

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 oper-

ator, 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

Sec.

127.0 Scope.

Subpart A—General Order Merchandise

127.1 Merchandise considered general order merchandise.

127.2 Withdrawal from general order for entry or exportation.

127.4 General order period defined.

Subpart B—Unclaimed and Abandoned Merchandise

127.11 Unclaimed merchandise.

127.12 Abandoned merchandise.

127.13 Storage of unclaimed and abandoned merchandise.

127.14 Disposition of merchandise in Customs custody beyond time fixed by law.

Subpart C—Sale of Unclaimed and Abandoned Merchandise

127.21 Time of sale.

127.22 Place of sale.

127.23 Appraisal of merchandise.

127.24 Notice of sale.

127.25 Advertisement of sale.

127.26 Catalogs.

127.27 Conduct of sale.

127.28 Special merchandise.

127.29 Unsold merchandise.