

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945

ENROLLED

SENATE BILL No. 194

(By Mr. Vickers, Mr. President.)

PASSED March 7 1945

In Effect From Passage



194 3-10

ENROLLED
Senate Bill No. 194
(BY MR. VICKERS, MR. PRESIDENT)

[Passed March 7, 1945; in effect from passage.]

AN ACT to amend and reenact section seventy-one, article one, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the designation of a state official, in some cases the auditor and in other cases the secretary of state, as attorney in fact for all corporations with authority to accept service of notice and process on behalf of such corporations in suits or proceedings instituted against such corporations.

Be it enacted by the Legislature of West Virginia:

That section seventy-one, article one, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 71. *Auditor Attorney in Fact for All Corporations.*—The auditor of this state is hereby constituted the attorney in fact for and on behalf of every stock corporation created by virtue of the laws of this state and of every foreign corporation doing business herein, with authority to accept service of notice and process on behalf of and upon whom service of notice and process may be made in this state for and upon every such corporation. No act of such corporation appointing the auditor such attorney in fact shall be necessary. Immediately after being served with or accepting any such process or notice, the auditor shall make and file in his office a copy of such process or notice, with a note thereon indorsed of the time of service, or acceptance, as the case may be, and transmit such process, or notice, by registered mail to such corporation at the address last furnished by it, as required by law. But no process or notice shall be served on the auditor or accepted by him less than ten days before the return day thereof. Such corporation shall pay the annual fee prescribed in article twelve, chapter eleven

21 of this act for the services of the auditor as its at-
22 torney in fact.

23 For the purpose of all suits or proceedings instituted
24 for the collection of license taxes due the state, pursuant
25 to the provisions of section eighty-six, article twelve,
26 chapter eleven of this code, as amended, and for the pur-
27 pose of all other cases where it is the duty of the auditor
28 to collect a debt or claim due the state from corporations,
29 the secretary of state, in lieu of the auditor, is hereby con-
30 stituted the attorney in fact for such corporations. No
31 act of any such corporation appointing the secretary of
32 state such attorney in fact shall be necessary. All pro-
33 visions in this section relating to the service of process
34 on, or acceptance of process by, the auditor, and the duties
35 imposed upon the auditor, shall apply to the secretary of
36 state in such cases.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Charles C. Morris
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate

Takes effect From passage

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

Donald M. Tickus
President of the Senate

John E. Amos
Speaker House of Delegates

The within Approved this the 12th
day of March, 1945.

[Signature]
Governor.

Filed in the office of the Secretary of State
of West Virginia **MAR 12 1945**
Wm. S. O'BRIEN,
Secretary of State

