

designation under this subpart. Specifically, a valid designation must contain:

- (a) A Designation by Foreign Manufacturer; and
- (b) An Acceptance by Agent.

§ 551.55 What information must a Designation by Foreign Manufacturer contain?

A Designation by Foreign Manufacturer must contain:

- (a) A statement that the designation is in valid form and binding on the foreign manufacturer under the laws, corporate bylaws or other requirements governing the making of designations at the place and time where it is made;
- (b) The full legal name, principal place of business and mailing address of the foreign manufacturer;
- (c) All trade or brand names, marks, logos or other designations of origin under which the foreign manufacturer's products will be sold; and
- (d) The signature in ink, and the name and title of the official or employee signing the designation on behalf of the foreign manufacturer, who must have authority to appoint an agent.

§ 551.56 What information must an Acceptance by Agent contain?

An Acceptance by Agent must contain:

- (a) The full legal name, mailing address and telephone number of the agent;
- (b) A statement that the agent accepts the designation and understands that (s)he may not assign performance of the agent's functions under the designation to another person or entity, and that the designation shall remain in effect until it is withdrawn or replaced by the foreign manufacturer;
- (c) The signature in ink of the agent, or an official or employee of the domestic firm or corporation serving as the agent, who must have authority to sign for the firm or corporation; and
- (d) The name and title of the individual signing the acceptance.

§ 551.57 Who may sign the Designation by Foreign Manufacturer?

Only an official or employee of the foreign manufacturer with authority to

appoint an agent may sign the Designation by Foreign Manufacturer.

§ 551.58 Who may sign the Acceptance by Agent?

Only the agent, in the case of an individual, or an official or employee, in the case of a domestic firm or corporation serving as the agent with authority to sign for that firm of corporation, may sign the Acceptance of Agent.

§ 551.59 May the same individual sign both the Designation by Foreign Manufacturer and Acceptance by Agent?

(a) Generally no; the Designation by Manufacturer must be signed by an official or employee of the foreign manufacturer and the Acceptance by Agent must be signed by the foreign manufacturer's agent, in the case of an individual, or by an official or employee, in the case of a domestic firm or corporation serving as its agent.

(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.

§ 551.60 When must the Designation by Foreign Manufacturer be signed?

(a) The foreign manufacturer must sign the Designation by Foreign Manufacturer on or before the date that the agent signs the Acceptance by Agent. It is not possible for an individual or entity to accept a designation as agent until on or after the date on which a

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foreign manufacturer makes the designation.

(b) If the Designation by Foreign Manufacturer is dated after the Acceptance by Agent, NHTSA will deem the designation insufficient under this subpart and reject the submission.

§ 551.61 When must the Acceptance by Agent be signed?

(a) The agent, in the case of an individual, or an employee or official, in the case of a domestic firm or corporation serving as agent, must sign the Acceptance by Agent on or after the date that the manufacturer signs the Designation by Foreign Manufacturer. It is not possible for an individual or entity to accept a designation as agent until on or after the date on which the foreign manufacturer makes the designation.

(b) If the Acceptance by Agent is dated before the Designation by Foreign Manufacturer, NHTSA will deem the designation insufficient under this subpart and reject the submission.

§ 551.62 Where should a foreign manufacturer mail the designation?

Foreign manufacturers must mail their designations to the Office of the Executive Secretariat, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street, SW, Washington, DC 20590. No other NHTSA office is authorized to accept designation documents. To avoid delays, the agency suggests using express mail services.

§ 551.63 May a foreign manufacturer submit a designation by email or facsimile?

No, the statute requires designation documents submitted by foreign manufacturers to contain original ink signatures. NHTSA will reject designation documents submitted via email or facsimile, as they do not satisfy this requirement.

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§ 551.64 What if designation documents submitted by a foreign manufacturer do not comply with this subpart?

Designations of agent are binding on the foreign manufacturer even when their form and contents do not comply with this subpart, unless rejected by the agency.

§ 551.65 What if a foreign manufacturer changes its name, address or product names or marks?

(a) A foreign manufacturer must provide written notice to NHTSA of any changes in its name, address or marks, trade names, or other designations of origin appearing on its products.

(b) Foreign manufacturers should mail notices to the Office of the Executive Secretariat, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street, SW., Washington, DC 20590. To avoid delays, the agency suggests using express mail services.

METHOD OF SERVICE OF PROCESS

§ 551.66 What is the legal effect of service of process on an agent?

Service on an agent of administrative or judicial notices or process is deemed to be service on a manufacturer.

§ 551.67 Where and how may an agent be served?

An agent may be served at the agent's office or usual place of residence, by registered or certified mail addressed to the agent with return receipt requested, or by any other manner authorized by law.

§ 551.68 What if an agent cannot be served?

If an agent cannot be served because the agent cannot be located, has ceased to exist or does not receive correctly addressed mail, service may be made by posting the notice or process in the Office of the Secretary of Transportation.