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APPENDIX C TO PART 171—CUSTOMS REGULATIONS GUIDELINES FOR THE IMPOSITION AND MITIGATION OF PENALTIES FOR VIOLATIONS OF 19 U.S.C. 1641

AUTHORITY: 19 U.S.C. 66, 1592, 1618, 1624. The provisions of subpart C also issued under 22 U.S.C. 401; 46 U.S.C. App. 320 unless otherwise noted.

Subpart F also issued under 19 U.S.C. 1595a, 1605, 1614; 21 U.S.C. 881 note.

SOURCE: T.D. 70-249, 35 FR 18265, Dec. 1, 1970, unless otherwise noted.

§ 171.0 Scope.

This part contains provisions relating to filing of petitions and action upon petitions for relief from fines, penalties, and forfeitures incurred, and

petitions for the restoration of proceeds from sale of seized and forfeited property.

Subpart A—General Provisions

§§ 171.1—171.2 [Reserved]

Subpart B—Application for Relief

§ 171.11 Petition for relief.

(a) *To whom addressed.* Petitions for the remission or mitigation of a fine, penalty, or forfeiture incurred under any law administered by Customs shall be addressed to the Commissioner of Customs.

(b) *Signature.* The petition for remission or mitigation shall be signed by the petitioner, his attorney at law, or a customhouse broker representing the petitioner. If the petitioner is a corporation, the petition may be signed by an officer or responsible supervisory employee thereof, an attorney at law, or a customhouse broker representing the corporation.

(c) *Form.* The petition for remission or mitigation need not be in any particular form. It shall set forth the following:

- (1) A description of the property involved;
- (2) The date and place of the violation or seizure; and
- (3) The facts and circumstances relied upon by the petitioner to justify the remission or mitigation.

(d) *Petition for relief from forfeiture.* When the petition is for relief from a forfeiture, it shall show the interest of the petitioner in the property and in appropriate cases shall be supported by bills of sale, contracts, mortgages, or other satisfactory evidence. The notice shall inform any interested party in a case involving forfeiture of seized property that unless the petitioner provides an express agreement to defer judicial or administrative forfeiture proceedings until completion of the administrative process, the case will be referred promptly to the United States attorney for institution of judicial proceedings, or summary forfeiture proceedings will be begun.

(e) *False statement in petition.* A false statement contained in a petition may

subject the petitioner to prosecution under the provisions of 18 U.S.C. 1001.

[T.D. 70-249, 35 FR 18265, Dec. 1, 1970, as amended by T.D. 72-107, 37 FR 7592, Apr. 18, 1972; T.D. 73-141, 38 FR 13556, May 23, 1973; T.D. 79-160, 44 FR 31961, June 4, 1979]

§ 171.12 Filing of petition.

(a) *Where filed.* A petition for relief shall be filed with the Fines, Penalties, and Forfeitures Officer for the port where the property was seized or the fine or penalty imposed.

(b) *When filed.* If a petitioner seeks expedited relief under subpart F of this part, a petition must be filed within the timeframe stated in § 171.52(d). Otherwise, unless additional time has been authorized as provided in § 171.15, petitions for relief shall be filed within 30 days from the date of the mailing of the notice of seizure of property subject to forfeiture incurred or within 60 days of the mailing of notice of a fine or penalty incurred.

(c) *Number of copies.* The petition shall be filed in duplicate.

(d) *Petitions for remission or mitigation of monetary penalty.* Petitions for remission or mitigation of a monetary penalty assessed under the provisions of part 111, subpart E, shall be filed within 30 days of the date of mailing of the notice.

(e) *Exception for certain cases.* If a penalty is assessed under section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), and fewer than 180 days remain from the date of the penalty notice before the statute of limitations may be asserted as a defense, the Fines, Penalties, and Forfeitures Officer may specify in the notice a reasonable period of time shorter than 30 days but not less than 7 days, for the filing of a petition for relief.

[T.D. 85-195, 50 FR 50290, Dec. 10, 1985, as amended by T.D. 86-161, 51 FR 30346, Aug. 26, 1986; 51 FR 45761, Dec. 22, 1986; T.D. 89-86, 54 FR 37602, Sept. 11, 1989; 54 FR 41364, Oct. 6, 1989; T.D. 92-84, 57 FR 40607, Sept. 4, 1992; T.D. 99-27, 64 FR 13676, Mar. 22, 1999]

§ 171.13 Additional evidence required with certain petitions.

(a) *Seized property in possession of another responsible for act.* If the seized property was in the possession of another who was responsible for or caused