

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 Special Permits and Approvals, Pipeline and Hazardous Materials Safety Administration, Attn: PHH-30, U.S. Department of Transportation, East Building, 1200 New Jersey Avenue, SE., 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.

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