

- (2) Personal service.
- (3) Publication in the FEDERAL REGISTER.
- (b) *Service by others.* If you are required under this subchapter to serve a person with a document, serve the document by one of the following methods, except where a different method of service is specifically required:
  - (1) Registered or certified mail.
  - (i) If you serve a document by registered or certified mail, it is considered served when mailed.
  - (ii) An official United States Postal Service receipt from the registered or certified mailing is proof of service.
  - (iii) You may serve a person's authorized representative or agent by registered or certified mail or in any other manner authorized by law. Service on a person's authorized agent is the same as service on the person.
- (2) Personal service.
- (3) Electronic service.
- (1) In a proceeding under §107.317 of this subchapter (an administrative law judge proceeding), you may electronically serve documents on us.
- (ii) Serve documents electronically through the Internet at <http://dms.dot.gov>.

**§105.40 Designated agents for non-residents.**

- (a) *General requirement.* If you are not a resident of the United States but are required by this subchapter or subchapter C of this chapter to designate a permanent resident of the United States to act as your agent and receive documents on your behalf, you must prepare a designation and file it with us.
- (b) *Agents.* An agent:
  - (1) May be an individual, a firm, or a domestic corporation.
  - (2) May represent any number of principals.
  - (3) May not reassign responsibilities under a designation to another person.
- (c) *Preparing a designation.* Your designation must be written and dated, and it must contain the following information:
  - (1) The section in the HMR that requires you to file a designation.
  - (2) A certification that the designation is in the correct legal form required to make it valid and binding on

- you under the laws, corporate bylaws, and other requirements that apply to designations at the time and place you are making the designation.
- (3) Your full legal name, the principal name of your business, and your mailing address.
- (4) A statement that your designation will remain in effect until you withdraw or replace it.
- (5) The legal name and mailing address of your agent.
- (6) A declaration of acceptance signed by your agent.
- (d) *Address.* Send your designation to: Office of Hazardous Materials Exemptions and Approvals Research and Special Programs Administration, Attn: DHM-30, U.S. Department of Transportation 400 7th Street, SW., Washington, DC 20590-0001.
- (e) *Designations are binding.* You are bound by your designation of an agent, even if you did not follow all the requirements in this section, until we reject your designation.

SUBPOENAS

**§ 105.45 Issuing a subpoena.**

- (a) *Subpoenas explained.* A subpoena is a document that may require you to attend a proceeding, produce documents or other physical evidence in your possession or control, or both. RSPA may issue a subpoena either on its initiative or at the request of someone participating in a proceeding. Anyone who requests that RSPA issue a subpoena must show that the subpoena seeks information that will materially advance the proceeding.
- (b) *Attendance and mileage expenses.*
  - (1) If you receive a subpoena to attend a proceeding under this part, you may receive money to cover attendance and mileage expenses. The attendance and mileage fees will be the same as those paid to a witness in a proceeding in the district courts of the United States.
  - (2) If RSPA issues a subpoena to you based upon a request, the requester must serve a copy of the original subpoena on you, as required in §105.50. The requester must also include attendance and mileage fees with the subpoena unless the requester asks