WEST VIRGINIA CODE: §16-9H-12

§16-9H-12. Service of process; required appointment of agent for service of process by foreign manufacturers.

(a) Any foreign manufacturer of vapor products must register as an out of state, or foreign, business with the Secretary of State. A foreign manufacturer of vapor products shall appoint and continually engage without interruption the services of an agent for service of process in West Virginia to serve as such in any action or proceeding against it concerning or arising out of the enforcement of this article and who may be served in any manner authorized by law. Service of process upon this agent shall constitute legal and valid service of process on the manufacturer of vapor products. The manufacturer of a vapor product shall provide the name, address, telephone number, and proof of the appointment of the agent for service of process to the State Tax Commissioner and the Alcohol Beverage Control Commissioner.

(b) The manufacturer of a vapor product shall provide notice to the State Tax Commissioner and the Alcohol Beverage Control Commissioner 30 calendar days prior to termination of the appointment of an agent for service of process and shall further provide proof to the satisfaction of the commissioners of the appointment of a new agent for service of process no less than five calendar days prior to the termination of an existing agent for service of process appointment. If an agent for service of process terminates an agency appointment, the manufacturer of vapor product shall notify the commissioners of the termination within five calendar days and shall include proof to the satisfaction of the commissioners of the appointment of a new agent for service of process.

(c) Any manufacturer of a vapor product whose vapor products are sold in this state who has not appointed services of an agent for service of process, as required by this section, shall be deemed to have appointed the Secretary of State as its agent for service of process.

WV Legislature