

Introduction

This guide was developed as a single source of guidance for shippers and exporters on the proper procedures required for the exportation of used self-propelled motor vehicles presented for export, along with their accompanying documentation.

This guide will provide a broad overview of the procedures required to comply with the vehicle export regulations found in Part 192 of Title 19 of the Code of Federal Regulations (19 CFR Part 192). For local port procedures and hours of operation, please contact your local CBP office. The phone numbers and addresses to the Customs offices are listed on the CBP Web site at www.cbp.gov

This guide also addresses the penalties established in 19 CFR Part 192 for failure to comply with any of the regulations.

Background

Statutes

CBP authority to impose export reporting requirements on used self-propelled vehicles is found at 19 USC 1627a in the Motor Vehicle Theft Enforcement Act of 1984. This law provides for the imposition of penalties on any person who knowingly imports, exports, or attempts to import or export any stolen self-propelled vehicle or part of a self-propelled vehicle on which the identification number has been removed, obliterated, tampered with, or altered. Violations of the law also make the self-propelled vehicle, or part thereof, subject to seizure and forfeiture.

Additional legislation has attempted to strengthen U.S. stolen vehicle laws and add new force to 19 USC 1627a. One important piece of legislation was the Anti-Car Theft Act of 1992. On October 25, 1992, President George Bush signed this bill, which aims to reduce the level of auto theft and the threat of carjacking, major crime problems that cost American car owners billions of dollars each year. Title IV, Section 401 of the Act contains two provisions that were intended to tighten Customs enforcement against exporters of stolen vehicles. These provisions mandate that Customs conduct random export inspections and eliminate the personal use exemption from the export reporting requirement. The two provisions, which are codified as 19 USC 1646b and 19 USC 1646c, read as follows:

19 USC 1646b RANDOM CUSTOMS INSPECTIONS FOR STOLEN AUTOMOBILES BEING EXPORTED

The Commissioner of Customs shall direct Customs officers to conduct at random inspections of automobiles, and of shipping containers that may contain

automobiles that are being exported, for purposes of determining whether such automobiles were stolen.

19 USC 1646c EXPORT REPORTING REQUIREMENTS

The Commissioner of Customs shall require all persons or entities exporting used automobiles, including automobiles exported for personal use, by air or ship to provide to the Customs Service, at least 72 hours before the export, the vehicle identification number (VIN) of each such automobile. The Commissioner shall establish specific criteria for randomly selecting used automobiles scheduled to be exported, consistent with the risk of stolen automobiles being exported, and shall check the VIN of each automobile selected pursuant to such criteria against the information in the National Crime Information Center (NCIC) to determine whether such automobile has been reported stolen. At the request of the Director of the Federal Bureau of Investigation, the Commissioner shall make available to the Director all vehicle identification numbers obtained under this section.

Export Regulations

On May 18, 1989, new regulations governing the export of used self-propelled vehicles were added to the Customs Regulations (19 CFR) to implement the revised section (1627a) of the Trade and Tariff Act of 1984. These regulations became Part 192 of the Customs Regulations. Since 1989, these regulations have, in general, required persons or entities seeking to export used self-propelled vehicles to present to U.S. Customs, at least three days before export, both the vehicle and a document describing that vehicle. This collection of information has previously been reviewed and approved by the Office of Management and Budget (OMB) under OMB control number 1515-0157.

Interpretation and Application of 19 CFR 192 Regulations

Part

Documentary Status

It is the responsibility of the reviewing inspector to ensure that the documents presented to Customs reflect the highest levels of trustworthiness to establish ownership as provided for in 19 CFR 192.2 (b).

The 1989 change to 19 CFR Part 192 focused on a single document: the original certificate of title. For Customs, this is the document that establishes legal ownership with the highest level of trustworthiness, because it is issued by a state Department of Motor Vehicles (DMV). It is a core requirement in the Customs export process, regardless of the vehicle's economic value, physical condition, or operating order.

Structure of the Regulations

Procedurally, all exporters or their agents who present a document to Customs are to begin at 19 CFR 192.2 (b) (1) and then progress through each subsection until the exporter arrives at the section and subsection(s) that apply to the vehicle that has been presented to Customs for export. This procedure ensures that no requirement is misinterpreted, misapplied, or circumvented by either the exporter or the reviewing Customs officer. Customs inspectors are charged with ensuring that the documents meet the requirements through consistent application of the regulations in their hierarchical structure. Consistently following the hierarchy of requirements incorporated into the structure of 19 CFR Part 192 will enable the various ports to standardize application of the regulations.

A second feature of the 1989 revision to the regulations was the establishment of a hierarchical requirement structure that would prevent exporters from bypassing certain requirements in favor of others. For example, exporters often used the “or other document” language to substitute a bill of sale for the original certificate of title. The new structure is designed so that the requirements build upon one another. For example, the requirement to present a letter from the lease/lienholder for a vehicle that is leased or has a recorded lien is in addition to the primary requirement to present the certificate of title or a certified copy.

Application of the Regulations

The revised 19 CFR Part 192 was structured to govern the export of used self-propelled vehicles and to enhance the ability of Customs to interdict stolen vehicles before they are exported from the United States. All used self-propelled vehicles are reportable to U.S. Customs unless specifically exempted by the definitions found at 192.1. It is incumbent upon the exporter or the exporter’s agent to satisfy Customs that a vehicle is exempt.

19 CFR Part 192 Regulations

Although 19 CFR Part 192 is concerned with export controls for vehicles, vessels, and aircraft, and includes penalty provisions for violations that are found at 192.3, this guide addresses only the export of used vehicles.

Section 192.1 Definitions

The following are general definitions for the purposes of CFR 192.2:

Certified. “Certified” when used with reference to copy means a document issued by an authorized government authority (State DMV) that includes on it a signed statement by the authority that the copy is an authentic copy of the original. (See page 11 of this guide for more information about acceptable certified copies.)

Copy. "Copy" refers to a duplicate or photocopy of an original document. When there is any writing on the backside of an original document, a "complete copy" means that both sides of the document are copied.

Export. "Export" refers to the transportation of merchandise out of the U.S. for the purpose of being entered into the commerce of a foreign country.

Self-Propelled Vehicle. "Self-propelled" vehicle includes any automobile, truck, tractor, bus, motorcycle, motor home, self-propelled agricultural machinery, self-propelled construction equipment, self-propelled special use equipment, and any other self-propelled vehicle used or designed for running on land but not rail.

Ultimate Purchaser. "Ultimate Purchaser" means the first person, other than a dealer purchasing in his capacity as a dealer, who in good faith purchases a self-propelled vehicle for purposes other than resale.

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

Section 192.2 Requirements for Exportation

(a) Basic requirements

A person attempting to export a used self-propelled vehicle shall present to Customs, at the port of exportation, both the vehicle and the required documentation describing the vehicle to include the VIN or, if the vehicle does not have a VIN, the product identification number (PIN). 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, a carnet, a Temporary Importation Bond, or under a personal exemption for non-residents who entered the vehicle for a 1-year period. (NOTE: When entered using an in-bond procedure or personal exemption, vehicles are exempt from requirements of this section. The in-bond documents should be processed according to normal procedures.) The person attempting to export the vehicle may employ an agent for the exportation of the vehicle.

(b) Documentation required

(1) For U.S. Titled Vehicles

- (i) Vehicles issued an original certificate of title. For used, self-propelled vehicles issued, by any jurisdiction in the United States, a Certificate of Title (See Attachment A) or a Salvage Title that remains in force, the owner must provide to Customs the original Certificate of Title or a Certified Copy of the Certificate of Title and two complete copies of the original Certificate of Title or the Certified Copy of the original.
- (ii) Where title evidences third-party ownership/claims. If the used, self-propelled vehicle is leased or a recorded lien exists in the U.S., in addition to complying with paragraph (b)(1)(i) of this section, the

provisional owner must provide to Customs a separate writing from the third-party-in interest which expressly provides that the subject vehicle may be exported. This writing must be on the third-party's letterhead paper and contain a complete description of the vehicle including the Vehicle Identification Number (VIN), the name of the owner or lienholder of the leased vehicle, and the telephone numbers at which that owner or lienholder may be contacted and must bear an original signature of the third-party and state the date it was signed.

- (iii) Where U.S. Government Employees are involved. If the used self-propelled vehicle is owned by a U.S. Government Employee and is being exported in conjunction with that employee's reassignment abroad pursuant to official travel orders, then, in lieu of complying with paragraph (b)(1)(i) of this section, the employee may be required to establish that he has complied with the sponsoring agency's internal travel department procedures for vehicle export.

(2) For Foreign-Titled Vehicles

For used, self-propelled vehicles that are registered or titled abroad, the owner must provide to Customs the original document that provides satisfactory proof of ownership (with an English translation of the text if the original language is not in English), and two complete copies of that document (and translation, if necessary).

(3) For Untitled Vehicles

- (i) Newly manufactured vehicles, issued a Manufacturer's Statement of Origin (SO). For newly manufactured, self-propelled vehicles that are purchased from a U.S. manufacturer, distributor, or dealer that become used (see page 13) and are issued an SO, but not issued a certificate of title by any jurisdiction of the United States, the owner must provide to Customs at the time and place specified in this section, an original SO and two complete copies of the original SO.

- (ii) Newly manufactured vehicles not issued an SO. For newly-manufactured, self-propelled vehicles purchased from a U.S. manufacturer, distributor, or dealer that become used and not issued an SO or a Certificate of Title by any jurisdiction of the United States, THE OWNER MUST ESTABLISH THAT THE JURISDICTION FROM WHERE THE VEHICLE COMES DOES NOT HAVE ANY OWNERSHIP DOCUMENTATION REQUIREMENTS REGARDING SUCH VEHICLES and provide to Customs, at the time and place specified in this section, an original document that proves ownership, such as a dealer's invoice, and two complete copies of such original documentation.

- (iii) Vehicles issued a junk or scrap certificate. For vehicles for which a junk or scrap certificate, issued by any jurisdiction of the U.S., remains in force, the owner must provide to Customs the original certificate or a certified copy of the original document and two complete copies of the original document or certified copy of the original.
 - (iv) Vehicles issued a title or certificate that is not in force or are otherwise not registered. For vehicles that were issued, by any jurisdiction of the U.S., a title or certificate that is no longer in force, or that are not required to be titled or registered, and for which an SO was not issued, THE OWNER MUST ESTABLISH THAT THE JURISDICTION FROM WHERE THE VEHICLE COMES DOES NOT HAVE ANY OWNERSHIP DOCUMENTATION REQUIREMENTS REGARDING SUCH VEHICLES and provide to Customs the original document that shows the basis for ownership or right of possession, such as a bill of sale, and two complete copies of that original document. Further, the owner must certify in writing to Customs that the procurement of the vehicle was a bona fide transaction, and that the vehicle presented for export is not stolen.
- (c) When presented
 - (1) Exportation by vessel or aircraft. For those vehicles exported by vessel or aircraft, the required documentation and the vehicle must be presented to Customs at least 72 hours prior to export.
 - (2) Exportation at land border crossing points. For those vehicles exported by rail, highway, or under their own power.
 - (i) The required documentation must be submitted to Customs at least 72 hours prior to export; and
 - (ii) The vehicle must be presented to Customs at the time of exportation.
- (d) Where presented

Careful attention should be paid to 19 CFR 192.2 (d), "Where presented." Port Directors will establish locations at which exporters must present the required documentation and the vehicles for inspection. Port Directors will publicize these locations, including their hours of operation.
- (e) Authentication of documentation

Customs will determine the authenticity of the documents submitted. Once determined, Customs will mark the original documents. In most cases the original document(s) will be returned to the exporter. In those cases where the original title document was presented to and retained by Customs and cannot be found prior to the vehicle's export, the exporter's authenticated copy of the original

documentation serves as evidence of compliance with the reporting requirements.

Section 192.3 Penalties

See Penalty Provisions (page 17) of this guide.

Section 192.4 Liability of Carriers

See Penalty Provisions (page 17) of this guide.

Documentation

Certified Copy and Copy of the Title Record

A number of states will not issue a certified copy of the certificate of title under certain circumstances. In some states, the certified copy is equal to a duplicate title, replacing an original certificate of title that has been lost, destroyed, or damaged, or has become illegible. In these states, the certified copy is an acceptable document on which ownership may be transferred; thus, these states will not issue a certified copy if the original is still available. In a similar situation, if a recorded lien exists and the original title is held by the lienholder, a state DMV will not issue a certified copy.

In these situations, Customs will accept another document—known as a copy of the title record, title record, title summary, title abstract, or a similar name—to meet the ownership document requirement of 19 CFR 192.2 (b)(1). The copy of the title record is a DMV-generated computer printout of the vehicle's title and registration data which is then certified by the DMV with a seal and original signature. The American Association of Motor Vehicle Administrators (AAMVA) indicates that this document is widely used and should be generally available from state DMVs. There is usually a small fee, and some DMVs offer same-day service to individuals who apply in person. NOTE: Only documents issued by the state DMV—the same government authority that issued the original certificate of title—will be accepted by Customs.

Copies of the title record should be requested from the state DMV using the VIN rather than the name of the owner; this will produce a complete report, reflecting the last owner of record.

If the vehicle has a recorded lien and the lienholder issues a letter authorizing the vehicle to be exported but will not release the original certificate of title, the exporter may satisfy the requirements of 19 CFR Part 192 by securing a certified copy or copy of the title record. Certified copies of the certificate of title that have been obtained by the lienholder from the state DMV on behalf of the exporter are acceptable for presentation to Customs. A certified or notarized copy issued by the lienholder is NOT acceptable. The copy of the title record must be presented to Customs together with the letter of authorization from the lienholder.

Canceled Title Documents

In some instances, the vehicle's certificate of title has been surrendered to the issuing state government for cancellation and no other document has been issued in its place. In this situation, the exporter must present a letter from the DMV stating that the title is canceled. The letter should be on the state's letterhead, contain the relevant data including the VIN for the vehicle, and bear the signature of a state official. Many states use a form letter and some offer same-day service for individuals who apply in person.

Section 192.2 (b)(3)(iii) was designed to address vehicles that are either whole or from which usable parts may be salvaged for reuse on other automobiles or for resale.

Vehicles that have been crushed or shredded for the recyclable metal content are not subject to the reporting requirements of 19 CFR Part 192.

No Ownership Documents or Statement of Origin Issued

Because of the broad statutory definition of a used self-propelled vehicle, certain types of specialty use vehicles and equipment are reportable under the requirements of 19 CFR 192. However, states may not issue any ownership documents for these vehicles and they may not have a manufacturer's statement of origin (MSO). In these situations, the invoice or bill of sale may be the only document available to demonstrate proof of ownership. However, section 192.2 (b)(3)(iv) requires that a document issued by the jurisdiction (state DMV) must accompany the invoice or bill of sale, declaring that the state has no titling requirements for such vehicles. The intent is to have the state provide this information, thereby maintaining the level of trustworthiness in ownership documents.

Dock Receipt and Letter of Intent

The decision to include a dock receipt or letter of intent for used vehicle exports is left to the Customs Management Center and to local ports.

Vehicle Export Procedures

Exporting New vs. Used Vehicles

The 19 CFR Part 192 reporting requirements apply only to *used* self-propelled vehicles; therefore, it is necessary to distinguish "new" from "used." The term "new" is not defined in either the statute or the regulations; however, it is possible to derive the meaning of new from an examination of the term "used" as defined in Part 192 of the Customs Regulations.

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

An “ultimate purchaser” means the first person, other than a dealer purchasing in his capacity as a dealer, who in good faith purchases a self-propelled vehicle for purposes other than resale.

Thus, a vehicle will be “new” for purposes of this provision if (1) the manufacturer, distributor, or dealer retains legal and equitable title to the vehicle at the time of exportation, or (2) the manufacturer, distributor, or dealer has transferred legal or equitable title to a dealer who purchased the vehicle in his capacity as a dealer. For example, a vehicle being exported will be considered new, and thus not subject to the provisions of Part 192, if a manufacturer sends an unsold vehicle to another of its own facilities in a foreign country to increase inventory or if a manufacturer sells a vehicle to an overseas dealer who will then sell it to an ultimate purchaser.

The definition of a used vehicle, for the purposes of the reporting requirements, is not determined by the physical condition, economic value, or operating order of the self-propelled vehicle at the time of export. Conditional statements included on commercial or contractual documents do not influence the status of the vehicle as either new or used as defined in the statute. Thus, for example, a statement in a commercial transaction that says title will transfer upon delivery to the customer or at some other point after the export does not alter the definition of a used vehicle to make it “new” at the time that it was exported.

If you have any questions not addressed in this booklet, please contact the local port from which the vehicle will be exported. Phone numbers can be obtained from the Customs Web site at www.customs.gov.

Port Director to Establish Location and Hours of Operation

Port Directors have the authority to establish the Customs locations at which exporters must present the required documentation and the vehicles for inspection. Port Directors will publicize these locations, including their hours of operation. Unless otherwise indicated, vehicles presented for export will only be processed Monday through Friday during normal work hours, excluding federal holidays.

It is important to state that the authority exercised by the Port Director is to establish the Customs locations at which the required documentation and vehicle are to be presented. The Port Director cannot delegate the location to a non-Customs facility such as the exporter’s or forwarder’s premises. Similarly, the Port Director cannot delegate the responsibility to collect and verify the required documentation to a non-Customs entity such as a freight forwarder who will “hold” the documents pending approval from Customs officers.

Automated Export System Filers and the 72-Hour Clock

The used vehicle requirements provided for in the Export Controls section of the Customs regulations are separate and distinct from the Commerce requirements for export commodity data. The requirements of 19 CFR Part 192 cannot be satisfied through the Automated Export System (AES) filing of the commodity data contained in the Shipper’s Export Declaration. Because Customs and Commerce regulations are

different, the 72-hour clock does not begin when export vehicle data are filed via AES; it begins when the required documentation is presented to Customs.

Seaports and Airports

At seaports and airports, vehicles must either be delivered to the exporting carrier's facility at the port of exportation, or be presented with all required documentation directly to U.S. Customs per local port guidelines. In either case, the required documentation must be presented to Customs a minimum of 72 hours before the intended exportation. This documentation can be processed only at the actual port of exportation. In ports that require the vehicle to be delivered to the exporting carrier before the documents are presented to Customs, the carrier must issue a document that acknowledges its possession of the vehicle and contains information that identifies the vehicle. This document must be included with those presented to Customs.

If a vehicle has been delivered to the exporting carrier and is in the process of being exported, the carrier is required to notify the appropriate Customs inspector if the exporter attempts to cancel the vehicle export process and retrieve the vehicle. The Customs inspector will determine whether a physical inspection is necessary.

Land Border Ports

At land border ports, the required documentation must be presented to Customs at least 72 hours before export. This documentation can be processed only at the actual port of exportation of the vehicle. At the time of export, the vehicle must be presented to Customs at the port, along with the authenticated documentation to verify compliance with the 72-hour requirement. The vehicle must be easily accessible so that the public VIN (viewable on the dashboard) and other identifying numbers, including confidential numbers, can be verified. If vehicles are containerized or otherwise inaccessible, Customs may require that they be devanned at the shipper's expense.

Exportation by Agent for Ultimate Purchaser/Owner

If the person who presents export documentation to Customs is not identified in the documents as the ultimate purchaser or owner, he or she may be required to present proof from the owner/purchaser of authorization to export the vehicle. Agents who present the required documents and proof of authorization to export may also be required to present photo identification as directed by port policy.

In addition to the requirements of 19 CFR Part 192, Commerce Regulations require the filing of a Shipper's Export Declaration (SED) for vehicles valued at more than \$2,500. If the SED is prepared by a party other than the exporter, a power of attorney must accompany it. Regulatory provisions for the SED may be found at 15 CFR Part 30 and for the power of attorney at 19 CFR Part 141.32. Used vehicle exports to Canada are exempted from the SED requirements.

U.S. Government Employees on Official Travel Orders

The section of CFR 192.2 concerning the export of used vehicles in conjunction with a U.S. government employee's official travel orders is not a waiver of the reporting requirements. The exemption provided for in 192.2 (b)(1)(iii) is conditioned on the other federal agencies having procedures that, when executed, satisfy Customs requirements. This section was developed to avoid duplicating the procedures in effect in U.S. government agencies that routinely transfer employees abroad. The exemption is provided on the condition that the procedures these other federal agencies follow to process used vehicle exports are in compliance with Customs requirements and regulations.

To ensure that Customs is properly notified, the following procedures have been developed for the primary and secondary vehicle(s) exported by a U.S. government employee on official travel orders.

Customs does have the authority to conduct outbound inspections of vehicles that are listed on official U.S. government travel orders, for the purposes of verifying that the vehicles are not stolen and to ensure agency compliance with 19 CFR Part 192. Local Customs offices must be satisfied that procedures followed by the sponsoring agency are in compliance with the reporting requirements of 19 CFR Part 192.

a. Primary Vehicle

The primary vehicle is the automobile that will be moved at government expense in conjunction with official U.S. government travel orders. Customs requires copies of two documents for the vehicle: (1) the official travel orders and (2) Department of Defense Form 788 (DD-788), Private Vehicle Shipping Document for Automobile or, at DOD direction, the commercial shipping form identified to replace the DD-788. This document serves as a vehicle inventory form; it contains a description of the vehicle, including the VIN. The form must be attached to the copy of the travel orders when presented to Customs.

If the vehicle is leased or has a recorded lien, the exporter must comply with the lease or lienholder release requirements of section 192.2 (b)(1)(ii).

Per local port procedures, if a dock receipt is used, the dock receipt should also contain a description of the vehicle, including the VIN.

Exportation by air or sea requires the carrier to indicate on the air waybill or bill of lading that the vehicle is exported in accordance with official government travel orders per the requirements of 19 CFR 192.2 (b)(1)(iii). The carrier will also verify the possession of official government travel orders by the exporter.

b. Secondary Vehicle(s)

Secondary vehicles are additional privately owned vehicles (POVs) that are exported at the government employee's personal arrangement, expense, and liability. If these POVs are listed with the primary vehicle on the employee's official U.S. government travel orders, the requirements and procedures to export them will be the same as for the primary vehicle.

If the secondary vehicles are not listed with the primary vehicle on the travel orders, their export is considered to be an independent shipment. The secondary vehicles are reportable to Customs, and all the requirements of 19 CFR Part 192 apply and must be satisfied.

Vehicles Issued Official U.S. Government Diplomatic License Plates and U.S. Department of State Certificate of Title

To export a used self-propelled vehicle that has a U.S. Department of State (DOS) Certificate of Title, the owner must present a "Certified" copy of the DOS Certificate of Title with DOS Seal affixed and signature from the Office of Foreign Missions to Customs at the point of departure or export.

To ensure that Customs is properly notified, field officers will accept a certified copy of the DOS Certificate of Title with DOS seal affixed and signature from the Office of Foreign Missions (see Attachment A). This will avoid duplication of procedures. DOS will ensure that the foreign mission or individual has complied with the basic requirements for exporting a used self-propelled motor vehicle, including requiring a letter of authorization to export from a lienholder if there is a recorded lien or if the vehicle is leased. The 72 hour reporting requirement will be fulfilled via the DOS internal policy.

If the vehicle has a recorded lien, the DOS will require a letter of authorization to export from the lienholder before it issues the original DOS certificate of title. If that letter is provided, the lienholder's name will appear in the lienholder's box on the face of the title. Because the DOS satisfied the third party ownership/claims requirement before it issued the original certificate of title, the lienholder's letter of authorization does not have to be presented to Customs. However, if requested, the exporter should make available that letter and other documentation that may facilitate the processing of the vehicle's export.

Verification and Authentication of Documents

Inspectors assigned to export vehicle processing will verify and authenticate each set of required documents and each vehicle presented to Customs.

- (a) Inspectors will review all documentation for compliance with the regulations, giving special attention to the requirement that a document must be either the original or a certified copy of the certificate of title. If a certified copy is presented, it must be accompanied by a copy of the original title (both sides) containing all of the pertinent information, including lien information if applicable.

The certified document should contain a seal from the government authority (DMV) and bear the certifying official's original signature and title and the date.

NOTE: A notarized copy of these required documents will not be accepted.

- (b) When the inspector determines that the documents are complete, accurate, and in compliance with the regulatory requirements, the documents and copies will be either stamped or perforated according to local guidelines. Care should be taken to prevent the mutilation or obstruction of required information on the original documents.
- (c) If the documentation is not in compliance with regulations because it is neither an original nor a certified copy of the certificate of title, all documents will then be returned to the exporter with a rejected notice or stamp issued as directed by port policy.
- (d) When discrepancies are detected in the documentation that may indicate title or odometer fraud or other significant violations, a referral will be made to the appropriate state or local agency. All documentation will be retained until a determination is made.

Penalty Provisions

The following is a list of penalties that can be issued for non-compliance of vehicle export regulations:

(a) A \$500 penalty will be assessed against an exporter attempting to export a vehicle without complying with the requirements set forth in 19 CFR Part 192. Also, the vehicle may be seized under 22 USC 401 as an attempted exportation contrary to 19 USC 1627a(b) and 19 CFR 192.2.

(b) A \$500 penalty will be assessed against an exporter who has exported a vehicle without complying with the requirements set forth in 19 CFR Part 192. If the carrier is still in possession of the vehicle, redelivery may be demanded. Also, the vehicle may be seized under 22 USC 401 as an attempted exportation contrary to 19 USC 1627a(b) and 19 CFR 192.2. In addition, a carrier who fails to redeliver the vehicle may be liable under 19 CFR 113.64(f) for liquidated damages.

(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 of any 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 USC 1627a(a)(2). In addition, a civil penalty not to exceed \$10,000 may be issued against the liable party under 19 USC 1627a(a)(1).

(e) A carrier who fails to redeliver a shipment on which a "HOLD" has been placed may be subject to payment of damages. (19 CFR 113.64 (f))

At airports and seaports, carriers will be notified of HOLDS on shipments and subsequent releases of those shipments through hard copy documents, either faxed or hand-delivered. If a carrier loads and exports a shipment on which a HOLD has been placed, a written request for redelivery will be issued. Failure to redeliver within 30 days of a Notice of Redelivery may result in a liquidated damage claim in an amount equal to three times the value of the shipment, at the discretion of the Supervisor, Chief, Port Director, or Director, Field Operations.

(f) If a vessel master fails to include a used vehicle on a manifest, or describes it inaccurately, under 19 USC 1436 the master is subject to penalties.

The vessel master is charged with the responsibility for presenting a true manifest. If used vehicles are not included on the manifest, or if they are inaccurately described, a penalty of \$5,000 for a first violation attributable to the master, and \$10,000 for a second violation attributable to the same master, will be incurred.

ATTACHMENT A

CERTIFICATE OF TITLE