

§ 19.40

19 CFR Ch. I (4-1-14 Edition)

§ 19.40 Establishment, relocation or alteration of container stations.

(a) A container station, independent of the importing carrier, may be established at any port or portion of a port, or any other area under the jurisdiction of a port director upon the filing of an application therefore and its approval by the port director and the posting of a bond on Customs Form 301, containing the bond conditions set forth in §113.63 of this chapter in such amount as the port director shall require.

(b) Alterations to or relocation of a container station may be made with the permission of the director of the port in which the facility is located, or if not within a port's limits, nearest to where the facility is located. An application to alter or relocate a container station shall be accompanied by the fee required by paragraph (c) of this section.

(c)(1) Customs shall charge a fee to establish, relocate or alter a container station, and publish a general notice in the FEDERAL REGISTER and Customs Bulletin setting forth a fee schedule, to be revised periodically to reflect increased costs, to establish, relocate or alter the container station. The published revised fee schedule shall remain in effect until changed.

(2) The fee, rounded off to the nearest dollar, shall be calculated in accordance with §24.17(d) of this chapter. The fee shall be based upon the amount of time the average service requires of the Customs officers performing the service.

[T.D. 72-68, 37 FR 4186, Feb. 29, 1972, as amended by T.D. 82-135, 47 FR 32416, July 27, 1982; T.D. 83-56, 48 FR 9854, Mar. 9, 1983; T.D. 84-213, 49 FR 41170, Oct. 19, 1984; T.D. 85-72, 50 FR 15885, Apr. 23, 1985; T.D. 99-27, 64 FR 13675, Mar. 22, 1999]

We concur: _____

(Signature of agent of importing carrier)

transfer record

Delivered to _____ (cartman), C.H.L. No. ____ in apparent good order and condition except as noted:

§ 19.41 Movement of containerized cargo to a container station.

Containerized cargo may be moved from the place of unloading to a designated container station, or may be received directly at the container station from a bonded carrier after transportation in-bond, before the filing of an entry of merchandise therefor or the permitting thereof (see subpart A of part 158 of this chapter) for the purpose of breaking bulk and redelivery of the cargo. In either circumstance, excess loose cargo, as part of containerized cargo, may accompany the container to the container station.

[T.D. 82-135, 47 FR 32416, July 27, 1982]

§ 19.42 Application for transfer of merchandise.

The container station operator may file an application for the transfer of a container intact to the station. The application shall be in duplicate in the following or substantially similar format:

U.S. CUSTOMS SERVICE

APPLICATION AND PERMIT TO TRANSFER CONTAINERIZED CARGO TO A CONTAINER STATION

Date _____

Application is made to transfer the containers and their contents listed below which arrived on _____ (Carrier) on _____ (Date) at Pier ____ to the _____ (Container station)

An abstract of the carrier's manifest covering the containers by B/L No., marks, numbers, contents, consignee, etc., is attached hereto.

LIST OF CONTAINERS BY MARKS AND NUMBERS ONLY

(Signature of authorized agent of container station)

| Truck No. | Container numbers | Date | Signature of inspector | Signature of cartman | Received signature container operator |
|-----------|-------------------|------|------------------------|----------------------|---------------------------------------|
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§ 19.43 Filing of application.

The application, listing the containers by marks and numbers, may be filed at the customhouse or with the Customs inspector at the place where the container is unladen, or for merchandise transported in-bond, at the bonded carrier's facility, as designated by the port director.

[T.D. 82-135, 47 FR 32416, July 27, 1982]

§ 19.44 Carrier responsibility.

(a) If merchandise is transferred directly to a container station from an importing carrier, the importing carrier shall remain liable under the terms of its bond for the proper safekeeping and delivery of the merchandise until it is formally receipted for by the container station operator.

(b) If merchandise is transferred directly from a bonded carrier's facility to a container station or is delivered directly to the container station by a bonded carrier, the bonded carrier shall remain liable under the terms of his bond for the proper safekeeping and delivery of the merchandise until it is formally receipted for by the container station operator.

(c) In either case under paragraph (a) or (b) of this section, the importing carrier and the bonded carrier, as applicable, shall be responsible for assuring that the provisions of subpart A, part 158 of this chapter, relating to quantity determinations, and discrepancy reporting and accountability are followed.

(d) The importing carrier and the bonded carrier, as applicable, shall indicate concurrence in the transfer of the merchandise either by signing the application for transfer or by physically turning the merchandise over to the operator.

(e) The importing carrier and the bonded carrier, as applicable, shall be

responsible for ascertaining that the person to whom a container is delivered for transfer to the container station is an authorized representative of the operator.

(f) The importing carrier and the bonded carrier, as applicable, shall furnish an abstract manifest showing the bill of lading number, the marks and numbers of the container, and the usual manifest description for each shipment in the container.

(g) If a container station operator chooses to collect merchandise from within the boundaries of the district (see definition of "district" at §112.1) in which the container station is located and transport the merchandise to his container station, the container station operator must formally receipt for the merchandise at the time of collection, and he becomes liable under his bond for proper safekeeping of the merchandise at that time.

[T.D. 82-135, 47 FR 32416, July 27, 1982, as amended by T.D. 94-81, 59 FR 51494, Oct. 12, 1994; T.D. 95-77, 60 FR 50010, Sept. 27, 1995]

§ 19.45 Transfer of merchandise, approval and method.

Approval of the application by the port director shall serve as a permit to transfer the container and its contents to the station. Except when the container station operator is moving the merchandise to his own station by his own vehicle, the merchandise may only be transferred to a container station by a bonded cartman or bonded carrier. The station operator, cartman or carrier shall receipt for the merchandise on both copies of the application.

[T.D. 74-54, 39 FR 4876, Feb. 18, 1974]

§ 19.46 Employee lists.

A permit shall not be granted to an operator to transfer a container or containers to a container station, if the