

**§ 123.82 Treatment of stolen vehicles returned from Mexico.**

Port directors shall admit without entry and payment of duty allegedly stolen or embezzled vehicles, trailers, airplanes, or component parts of any of them, under the provisions of The Convention between the United States of America and the United Mexican States for the Recovery and Return of Stolen or Embezzled Vehicles and Aircraft (Treaties and Other International Acts Series [TIAS] 10653), of June 28, 1983, if accompanied by a letter from the U.S. Embassy in Mexico City containing:

(a) A statement that the Embassy is satisfied from information furnished it that the property is stolen property being returned to the U.S. under the provisions of the convention between the U.S. and Mexico concluded January 15, 1981, and

(b) An adequate description of the property for identification purposes.

[T.D. 86-118, 51 FR 22515, June 20, 1986. Redesignated by T.D. 99-2, 64 FR 31, Jan. 4, 1999]

## PART 125—CARTAGE AND LIGHTERAGE OF MERCHANDISE

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AUTHORITY: 19 U.S.C. 66, 1565, and 1624.

Section 125.31, also issued under 5 U.S.C. 301; 19 U.S.C. 1311, 1312, 1484, 1555, 1556, 1557, 1623, and 1646a.

Section 125.32 also issued under 5 U.S.C. 301; 19 U.S.C. 1484.

Section 125.33 also issued under 19 U.S.C. 1311, 1312, 1555, 1556, 1557, 1623, and 1646a.

Sections 125.41 and 125.42 also issued under 19 U.S.C. 1623.

SOURCE: T.D. 73-140, 38 FR 13554, May 23, 1973, unless otherwise noted.

### § 125.0 Scope.

This part is concerned with cartage and lighterage of merchandise and the duties and liabilities of cartmen and lightermen, as well as those parties authorized in §112.2(b) to engage in cartage. Provisions for licensing cartmen and lightermen are in part 112 of this chapter.

[T.D. 94-81, 59 FR 51495, Oct. 12, 1994]

### Subpart A—General Provisions

#### § 125.1 Classes of cartage.

(a) *Government cartage.* Government cartage must be done by a licensed customhouse cartman or other bonded carrier as provided in §112.2 of this chapter under contract or other specific authority for that purpose (except as provided for in §125.12). All government cartage must be contracted for using the procedures specified in § 125.3.

(b) *Importers' cartage.* Importers' cartage may be done by any licensed customhouse cartman or other bonded carrier as provided in §112.2 of this chapter.

[T.D. 94-81, 59 FR 51495, Oct. 12, 1994]

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### § 125.2 Supervision of cartage and lighterage.

All licensed vehicles or lighters shall be subject to the control and direction of the officer having charge of the merchandise being carried.

### § 125.3 Contracts for Government cartage.

Contracts for Government cartage shall be procured by formally advertised solicitation for bids and award of contract or by negotiation in accordance with the appropriate provisions of the Federal Procurement Regulations, as supplemented by the special procurement requirements of the U.S. Customs Service.

## Subpart B—Cartage of Packages for Examination

### § 125.11 Cartage for examination in public stores.

(a) *Government cartage.* The cartage of merchandise in Customs custody designated for examination at the public stores shall be done by a licensed customhouse cartman or a bonded carrier under contract or other specific authority for that purpose.

(b) *Where there is no contract for Government cartage.* At ports where there is no contract for Government cartage in effect, the cartage of packages designated for examination at the public stores shall be done by a licensed customhouse cartman or a bonded carrier designated by the port director for this purpose.

(c) *Payment for Government cartmen.* The cost of the cartage shall be paid by Customs.

[T.D. 73-140, 38 FR 13554, May 23, 1973, as amended by T.D. 94-81, 59 FR 51495, Oct. 12, 1994]

### § 125.12 Cartage for examination at importers' premises or other place.

Merchandise designated for examination at an importer's premises or other place not in the charge of a Customs officer may be carted, lightered, or carried to any such place by the importer without a cartman's or lighterman's license, when in the judgment of the port director the revenue will not be endangered. Otherwise, such transfer

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shall be done by a licensed cartman, who shall be the contract cartman whenever practicable.

### § 125.13 Cartage of merchandise withdrawn from general order for regular entry.

When merchandise withdrawn from general order for regular entry is to be conveyed to a place designated by the port director for examination, the cartage shall be at the expense of the importer and shall be under the cartage arrangements established at the port for hauling examination packages under the provisions of § 125.11(a) and (b). Reimbursement of the cost of the cartage shall be collected from the importer prior to release of the merchandise from Customs custody.

### § 125.14 Cartage of unclaimed merchandise.

Unclaimed merchandise shall be carted to the public stores or a bonded warehouse designated by the port director under the cartage arrangements established at the port for hauling examination packages under the provisions of § 125.11. Reimbursement of the cost of the cartage shall be collected from the importer prior to release if entry is made or from the proceeds of sale of the merchandise.

[T.D. 73-140, 38 FR 13554, May 23, 1973, as amended by T.D. 78-151, 43 FR 23566, May 31, 1978]

## Subpart C—Importers' Cartage

### § 125.21 Cartage other than for examination.

Any licensed customhouse cartman, including an importer licensed to cart his own imported merchandise and a bonded carrier provided for in § 112.2 of this chapter, at the expense of the importer or other party in interest, may transfer merchandise from the importing vessel or other conveyance to a bonded warehouse, from one vessel or conveyance to another, from one bonded warehouse to another, from the public stores to a bonded warehouse, from warehouse for transportation or for exportation, and from an internal revenue warehouse for exportation under

the internal revenue laws without payment of tax. Foreign trade zone operators, bonded warehouse proprietors, container station operators and centralized examination station operators may engage in limited cartage or light-erage under the conditions specified in §112.2 of this chapter. Nothing in this section shall apply to the cartage of examination packages to the place of examination.

[T.D. 94-81, 59 FR 51495, Oct. 12, 1994]

**§ 125.22 Designation of cartman or lighterman, or other bonded carrier.**

Importers and exporters shall designate on the entry and permit of bonded merchandise the bonded cartman, lighterman, or other bonded carrier as provided in §112.2 of this chapter by whom they wish their merchandise to be conveyed. An importer also may designate a foreign trade zone operator, bonded warehouse proprietor, container station operator or centralized examination station operator under the conditions specified in §112.2 of this chapter for limited cartage; if he does so, the importer must also designate that the merchandise is bound for the facility run by the operator he designates. Approval of a designation shall be indicated on the entry papers by the initials of the appropriate Customs officer placed in close proximity to the designation.

[T.D. 94-81, 59 FR 51495, Oct. 12, 1994]

**§ 125.23 Failure to designate.**

If an importer does not cart his merchandise or designate a licensed customhouse cartman, other bonded carrier, foreign trade zone operator, bonded warehouse proprietor, container station operator or centralized examination station operator, as provided for in §112.2 of this chapter, for the purpose, it shall be carted by a bonded carrier or by a public store cartman authorized by contract or designated by the port director for that purpose. The cost of such cartage shall be paid by the importer of the merchandise before its release from Customs custody.

[T.D. 94-81, 59 FR 51496, Oct. 12, 1994]

**§ 125.24 Failure of designated cartman, lighterman or other bonded carrier to appear.**

The cartman, lighterman, other bonded carrier, foreign trade zone operator, bonded warehouse proprietor, container station operator or centralized examination station operator designated to convey the merchandise shall be present to take the merchandise when the Customs officer in charge is ready to send it. If the designated vehicle or lighter is not present, after waiting a reasonable time, such officer shall send the merchandise by any available licensed cartman, lighterman, or qualifying bonded carrier.

[T.D. 94-81, 59 FR 51496, Oct. 12, 1994]

**Subpart D—Delivery and Receipt**

**§ 125.31 Documents used.**

When merchandise is carted or lightered to and received from a bonded store or bonded warehouse, it shall be accompanied by one of the following tickets or documents:

(a) Customs Form 6043—Delivery Ticket.

(b) Customs Form 7501, Entry Summary, annotated “Permit”.

(c) Customs Form 7512—Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit.

[T.D. 82-204, 47 FR 49375, Nov. 1, 1982, as amended by T.D. 84-129, 49 FR 23167, June 5, 1984; T.D. 95-81, 60 FR 52295, Oct. 6, 1995]

**§ 125.32 Merchandise delivered to a bonded store or bonded warehouse.**

When merchandise is carried, carted or lightered to and received in a bonded store or bonded warehouse, the proprietor or his representative shall check the goods against the accompanying delivery ticket, Customs Form 6043, or copy of the permit, Customs Form 7501, and countersign the document acknowledging receipt of the merchandise as listed thereon. If the proprietor or his agent has been designated to carry the merchandise to his own bonded warehouse, he shall check the goods against the accompanying delivery ticket, Customs Form 6043, or copy of the permit, Customs Form 7501, at the

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time he picks up the cargo. Receipt of merchandise by a bonded warehouse proprietor for the purpose of transportation to his own warehouse constitutes receipt into a bonded warehouse.

[T.D. 94-81, 59 FR 51496, Oct. 12, 1994]

### § 125.33 Procedure on receiving merchandise.

(a) *From public or bonded store.* A receipt shall be taken from the cartman, lighterman or bonded carrier for all goods delivered to him from public store or bonded store. The receipt may be taken on Customs Form 6043, or on the appraising officer's release ticket at the time delivery is made.

(b) *From bonded warehouse.* In case of withdrawals from bonded warehouse, the merchandise shall be released only to the proprietor of the warehouse, who shall acknowledge such release on the appropriate withdrawal or removal document.

(c) *All other cases.* A receipt shall be taken for all goods delivered from Customs custody in any other case where the port director deems such receipt necessary.

[T.D. 73-140, 38 FR 13554, May 23, 1973, as amended by T.D. 82-204, 47 FR 49375, Nov. 1, 1982; T.D. 94-81, 59 FR 51496, Oct. 12, 1994]

### § 125.34 Countersigning of documents and notation of bad order or discrepancy.

When a cartman, lighterman, other bonded carrier, foreign trade zone operator, bonded warehouse proprietor, container station operator or centralized examination station operator, as provided for in §112.2, receives merchandise remaining in Customs custody, he shall countersign the appropriate document in the space provided and shall note thereon any bad order or discrepancy. When available, the importing carrier's tally slip for the merchandise shall be attached to the delivery ticket which accompanies the merchandise while it is being carted or lightered in bond, for the use of Customs officers only at destination.

[T.D. 73-140, 38 FR 13554, May 23, 1973, as amended by T.D. 94-81, 59 FR 51496, Oct. 12, 1994]

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### § 125.35 Report of loss, detention, or accident.

Any loss or detention of bonded merchandise, or any accident happening to a vehicle or lighter while carrying bonded merchandise shall be immediately reported by the cartman, lighterman, qualified bonded carrier, foreign trade zone operator, bonded warehouse proprietor, container station operator or centralized examination station operator to the port director.

[T.D. 94-81, 59 FR 51496, Oct. 12, 1994]

### § 125.36 Inability to deliver merchandise.

If the warehouse is closed or the warehouseman refuses to receive the merchandise, the cartman or bonded carrier shall notify the appropriate Customs inspector. The inspector shall promptly report the facts to the port director or his delegated representative for instructions. The merchandise shall then be returned to the Customs inspector, deposited in the public stores for safekeeping, or handled as ordered by the port director.

[T.D. 73-140, 38 FR 13554, May 23, 1973, as amended by T.D. 94-81, 59 FR 51496, Oct. 12, 1994]

## Subpart E—Liability

### § 125.41 Liability for cartage.

(a) *Liability of cartman, lighterman or bonded carrier.* The cartman, lighterman, or bonded carrier conveying the merchandise, including merchandise covered by a TIR carnet which has not been "taken on charge" (see §114.22(c)(2) of this chapter), shall be liable under his bond for its prompt delivery in sound condition, or in no worse than the damaged condition noted on the delivery ticket, if damage is so noted.

(b) *Liability of foreign trade zone operator, bonded warehouse proprietor, container station operator or centralized examination station operator.* A foreign trade zone operator, bonded warehouse proprietor, container station operator or centralized examination station operator who picks up merchandise including merchandise covered by a TIR carnet which has not been "taken on

charge'', to transport the merchandise to his own facility shall be liable under his bond for the merchandise as soon as he collects the merchandise. The merchandise must be receipted as soon as it is picked up and must be delivered to either the respective foreign trade zone, bonded warehouse, container station or centralized examination station promptly after it is picked up in sound condition, or in no worse than the damaged condition noted on the delivery ticket, if damage is noted.

[T.D. 94-81, 59 FR 51496, Oct. 12, 1994]

#### § 125.42 Cancellation of liability.

The Fines, Penalties, and Forfeiture Officer may cancel liquidated damages not in excess of \$100,000 incurred under the bond of the foreign trade zone operator, containing the bond conditions set forth in §113.73 of this chapter, or under the bond of the cartman, lighterman, bonded carrier, bonded warehouse proprietor, container station operator or centralized examination station operator on Customs Form 301, containing the bond conditions set forth in §113.63 of this chapter, upon the payment of such lesser amount, or without the payment of any amount, as the Fines, Penalties, and Forfeitures Officer may deem appropriate under the circumstances. Application for cancellation of liquidated damages incurred shall be made in accordance with the provisions of part 172 of this chapter.

[T.D. 73-140, 38 FR 13554, May 23, 1973, as amended by T.D. 73-308, 38 FR 30549, Nov. 6, 1973; T.D. 84-213, 49 FR 41183, Oct. 19, 1984; T.D. 91-71, 56 FR 40779, Aug. 16, 1991; T.D. 94-81, 59 FR 51496, Oct. 12, 1994; T.D. 99-27, 64 FR 13675, Mar. 22, 1999]

### PART 127—GENERAL ORDER, UNCLAIMED, AND ABANDONED MERCHANDISE

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AUTHORITY: 19 U.S.C. 66, 1311, 1312, 1484, 1485, 1490, 1491, 1492, 1506, 1559, 1563, 1623, 1624, 1646a; 26 U.S.C. 7553.

SOURCE: T.D. 74-114, 39 FR 12092, Apr. 3, 1974, unless otherwise noted.

#### § 127.0 Scope.

This part sets forth regulations pertaining to general order merchandise, unclaimed merchandise, and abandoned merchandise, the storage and sale thereof, and the distribution of the proceeds from the sale thereof. Regulations regarding the abandonment of merchandise by the importer to the Government in accordance with section 506(1), Tariff Act of 1930, as amended (19 U.S.C. 1506(1)), appear in part 158 of this chapter.

#### Subpart A—General Order Merchandise

##### § 127.1 Merchandise considered general order merchandise.

Merchandise shall be considered general order merchandise when it is taken into the custody of the port director and deposited in the public stores or a general order warehouse at