _____, (City and State) for the sole purpose of exportation, destruction, or stor- age, not to be returned to the customs terri- tory of the United States for domestic con- sumption. I further declare that to the best of my knowledge and belief, that said mer- chandise is the same in quantity, quality, value, and package as specified in this entry; that no allowance nor reduction in duties has been made; and that no part of the duties paid has been refunded by drawback or oth- erwise.

Dated: _____.

_____ (Transferor)

[T.D. 83-212, 48 FR 46753, Oct. 14, 1983, as amended by T.D. 86-16, 51 FR 5064, Feb. 11, 1986; 51 FR 11013, Apr. 1, 1986]

§ 191.166 Person entitled to receive drawback.

The person named in the foreign trade zone operator's certification on the notice of transfer or the drawback entry, as applicable, shall be consid- ered to be the transferor. Drawback shall be paid to the transferor or to the person to whom the transferor directs in writing to be paid.

PART 192—EXPORT CONTROL

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AUTHORITY: 19 U.S.C. 66, 1624, 1627a, 1646a.

SOURCE: T.D. 89-46, 54 FR 15403, Apr. 18, 1989, unless otherwise noted.

§ 192.0 Scope.

This part sets forth regulations per- taining to procedures for the lawful ex- portation of used self-propelled vehi- cles, vessels and aircraft, and the pen- alties and liabilities incurred for fail- ure to comply with any of the proce- dures. This part also sets forth regula- tions concerning controls exercised by Customs with respect to the expor- tation of certain merchandise.

Subpart A—Exportation of Used Self-Propelled Vehicles, Ves- sels, and Aircraft

§ 192.1 Definitions.

The following are general definitions for the purposes of this subpart A.

Export. "Export" refers to the trans- portation of merchandise out of the U.S. for the purpose of being entered into the commerce of a foreign coun- try.

Self-propelled vehicle. "Self-propelled vehicle" includes any automobile, truck, tractor, bus, motorcycle, motor home, self-propelled agricultural ma- chinery, self-propelled construction equipment, self-propelled special use equipment, and any other self-pro- pelled vehicle used or designed for run- ning on land but not on rail.

Ultimate purchaser. "Ultimate pur- chaser" means the first person, other than a dealer purchasing in his capac- ity as a dealer, who in good faith pur- chases a self-propelled vehicle for pur- poses other than resale.

Used. "Used" refers to any self-pro- pelled vehicle the equitable or legal title to which has been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

§ 192.2 Requirements for exportation.

(a) *Basic requirements.* A person at- tempting to export a used self-pro- pelled vehicle shall present to Cus- toms, at the port of exportation, both the vehicle and a document describing the vehicle, which includes the Vehicle Identification Number or, if the vehicle does not have a Vehicle Identification Number, the product identification number. Exportation of a vehicle will be permitted only upon compliance

with these requirements, unless the vehicle was entered into the United States under an in-bond procedure, or under a carnet or Temporary Importation Bond; a vehicle entered under an in-bond procedure, or under a carnet or Temporary Importation Bond is exempt from these requirements. The person attempting to export the vehicle may employ an agent for the exportation of the vehicle.

(b) *Documentation required.* In the case of automobiles, trucks, motorcycles and buses, original or certified copies of Certificate of Title (or other document if a Certificate of Title is not available as a result of state statutory requirements), and 2 facsimiles of the original or certified copy, shall be presented. In other cases, a certificate of title, memorandum of ownership, or right of possession, or any other document sufficient to prove lawful ownership, such as a bill of sale or a sales invoice, or a certified copy of any of these documents, as well as 2 facsimiles of the original or certified copy, shall be presented.

(c) *When presented.* If the vehicle is to be transported by vessel or aircraft, the documentation and vehicle must be presented at least 3 days prior to lading. If the vehicle is to be transported by rail, highway, or under its own power, the documentation must be presented 3 days prior to exportation of the vehicle, and the vehicle must be presented on the day of exportation.

(d) *Authentication of documentation.* Customs shall authenticate both facsimile documents, one of which shall remain in the possession of the exporter and one of which shall be collected by Customs. Authentication will include the stamping of the facsimile documents with the date of presentation of the documents. The authenticated facsimile document will be the only acceptable evidence from the ex-

porter of compliance with the requirements of this section.

[T.D. 89-46, 54 FR 15403, Apr. 18, 1989, as amended by T.D. 90-71, 55 FR 37708, Sept. 13, 1990]

§ 192.3 Penalties.

(a) A \$500 penalty shall be assessed against an exporter attempting to export a vehicle without complying with the requirements set forth in this part of the regulations.

(b) A \$500 penalty shall be assessed against an exporter who has exported a vehicle without complying with the requirements set forth in this part of the regulations.

(c) A penalty not to exceed \$10,000 may be assessed against an importer or exporter who knowingly imports, exports or attempts to import or export:

(1) Any stolen self-propelled vehicle, vessel, aircraft or part of a self-propelled vehicle, vessel or aircraft; or

(2) Any self-propelled vehicle or part of a self-propelled vehicle from which the identification number has been removed, obliterated, tampered with, or altered.

(d) Any stolen self-propelled vehicle, vessel or aircraft or part thereof or any self-propelled vehicle or part of a self-propelled vehicle from which the identification number has been removed, obliterated, tampered with or altered may be subject to seizure and forfeiture pursuant to 19 U.S.C. 1627a.

§ 192.4 Liability of carriers.

Under the provisions of 46 U.S.C. App. 91, the vessel master is charged with the responsibility for presenting a true manifest. If used vehicles are not included on the manifest or are inaccurately described thereon, a liability of not more than \$1,000 nor less than \$500 will be incurred.

PARTS 193—199 [RESERVED]