Civil Aeronautics Administration U. S. Department of Commerce

REGULATIONS OF THE ADMINISTRATOR

PART 407

Seizure of Aircraft

Effective April 1, 1949

PART 407—SEIZURE OF AIRCRAFT

Sec.
407.1 Authority to seize aircraft.
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407.3 Notice of seizure.
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407.5 Release of seized aircraft.

AUTHORITY: §§ 407.1 to 407.5 issued under secs. 205, 901, 903 (b), 52 Stat. 984, 1015, 1017; 49 U. S. C. 425, 621, 623; Reorg. Plans III and IV of 1940, 3 CFR, Cum. Supp., Chapter IV, 5 F. R. 2107, 2421.

SOURCE: §§ 407.1 to 407.5 appear at 14 F. R. 778.

§ 407.1 *Authority to seize aircraft.* Whenever an aircraft is involved in a violation of any provision of Titles V and VI of the Civil Aeronautics Act of 1938, as amended, or of section 11 (a) (1) of the Air Commerce Act of 1926, as amended, or of any rule or regulation issued pursuant thereto, and the violation is committed by the owner or person in command of the aircraft, such aircraft may be summarily seized by any state or Federal law enforcement officer or Federal aviation safety agent authorized in an order of seizure issued by the Regional Administrator of the region in which the aircraft is located.

§ 407.2 *Custody of seized aircraft.* Whenever an aircraft has been seized pursuant to this part, it shall be placed in the nearest available adequate public storage facility in the judicial district in which the seizure is made.

§ 407.3 *Notice of seizure.* Whenever an aircraft has been seized pursuant to this part, a written notice and a copy of this part shall be sent without delay by the Regional Administrator to the registered owner of, and to other persons having a recorded interest in, the aircraft. The written notice shall state:

(a) The time, date, and place of seizure;

(b) The name and address of the custodian of the aircraft;

(c) The reasons for the seizure, including the violations believed, or judicially determined, to have been committed; and

(d) The amount which may be tendered:

(1) As an offer in compromise of any civil penalties which might have been incurred as a result of the alleged violation, or

(2) As payment of civil penalties which have been imposed by a Federal court as a result of the established violations.

§ 407.4 *Report of seizure.* Whenever an aircraft has been seized pursuant to this part, a report of the cause shall be transmitted immediately by the Regional Administrator to the United States Attorney for the judicial district in which the seizure is made, requesting the United States Attorney to institute proceedings for the enforcement of the lien.

§ 407.5 *Release of seized aircraft.* Whenever an aircraft has been seized pursuant to this part, it shall be released by direction of the Regional Administrator under any one of the following conditions:

(a) Upon payment of the civil penalty or the amount agreed upon in compromise, and the costs incurred in connection with the seizure, storage, and maintenance of the aircraft;

(b) Upon seizure of the aircraft pursuant to process of a Federal court in proceedings in rem for enforcement of a lien against the aircraft, or notification by the United States Attorney of failure to institute such proceedings; or

(c) Upon deposit of a bond in such amount and with such sureties as the Regional Administrator may prescribe, conditioned upon payment of the penalty or the amount agreed upon in compromise, and the costs incurred in connection with the seizure, storage, and maintenance of the aircraft.

A complete list of the Regulations of the Administrator and amendments to them appears in the CAA Journal, issued monthly by Civil Aeronautics Administration. Copies of amendments are obtainable, without charge, from the Office of Aviation Information, CAA, Washington 25, D. C.

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