

§591.9

the obligors shall pay to the Administrator the amount of the bond given under the provisions of this section.

[55 FR 11379, Mar. 28, 1990, as amended at 59 FR 31560, June 20, 1994]

§591.9 Petitions for remission or mitigation of forfeiture.

(a) After a bond has been forfeited, a principal and/or a surety may petition for remission of forfeiture. A principal and/or surety may petition for mitigation of forfeiture only if the motor vehicle has been imported pursuant to paragraph 591.5(f) and the condition not met relates to the compliance of a passenger motor vehicle with part 581 of this chapter.

(b) A petition for remission or mitigation shall:

(1) Be addressed to the Administrator, identified as either a petition for remission or for mitigation, submitted in triplicate, and signed by the principal and/or the surety.

(2) State the make, model, model year, and VIN of the vehicle involved, and contain the Customs Entry number under which the vehicle entered the United States.

(3) State the facts and circumstances relied on by the petitioner to justify remission or mitigation.

(4) Be filed within 30 days from the date of the mailing of the notice of forfeiture incurred.

(c) A false statement contained in a petition may subject the petitioner to prosecution under the provisions of 18 U.S.C. 1001.

(d) If the Administrator finds that all conditions of the bond have, in fact, been fulfilled, the forfeiture is remitted.

(e) A decision to mitigate a forfeiture upon condition that a stated amount is paid shall be effective for not more than 60 days from the date of notice to the petitioner of such decision. If payment of the stated amount is not made, or arrangements made for delayed or installment payment, the full claim of forfeiture shall be deemed applicable. The Administrator shall collect the claim, or, if unable to collect the claim within 120 days, shall refer the matter to the Department of Justice.

[55 FR 11380, Mar. 28, 1990, as amended at 59 FR 31560, June 20, 1994]

49 CFR Ch. V (10-1-02 Edition)

§591.10 Offer of cash deposits or obligations of the United States in lieu of sureties on bonds.

(a) In lieu of sureties on any bond required under §591.6(c), an importer may offer United States money, United States bonds (except for savings bonds), United States certificates of indebtedness, Treasury notes, or Treasury bills in an amount equal to the amount of the bond.

(b) At the time the importer deposits any obligation of the United States, other than United States money, with the Administrator, (s)he shall deliver a duly executed power of attorney and agreement, in the form shown in appendix C to this part, authorizing the Administrator or delegate of the Administrator, in case of any default in the performance of any of the conditions of the bond, to sell the obligation so deposited, and to apply the proceeds of sale, in whole or in part, to the satisfaction of any penalties for violations of 49 U.S.C. 30112 and 49 U.S.C. 32506 arising by reasons of default.

(c) If the importer deposits money of the United States with the Administrator, the Administrator, or delegate of the Administrator, may apply the cash, in whole or in part, to the satisfaction of any penalties for violations of 49 U.S.C. 30112 and 49 U.S.C. 32506 arising by reason of default.

[58 FR 12908, Mar. 8, 1993, as amended at 59 FR 52097, Oct. 14, 1994]

APPENDIX A TO PART 591—SECTION 591.5(f) BOND FOR THE ENTRY OF A SINGLE VEHICLE

Department of Transportation
National Highway Traffic Safety Administration

BOND TO ENSURE CONFORMANCE WITH MOTOR VEHICLE SAFETY AND BUMPER STANDARDS

(To redeliver vehicle, to produce documents, to perform conditions of release, such as to bring vehicle into conformance with all applicable Federal motor vehicle safety and bumper standards)

Know All Men by These Presents That

name of principal or surety; if a corporation,
the State of incorporation of

_____, as principal, street address or post office box number; city; state; ZIP code
 and _____ of _____, name; State of incorporation, if any address
 and _____ of _____, name; State of incorporation, if any address
 as sureties, are held and firmly bound unto the UNITED STATES OF AMERICA in the sum of _____ dollars (\$ _____),
 which represents 150% of the entered value of the following described motor vehicle as determined by the U.S. Customs Service:

 model year, make, series, engine and chassis numbers for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns (jointly and severally), firmly by these presents.

WITNESS our hands and seals this _____ day of _____, 199__.

WHEREAS, motor vehicles may be entered under the provisions of section 108 of the National Traffic and Motor Vehicle Safety Act, and section 106 of the Motor Vehicle Information and Cost Savings Act; and

DOT Form XXXX

WHEREAS, pursuant to 49 CFR part 591, a regulation promulgated under the provisions of section 108, National Traffic and Motor Vehicle Safety Act of 1966, the above-bounden principal desires to import permanently the motor vehicle described above, which is a motor vehicle that was not originally manufactured to conform with the Federal motor vehicle safety and bumper standards; and

WHEREAS, pursuant to 49 CFR part 592, a regulation promulgated under the provisions of section 108, National Traffic and Motor Vehicle Safety Act of 1966, as amended, the above-bounden principal has been granted the status of Registered Importer of motor vehicles not originally manufactured to conform with the Federal motor vehicle safety standards (or, if not a Registered Importer, has a contract with a Registered Importer covering the motor vehicle described above); and

WHEREAS, pursuant to 49 CFR part 593, a regulation promulgated under the provisions of section 108, National Traffic and Motor Vehicle Safety Act of 1966, as amended, the Administrator of the National Highway Traffic Safety Administration has determined that the motor vehicle described above is eligible for importation into the United States; and

WHEREAS, the motor vehicle described above has been imported at the port of _____, and entered at said port for consumption on entry No. _____, dated _____, 199__.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH THAT—

(1) The above-bounden principal (the "principal"), in consideration of the permanent admission into the United States of the motor vehicle described above (the "vehicle"), voluntarily undertakes and agrees to have such vehicle brought into conformity with all applicable Federal motor vehicle safety and bumper standards within a reasonable time after such importation, as specified by the Administrator of the National Highway Traffic Safety Administration (the "Administrator");

(2) The principal shall then file, or if not a Registered Importer, shall then cause the Registered Importer of the vehicle to file, with the Administrator, a certificate that the vehicle complies with each Federal motor vehicle safety standard in the year that the vehicle was manufactured and which applies in such year to the vehicle, and that the vehicle complies with the Federal bumper standard (if applicable);

(3) The principal, if a Registered Importer, shall not release custody of the vehicle to any person for license or registration for use on public roads, streets, or highways, or license or register the vehicle from the date of entry until 30 calendar days after it has certified compliance of the vehicle to the Administrator, unless the Administrator notifies the principal before 30 calendar days that (s)he has accepted such certification and the vehicle and bond may be released, except that no such release shall be permitted, before or after the 30th calendar day, if the principal has received written notice from the Administrator that an inspection of such vehicle will be required, or that there is reason to believe that such certification is false or contains a misrepresentation.

(4) And if the principal has received written notice from the Administrator that an inspection is required, the principal shall cause the vehicle to be available for inspection, and the vehicle and bond shall be promptly released after completion of an inspection showing no failure to comply. However, if the inspection shows a failure to comply, the vehicle and bond shall not be released until such time as the failure to comply ceases to exist;

(5) And if the principal has received written notice from the Administrator that there is reason to believe that the certificate is false or contains a misrepresentation, the vehicle or bond shall not be released until the Administrator is satisfied with the certification and any modification thereof;

(6) And if the principal has received written notice from the Administrator that the vehicle has been found not to comply with all applicable Federal motor vehicle safety and bumper standards, and written demand that the vehicle be abandoned to the United States, or delivered to the Secretary of the

motor vehicles described above is eligible for importation into the United States; and

WHEREAS, the motor vehicles described above have been imported at the port of [name of port of entry], and entered at said port for consumption on entry No. _____ dated _____, 199____,

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH THAT—

(1) The above-bounden principal (“the principal”), in consideration of the permanent admission into the United States of the motor vehicles described above, voluntarily undertakes and agrees to have such vehicles brought into conformity with all applicable Federal motor vehicle safety and bumper standards within a reasonable time after such importation, as specified by the Administrator of the National Highway Traffic Safety Administration (the “Administrator”);

(2) For each vehicle described above (“such vehicle”), the principal shall then file, with the Administrator, a certificate that such vehicle complies with each Federal motor vehicle safety standard in the year that such vehicle was manufactured and which applies in such year to such vehicle, and that such vehicle complies with the Federal bumper standard (if applicable);

(3) The principal shall not release custody of any vehicle to any person, or license or register the vehicle, from the date of entry until 30 calendar days after it has certified compliance of such vehicle to the Administrator, unless the Administrator notifies the principal before 30 days that (s)he has accepted such certification and such vehicle and all liability under this bond for such vehicle may be released, except that no such release shall be permitted, before or after the 30th calendar day, if the principal has received written notice from the Administrator that an inspection of such vehicle will be required, or that there is reason to believe that such certification is false or contains a misrepresentation.

(4) And if the principal has received written notice from the Administrator that an inspection of such vehicle is required, the principal shall cause such vehicle to be available for inspection, and such vehicle and all liability under this bond for such vehicle shall be promptly released after completion of an inspection showing no failure to comply. However, if the inspection shows a failure to comply, such vehicle and all liability under this bond for such vehicle shall not be released until such time as the failure to comply ceases to exist;

(5) And if the principal has received written notice from the Administrator that there is reason to believe that such certificate is false or contains a misrepresentation, such vehicle and all liability under this bond for such vehicle shall not be released until the

Administrator is satisfied with such certification and any modification thereof;

(6) And if the principal has received written notice from the Administrator that such vehicle has been found not to comply with all applicable Federal motor vehicle safety and bumper standards, and written demand that such vehicle be abandoned to the United States, or delivered to the Secretary of the Treasury for export (at no cost to the United States), the principal shall abandon such vehicle to the United States, or shall deliver such vehicle, or cause such vehicle to be delivered to, the custody of the District Director of Customs of the port of entry listed above, or any other port of entry, and shall execute all documents necessary for exportation of such vehicle from the United States, at no cost to the United States; or in default of abandonment or redelivery after proper notice by the Administrator for the principal, the principal shall pay to the Administrator an amount equal to 150% of the entered value of such vehicle as determined by the U.S. Customs Service;

Then this obligation shall be void; otherwise it shall remain in full force and effect. [At this point the terms agreed upon between the principal and surety for termination of the obligation may be entered]

Signed, sealed and delivered in the presence of

PRINCIPAL: (name and address)

(Signature) (SEAL)

(Printed name and title)

SURETY: (name and address)

(Signature)

(Printed name and title)

[60 FR 57954, Nov. 24, 1995]

APPENDIX C TO PART 591—POWER OF ATTORNEY AND AGREEMENT

_____ does constitute and appoint the Administrator of the National Highway Traffic Safety Administration, United States Department of Transportation, or delegate, as attorney for the undersigned, for and in the name of the undersigned to collect or to sell, assign, and transfer the securities described below as follows:

Title
Matures
Int. Rate

Pt. 592

49 CFR Ch. V (10-1-02 Edition)

Denom.
Serial #
Coupon/registered

The securities having been deposited by it as security for the performance of the agreements undertaken in a bond with the United States, executed on the date of _____, _____, the terms and conditions of which are incorporated by reference into this power of attorney and agreement and made a part hereof. The undersigned agrees that in case of any default in the performance of any of the agreements the attorney shall have full power to collect the securities or any part thereof, or to sell, assign, and transfer the securities or any part thereof, or to sell, assign, and transfer the securities of any part thereof at public or private sale, without notice, free from any equity of redemption and without appraisalment or valuation, notice and right to redeem being waived and to apply the proceeds of the sale or collection in whole or in part to the satisfaction of any obligation arising by reason of default. The undersigned further agrees that the authority granted by this agreement is irrevocable. The undersigned ratifies and confirms whatever the attorney shall do by virtue of this agreement.

Witnessed and signed this _____ day of _____, _____.

Before me, the undersigned, a notary public within and for the County of _____ in the State of _____, personally appeared _____ and acknowledged the execution of the foregoing power of attorney.

Witness my hand and notarial seal this _____ day of _____, 199__.

[Notarial seal]

Notary Public _____

[58 FR 12909, Mar. 8, 1993]

PART 592—REGISTERED IMPORTERS OF VEHICLES NOT ORIGINALLY MANUFACTURED TO CONFORM TO THE FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Sec.

- 592.1 Scope.
- 592.2 Purpose.
- 592.3 Applicability.
- 592.4 Definitions.
- 592.5 Requirements for registration and its maintenance.
- 592.6 Duties of a registered importer.
- 592.7 Revocation, suspension and reinstatement of registration.
- 592.8 Inspection; release of vehicle and bond.

AUTHORITY: Pub. L. 106-414, 114 Stat. 1800 (49 U.S.C. 322(a), 49 U.S.C. 30141-47); delegation of authority at 49 CFR 1.50.

SOURCE: 54 FR 40090, Sept. 29, 1989, unless otherwise noted.

§ 592.1 Scope.

This part establishes procedures under 49 U.S.C. 30141(c) for the registration of importers of motor vehicles that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards. This part also establishes the duties of Registered Importers.

[59 FR 52098, Oct. 14, 1994]

§ 592.2 Purpose.

The purpose of this part is to provide content and format requirements for persons who wish to register with the Administrator as importers of motor vehicles not originally manufactured to conform to all applicable Federal motor vehicle safety standards, to provide procedures for the registration of importers and for the suspension, revocation and reinstatement of registration, and to set forth the duties required of Registered Importers.

§ 592.3 Applicability.

This part applies to any person who wishes to register with the Administrator as an importer of nonconforming vehicles, and to any person who is registered as an importer.

§ 592.4 Definitions.

All terms in this part that are defined in 49 U.S.C. 30102 and 30125 are used as defined therein.

Administrator means the Administrator, National Highway Traffic Safety Administration.

NHTSA means the National Highway Traffic Safety Administration.

Registered Importer means any person that the Administrator has registered as an importer pursuant to section 592.5(b).

[54 FR 40090, Sept. 29, 1989, as amended at 59 FR 52098, Oct. 14, 1994]

§ 592.5 Requirements for registration and its maintenance.

(a) Any person wishing to register as an importer of motor vehicles not