

U.S. Customs and Border Protection, DHS; Treasury

§ 113.26

(1) *Name change of principal.* A bond rider to change the name of a principal on a bond may be used only when the change in name does not change the legal identity or status of the principal. If a new corporation is created as a result of a merger, reorganization or similar action, a bond rider for a name change of the principal can not be used. A new bond would be required.

(2) *Address change.* A bond rider may be used to change the address of a principal on a bond.

(3) *Addition and deletion of trade names and unincorporated divisions of a corporate principal.* A bond rider may be used to add to or delete from a bond trade names and the names of unincorporated divisions of a corporate principal which do not have a separate and distinct legal status.

(b) *Where filed.* A rider must be filed at the port where the bond was approved.

(c) *Attachment of rider to bond.* All riders expressly authorized by the Commissioner shall be securely attached to the related bond to prevent their loss or misplacement.

(d) *Format of rider.* The riders shall be signed, sealed, witnessed, executed, include a certificate as to corporate principal, if applicable, and otherwise comply with the requirements of this part. The riders shall contain the following conditions:

(1) *Name change of principal.*

By this rider to the Customs Form 301, ___ (bond number), dated ___, executed by ___, (former name), as principal, ___, (importer number), the, ___ (new name), hereby certifies that it is the same entity formerly known as ___, (former name), and the principal and surety agree that they are responsible for any act secured by this bond done under principal's former name. Principal and surety agree to be bound under this bond to the same extent as if this bond had been executed in the principal's new name. This rider is effective on ___ (date).

(2) *Address change.*

By this rider to Customs Form 301, ___ (bond number) executed on ___ (date), by ___, (principal's name), as principal, ___, (importer number), and ___ (surety's name and code), as surety, which is effective on ___ (date), the principal, surety or both, intend that the bond be amended to show ___ (new address) as their address. The principal, surety or both, as may be appropriate agree

to be bound as though this bond has been executed with the new address(s) shown.

(3) *Addition or deletion of trade names and unincorporated divisions of a corporate principal—(i) Addition rider.*

By this rider to the Customs Form 301, ___ (bond number), executed on ___, (date), by ___, (principal's name), as principal, ___, (importer number) and ___, (surety's name and code), as surety, which is effective on ___ (date), the principal and surety agree that the below listed names are unincorporated units of the principal or are trade or business names used by the principal in its business and that this bond covers its business and that this bond covers any act done in those names to the same extent as though done in the name of the principal. The principal and surety agree that any such act shall be considered to be the act of the principal.

(ii) *Deletion rider.*

By this rider to the Customs Form 301, ___ (bond number), executed on ___, (date), by ___, (principal's name) as principal, ___, (importer number and ___, (surety's name and surety code), as surety, which is effective on ___, (date), the principal and surety agree that the below listed names of unincorporated units of the principal or trade or business names used by the principal in its business are deleted from the bond effective upon the date of approval of the rider by the appropriate Customs bond approval official.

§ 113.25 Seals.

When a seal is required, the seal shall be affixed adjoining the signatures of principal and surety, if individuals, and the corporate seal shall be affixed close to the signatures of persons signing on behalf of a corporation. Bonds shall be under seal in accordance with the law of the state in which executed. However, when the charter or governing statute of a corporation requires its acts to be evidenced by its corporate seal, such seal is required.

§ 113.26 Effective dates of bonds and riders.

(a) *General.* Bonds including the application, if required by §113.12, and riders may be filed up to 30 days before the effective date in order to provide adequate time for Customs administrative review and processing.

(b) *Single transaction bond.* A single transaction bond is effective on the