

7 FAM 650 VEHICLE, VESSEL AND AIRCRAFT SEIZURE AND THEFT CLAIMS

*(CT:CON-213; 11-28-2007)
(Office of Origin: CA/OCS/PRI)*

7 FAM 651 SCOPE OF PROBLEM

(CT:CON-104; 05-02-2005)

- a. In recent years the number of accidents, incidents, thefts and seizures abroad involving vehicles, vessels and aircraft owned by U.S. citizens has increased dramatically. This is especially true in the Western Hemisphere. Many of these incidents are related to the smuggling of illegal drugs or other contraband. The problem is also under consideration by international organizations.

See ...

Interpol ...

Procedures for Recovering Stolen Vehicles from Abroad
(Europe)(Introduction)

Procedures for Recovering Stolen Vehicles from Abroad
(Europe)(Countries)

G-8 ... Trafficking in Stolen Vehicles Report (1998)

United Nations ...

U.N. Resolution 1997/29, Measures on the Prevention and Control
of Illicit Trafficking in Motor Vehicles

1997 Report of the Secretary General Measures on the Prevention
and Control of Illicit Trafficking in Motor Vehicles

- b. You have a responsibility in such incidents to provide limited assistance to the legitimate U.S. owners, insurers, or financiers of such property. Property validly documented with U.S. registry qualifies for protective services. The same services should be provided to U.S. interested parties whose property is registered in another country. For countries with which the United States has bilateral treaties on stolen vehicles and aircraft, see 7 FAM 657.
- c. Questions concerning transportation accidents or disasters are addressed

in 7 FAM 1800, Consular Crisis Management.

7 FAM 652 AUTHORITIES

(CT:CON-104; 05-02-2005)

- a. The importation, exportation, transportation, sale, or receipt of a stolen vehicle, vessels, and aircraft is a federal crime in the United States.
 - (1) 18 U.S.C. 553(a) Importation or exportation of stolen motor vehicles, off-highway mobile equipment, vessels, or aircraft;
 - (2) 18 U.S.C. 2312 Transportation Of Stolen Vehicles;
 - (3) 18 U.S.C. 2313 Sale or Receipt of Stolen Vehicle; and
 - (4) 18 U.S.C. 2321 Trafficking In Certain Motor Vehicles Or Motor Vehicle Parts
- b. U.S. law provides for the documentation of vehicles, vessels and aircraft, in part with a view toward dealing with the problem of stolen property.
 - (1) 46 U.S.C. 12501 Establishment Of A Vessel Identification System;
 - (2) 46 U.S.C. 12502 Identification Numbers, Signal Letters, And Markings;
 - (3) 49 U.S.C. 33107 Voluntary Vehicle Identification Standards;
 - (4) 49 U.S.C. 33109 National Stolen Passenger Motor Vehicle Information System; and
 - (5) 49 U.S.C. 30502 National Motor Vehicle Title Information System.

7 FAM 653 VERIFICATION OF U.S. REGISTRY OR OWNERSHIP

(CT:CON-104; 05-02-2005)

- a. Where there is a treaty in force on recovery of stolen aircraft or vehicles, the agreement provides for verification of registry and ownership (7 FAM 657).
- b. For countries where there is no treaty in force, your reporting telegram about the incident may initiate the verification process, unless U.S. law enforcement authorities are available at post and initiate action as a law enforcement case. If CA/OCS/ACS is assisting you in verifying the registration/owner, we will contact appropriate U.S. agencies and organizations. Posts can assist the owner in providing points of contact in local government and lists of attorneys (7 FAM 990). Consult CA/OCS for advisory opinions on other courses of action.

See ...

- U.S. Aircraft - FAA Interactive Aircraft Inquiry site
- U.S. Registered Vessels - U.S. Coast Guard National Vessel Documentation Center
- U.S. Vehicles - National Insurance Crime Bureau (NICB)
- NCIC Stolen Vehicle Registry
- Interpol Vehicle Crime
- Interpol Stolen Motor Vehicle Database

7 FAM 654 NOTIFICATION TO REGISTERED OWNER

(CT:CON-104; 05-02-2005)

- a. Once the FAA, Coast Guard or other appropriate agency or organization verifies the registration of the aircraft, vessel or vehicle and the rightful owner, we will work with law enforcement agencies to ensure that the lawful owner is notified that the property has been located in the foreign country in question. The appropriate geographic division in CA/OCS/ACS then informs the individuals of the general steps necessary to initiate recovery of the property, provides them with lists of attorneys (7 FAM 990), and advises them how to contact posts abroad for general information on local legal systems and conditions. You should anticipate receiving inquiries from Members of Congress and attorneys representing owners, insurance companies, and other interested parties in many of these cases.
- b. For notification procedures in countries party to a bilateral treaty with the United States on stolen vehicles and aircraft, see 7 FAM 657.

7 FAM 655 REPORTING REQUIREMENTS IN NON-TREATY COUNTRIES

(CT:CON-104; 05-02-2005)

- a. In countries not party to a bilateral treaty with the United States on stolen vehicles and aircraft, you should report to CA/OCS/ACS any incident involving a U.S. registry vehicle, vessel, or aircraft by telegram in addition to coordinating with the local U.S. Customs and Border Security or other U.S. law enforcement officials. This should be done whether the vehicle, aircraft or vessel is present following an accident or whether the local authorities seized it. Use CASC and other appropriate tags (see 7 FAM 614). Available information should be sent by telegram to the

Department (CA/OCS/ACS), including the following information:

- (1) Aircraft registry number and serial number, or vessel registry number; vehicle registry and serial numbers;
 - (2) Aircraft/vessel/vehicle type, make, and model;
 - (3) Date and time (local and Zulu) of accident or incident;
 - (4) Location of accident or incident and current location, if property has been removed from the site;
 - (5) Name of pilot/master or captain or driver/operator;
 - (6) Name of owner and owner's address, if known;
 - (7) Status of crew;
 - (8) Condition of aircraft/vessel (include comments on damage and legal status);
 - (9) Legal basis for detention;
 - (10) Name of attorney; and
 - (11) Narrative account or comments, as appropriate (including name of reporting official, citation of applicable civil or criminal laws or aviation/nautical regulations violated, whether the case comes under the jurisdiction of a consular convention, and, if so, its status under the convention).
- b. For cases in countries party to a bilateral treaty with the United States on return of stolen vehicles and aircraft, see 7 FAM 657.

7 FAM 656 INTER-AGENCY LIAISON

(CT:CON-104; 05-02-2005)

The information provided in the telegraphic report outlined in 7 FAM 655 assists several other Federal agencies, which rely on accident or incident notifications to fulfill their related responsibilities. Because certain activities related to property are federal crimes, you should anticipate receiving inquiries from law enforcement authorities concerning these cases. Don't hesitate to contact CA/OCS/PRI at ASKPRI@state.gov for answers to questions you may have regarding release of information under the Privacy Act and 22 CFR 172. The e-mailbox is monitored daily. Please contact your counterpart in the appropriate geographic division in CA/OCS/ACS on these inquiries. See 7 FAM 060 regarding consular protection and the Privacy Act. You may also submit inquiries by telegram or fax. CA/OCS/PRI will consult with the Office of the Legal Adviser as appropriate. U.S. embassies and consulates and CA/OCS also interact with a variety of private entities in connection with efforts to secure the return of stolen or confiscated aircraft,

vessels and vehicles. This includes:

- (1) U.S. Customs and Border Security, Department of Homeland Security;
- (2) National Insurance Crime Bureau (NICB) - a not-for-profit organization that receives support from approximately 1,000 property/casualty insurance companies. The NICB partners with insurers and law enforcement agencies to facilitate the identification, detection and prosecution of insurance criminals; and
- (3) International Association of Auto Theft Investigators (IAATI) - a private organization formed in 1952 to improve communication and coordination among professional auto theft investigators. It has grown to 3,813 members representing over 35 countries and includes representatives of law enforcement agencies, as well as many others with a legitimate interest in auto theft investigation, prevention and education.

7 FAM 657 BILATERAL TREATIES ON STOLEN VEHICLES AND AIRCRAFT AND HOW THEY WORK

7 FAM 657.1 What Are the Stolen Vehicles and Aircraft Treaties?

(CT:CON-213; 11-28-2007)

- a. These bilateral treaties establish procedures for the recovery and return of vehicles and aircraft stolen and embezzled in one country and found in the territory of the other. Check Treaties in Force on the Department of State Internet page to see if there is a bilateral stolen vehicle or aircraft treaty in force between the United States and the host country. Questions regarding implementation of these treaties should be directed to CA/OCS/PRI. PRI can be reached by cable or by email to ASKPRI@state.gov.
- b. Bilateral treaties on return of stolen vehicles and aircraft include:
 - (1) Convention Between the United States of America and the United Mexican States for the Recovery and Return of Stolen or Embezzled Vehicles and Aircraft. Signed January 15, 1981; entered into force June 28, 1983;
 - (2) Treaty Between the Government of the United States of America and the Government of the Dominican Republic for the Return of Stolen or Embezzled Vehicles, With Annexes. Signed on April 30,

1996; entered into force August 3, 2001;

- (3) Treaty Between the Government of the United States of America and the Government of the Republic of Panama for the Return of Stolen, Robbed, or Converted Vehicles and Aircraft, with Annexes. Signed on June 6, 2000; entered into force September 13, 2001;
- (4) Treaty Between the Government of the United States of America and the Government of Belize for the Return of Stolen Vehicles, With Annexes and Protocol. Signed October 3, 1996; entered into force August 16, 2002;
- (5) Treaty Between the Government of the United States of America and the Government of the Republic of Honduras for the Return of Stolen, Robbed, or Embezzled Vehicles and Aircraft. Signed November 23, 2001; entered into force September 30, 2004; and
- (6) *Treaty Between the Government of the United States of America and the Government of the Republic of Guatemala For the Return of Stolen, Robbed, Embezzled, or Appropriated Vehicles and Aircraft. Signed October 6, 1997. Entered Into Force April 25, 2007.*
- (7) *The Convention between the United States and Costa Rica Signed July 2, 1999 is pending exchange of instruments of ratification.*

d. Other Authorities: In addition to the treaties themselves, see 7 FAM 617 and 7 FAM 652 regarding criminal laws and property issues, and 19 CFR 123.82, Treatment of Stolen Vehicles Returned from Mexico.

7 FAM 657.2 Definitions Under the Treaties

(CT:CON-104; 05-02-2005)

The following terms relate to stolen vehicle conventions:

Vehicle. Any automobile, truck, bus, motorcycle, motor home, or trailer. The treaty with Guatemala includes “any other means of motorized land transport ” in the definition of vehicle.

Aircraft. Any self-propelled vehicle used or designed for flight.

Conversion. An unauthorized assumption and exercise of the rights of ownership over goods or chattels belonging to another. This is a legal term of art found in the Costa Rica and Panama treaties. The Costa Rica treaty states that a vehicle is “unlawfully converted by a person with whom it has been deposited by official or judicial action.” The Panama treaty states a vehicle or aircraft is converted when “the person who had rented it from a legally authorized rental enterprise, in the normal course of the enterprise’s business, has taken unauthorized possession of it.”

Embezzled. A vehicle, vessel or aircraft unlawfully “converted” by (1) a

person who rented it from a rental company in the normal course of business; or (2) a person with whom it was deposited by official or judicial action.

National Insurance Crime Bureau (NICB). The NICB is a private insurance industry organization that works with U.S. law enforcement to combat vehicle theft and to recover stolen U.S. vehicles owned by its member insurance companies. The NICB is not a party to treaties, but plays an important role in the implementation. NICB often assists U.S. consular officers by checking its database and the National Crime Information Center (NCIC) database to determine whether vehicles for which U.S. consular officials receive host country notifications have been reported stolen in the United States.

Stolen. A vehicle or aircraft is considered stolen when its possession has been obtained without the consent of the owner or any other person who is legally authorized to use the vehicle or aircraft. The treaties with Panama and Guatemala go further and define when a vehicle is “robbed” as “when such possession has been obtained through the use of force or violence against things.”

7 FAM 657.3 Obligations Under the Treaties

(CT:CON-104; 05-02-2005)

- a. The United States and the other country party to a bilateral treaty on stolen vehicles and aircraft agree to return vehicles or aircraft stolen or embezzled from the other country found to be in the host country.
- b. When host country authorities seize a vehicle or aircraft that may be registered or documented under U.S. laws they must promptly take it to a storage area and not operate it further. See 7 FAM 657.3 d below regarding specific provisions in bilateral agreements.
- c. During the respective notification periods or while the decision on a request for return is pending, the host government may not forfeit or undertake administrative auctions of vehicles or aircraft.
- d. Generally, host country authorities are not prohibited from operating seized vehicles or aircraft under the treaty in certain situations. You should review the terms of the specific bilateral treaty in force to familiarize yourself with the specific terms of the applicable treaty.
- e. Note whether the treaty requires communication through a Central Authority, which is responsible for processing notifications and requests and otherwise carrying out its obligations under the treaty. In the case of the treaties with Guatemala and Costa Rica, which allow the Secretary to designate a Central Authority, the Central Authority is the U.S. Embassy in that country.

7 FAM 657.4 Notification Procedures - Foreign State Obligations

(CT:CON-104; 05-02-2005)

When host country authorities in a country party to one of the bilateral treaties seize a vehicle or aircraft that may be registered or documented under U.S. laws, the host country authorities must notify the U.S. government. Each treaty prescribes the appropriate method(s) and time periods for notification regarding vehicles and aircraft. In particular, note whether the treaty requires communication through a Central Authority, which is responsible for processing notifications and requests and otherwise carrying out its obligations under the treaty. In the case of the treaties with Guatemala and Costa Rica, which allow the Secretary to designate a Central Authority, the Central Authority is the U.S. Embassy in that country.

7 FAM 657.5 Notification Procedures and U.S. Consular Officers' Obligations

(CT:CON-104; 05-02-2005)

- a. Vehicle notifications: You should verify that the information received from the foreign government conforms to the obligations under the particular bilateral treaty (all of the treaties contain annexes that specify what information is required), and send the information to the National Insurance Crime Bureau (NICB). (You may also wish to contact the state police of the relevant U.S. state in appropriate cases.) The NICB and/or State Police will check their databases to determine whether the vehicle has been reported stolen in the United States. If the vehicle has been reported stolen and the owner is an NICB member insurance company, NICB will gather the documents required under the treaty and work with you to make a request for its return. If the vehicle has been reported stolen in the United States and the owner is not an NICB member insurance company, the State Police and/or NICB will contact the law enforcement authority originating the stolen vehicle report, which will contact the owner, advise the owner to contact you, and provide you with the owner's identity and contact information.
- b. Aircraft Notifications: You should verify that the information received from the foreign government conforms to the obligations under the particular bilateral treaty (most of the treaties that address aircraft in addition to vehicles contain annexes that specify what information is required). You should advise the U.S. customs attaché of such notifications. The U.S. customs attaché will determine whether the aircraft was reported stolen in the United States and, if so, notify the owner, advise the owner of the steps he must follow to request its return

under the treaty, and advise the embassy of the owner's identity and contact information. If your post does not have a customs attaché or regional U.S. customs contact, you should notify CA/OCS/ACS, which will notify the appropriate customs official in Washington.

7 FAM 657.6 Request to Host Country Authorities For Return of Stolen or Embezzled Vehicles - U.S. Consular Officer Responsibilities

(CT:CON-104; 05-02-2005)

- a. You must receive properly notarized evidence of ownership of the aircraft and additional documents as required by each particular treaty (e.g., title of ownership, certificate of registration, bill of sale, transfer of ownership documents, report of the theft, power of attorney document.). Then you must place the seal of your consular office on the documents.
- b. You must submit a request for the return of the aircraft to the host country authority having custody of the aircraft. The request must follow the form appended to the treaty as an annex must be under seal of the U.S. consular office, and generally must be in the language of the host country. Unless otherwise agreed by the parties to the treaty, certified copies of the documents examined by you must accompany the request. Finally, a copy of the request must be transmitted under cover of a note to the foreign ministry.
- c. Under the treaty, "certified copy" means any copy certified to be a true copy of the original by the issuing authority or by a consular officer of one treaty party duly accredited to the other. 7 FAM 837 explains the process of certifying true copies.

7 FAM 657.7 Host Country Actions Regarding Return of Vehicles and Aircraft

(CT:CON-104; 05-02-2005)

- a. The host country authority having custody of the vehicle or aircraft must determine whether the request for return meets the requirements of the treaty as soon as practicable after receiving the request.
- b. Generally, after a request has been found to meet the requirements of the treaty, host country authorities having custody of the vehicle or aircraft must make it available, within 15 days, to the individual identified in the request for return as the owner or the owner's authorized representative.
- c. Host country authorities can, however, delay the required return of a

vehicle or aircraft if the host country authorities are holding a vehicle or aircraft in relation to a criminal investigation or prosecution. They may delay return until the presence of the vehicle or aircraft is no longer required for purposes of that investigation or prosecution.

- d. Once host country authorities grant a request to return a vehicle or aircraft, they must take certain measures necessary to allow the owner (or the owner’s authorized representative) to take delivery of the vehicle or aircraft in the host country and return with it to the United States. See each individual bilateral treaty for specifics.
- e. There are certain situations in which the host country government may refuse to return a stolen or embezzled vehicle or aircraft. You should review the particular terms of each bilateral treaty. Some examples include:
 - (1) If the request for return of a vehicle or aircraft is not made within the period of time specified in the treaty the host country government may refuse to return it.
 - (2) The host country government may refuse to return a stolen or embezzled vehicle or aircraft if, under host country law, it was awarded by a host country court to a third party in a civil lawsuit or it was sold at a public auction by an authority that was unaware at the time of auction that it had been stolen or embezzled.
 - (3) The host country government may refuse to return an embezzled vehicle or aircraft if it is subject to forfeiture under host country law because it was used in the host country in the commission of a felony.

7 FAM 657.8 Return of Vehicles and Aircraft - Role Of U.S. Consular Officers

(CT:CON-104; 05-02-2005)

You have responsibilities once the host country authorities agree to return a vehicle or an aircraft. You must furnish the owner of a returned vehicle or aircraft, or the owner’s authorized representative, with the necessary documents to remove the vehicle or aircraft from the host country, including a letter from the embassy/consulate to U.S. Customs and Border Security officials at the border/port of entry. U.S. Customs and Border Security should date stamp a copy of this letter presented to them by the owner or the owner’s representative and return the stamped copy to the U.S. embassy/consulate. The embassy or consulate should keep the letter in its files for one year according to the file destruction schedule.

7 FAM 657.9 Costs and Expenses

(CT:CON-104; 05-02-2005)

The host country may not impose duties, fines, or other monetary penalties upon vehicles or aircraft returned under the treaty. The person seeking the return of a vehicle or aircraft pays for the entire cost of the return (including the cost of translating any necessary documents) and must pay such expenses before the return. In certain cases, the expenses of return may include the cost of repairs or reconditioning of a vehicle or aircraft required to move it to a storage area or to maintain it in the condition in which it was found. However, the person seeking the return of the vehicle or aircraft is not responsible for the costs of any other work performed on the vehicle or aircraft while it was in the custody of a host country authority. Host country authorities are not responsible for damages resulting from the recovery or storage of a vehicle or aircraft in accordance with the provisions of the treaty.

7 FAM 658 GOOD PRACTICE GUIDE TO STOLEN VEHICLE, VESSEL AND AIRCRAFT WORK

(CT:CON-104; 05-02-2005)

- a. A good working relationship with the local authorities responsible for the recovery of stolen vehicles, vessels and aircraft can enhance implementation of the treaty. One U.S. consulate in a country where a bilateral treaty is in force developed an outreach program encouraging awareness of treaty procedures among local authorities that come into possession of stolen vehicles, vessels and aircraft. The U.S. embassy can have discussions with the host country's Attorney General's Office with regard to reducing repetitious submissions of requests for theft confirmations. One post offered to share with the host country its stolen vehicle tracking system for use as a model.
- b. Close contact with the NICB may also facilitate the recovery and return of stolen vehicles. Some U.S. consular officers have assisted NICB in following up recoveries directly, or have used NICB software to check for faulty vehicle identification numbers (VINs) before forwarding VIN lists to NICB for theft confirmations. NICB has also communicated with consulates to indicate whether documentation required for presentation of requests for return will be mailed or whether the local police department has been notified.
- c. The use of form documents may save time in processing requests for vehicle recovery. "Rubber stamp" forms have been effective when used to inform a local authority that the vehicle it has recovered has not been reported stolen in the United States. U.S. consular officers have used

form letters at the beginning of new state or local administrations to credential NICB agents and their subcontracted assistants. The use of blanket authorizations eliminates the need for preparing a separate recovery packet in each individual stolen vehicle case.

7 FAM 659 UNASSIGNED