

proceedings. In case of inconsistency with these general rules, the specific rules prevail.

[33 FR 19700, Dec. 25, 1968. Redesignated at 35 FR 5118, Mar. 26, 1970, and amended at 38 FR 20086, July 27, 1973]

Subpart B [Reserved]

Subpart C—Submittals in Writing

§ 551.31 Form of communications.

Any communication in writing relating to official business (including formal documents) shall be on opaque and durable paper not larger than 9 by 14 inches in size. Tables, charts, or originals of other documents that are attached to communications shall be folded to this size, if possible. The left margin of communications shall be at least 1½ inches wide, and if a communication is bound, it shall be bound on the left side. All copies submitted shall be legible.

§ 551.33 Address of communications.

Unless otherwise specified, communications shall be addressed to the Administrator, National Highway Traffic Safety Administration, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. Communications may not be addressed to a staff member's private address.

[36 FR 1147, Jan. 23, 1971; 38 FR 20086, July 27, 1973]

§ 551.35 Subscription of communications.

Each communication shall be signed in ink and shall disclose the full legal name and the address of the person signing it and, if he is an agent, of his principal.

§ 551.37 Language of communications.

Communications and attachments thereto shall be in English. Any matter written in a foreign language will be considered only if accompanied by a translation into English. A translation shall bear a certificate by the translator certifying that he is qualified to make the translation; that the translation is complete except as otherwise clearly indicated; and that it is accurate to the best of the translator's

knowledge and belief. The translator shall sign the certificate in ink and state his full legal name, occupation, and address.

Subpart D—Service of Process on Foreign Manufacturers and Importers

SOURCE: 70 FR 45567, Aug. 8, 2005, unless otherwise noted.

AUTHORITY: 49 U.S.C. 30164.

DESIGNATION OF AN AGENT FOR SERVICE OF PROCESS

§ 551.45 What is the purpose of this subpart?

The purpose of this subpart is to establish a procedure for foreign manufacturers, assemblers and importers of motor vehicles and motor vehicle equipment to designate an agent in the United States on whom service of administrative or judicial notices or processes may be made.

§ 551.46 Who must comply with this subpart and when?

(a) All foreign manufacturers, assemblers, and importers of motor vehicles or motor vehicle equipment (hereinafter referred to as "foreign manufacturers") must comply with this subpart before offering a motor vehicle or item of motor vehicle equipment for importation into the United States.

(b) Unless and until a foreign manufacturer appoints an agent in accordance with the requirements of this subpart, it may not import motor vehicles or motor vehicle equipment into the United States.

§ 551.47 Who may serve as an agent for a foreign manufacturer?

Only an individual, a domestic firm or a domestic corporation that is a permanent resident of the United States may serve as an agent under this subpart.

§ 551.48 May an official of a foreign manufacturer serve as its agent?

(a) Generally no; an agent must be a permanent resident of the United States. Typically officials of foreign manufacturers and importers are not United States residents.

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(b) Occasionally an official of a foreign manufacturer also serves as an official of a domestic firm or corporation or is a permanent resident of the United States. In such cases, the official may serve as agent and sign the designation documents both on behalf of the foreign manufacturer and as agent. However, the foreign manufacturer must submit to NHTSA, along with the designation documents, a letter explaining that the individual signing the designation is both an official of the foreign manufacturer with authority to appoint an agent and a permanent resident of the United States or official of a domestic firm or corporation. If NHTSA does not receive an explanatory letter at the same time it receives the designation, the agency will deem the designation insufficient under this subpart and reject the submission.

§ 551.49 May a foreign manufacturer replace its agent?

(a) Yes, a foreign manufacturer may replace its agent in the same way it originally designated the agent. It must submit designation documents that meet the form and content requirements identified in the following section of this subpart. Until NHTSA receives designation documents meeting those requirements or a letter withdrawing an existing designation, the individual or domestic corporation originally designated will continue to serve as its agent for service of process.

(b) A foreign manufacturer that has withdrawn but not replaced its agent may not continue to import motor vehicles or motor vehicle equipment into the United States. In order to do so, it must appoint a new agent in accordance with the requirements of this subpart.

§ 551.50 May more than one foreign manufacturer designate the same person as agent?

Yes, any number of foreign manufacturers separately may designate the same person as agent.

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§ 551.51 May an agent assign performance of its functions to another individual or entity?

No, an agent may not assign performance of its functions.

§ 551.52 How long will a foreign manufacturer's designation of agent remain in effect?

(a) A designation of agent remains in effect until replaced or withdrawn by a foreign manufacturer.

(b) A foreign manufacturer that has withdrawn but not replaced its agent may not continue to import motor vehicles or motor vehicle equipment into the United States. In order to do so, it must appoint a new agent in accordance with the requirements of this subpart.

FORM AND CONTENTS OF DESIGNATION

§ 551.53 What is the required format for a designation?

(a) All documents submitted under this subpart must be:

- (1) Original documents;
- (2) Written in English; and
- (3) Signed in ink.

(b) For each signature, the document must indicate in English:

- (1) The date of signature; and
- (2) The name and title of the individual who signed the document.

(c) As long as documents submitted by a foreign manufacturer and its agent contain all required information (identified in §§ 551.54, 551.55 and 551.56 below), there is no mandatory format for the designation.

(d) NHTSA encourages foreign manufacturers to use the suggested designation form set forth in the Appendix to this subpart. If completed and executed properly by both a foreign manufacturer and its agent, this form will comply fully with the requirements of §§ 551.53 through 551.65.

§ 551.54 What are the required contents for a designation?

The suggested designation form set forth in the Appendix, if completed and signed properly by a foreign manufacturer and its agent, contains all of the information necessary to create a valid