

WEST VIRGINIA LEGISLATURE

Extraordinary REGULAR SESSION, 1947



ENROLLED

HOUSE BILL No. 2

(By Mr. *Speaker (Mr. Amos)*)



PASSED June 23 1947

In Effect from Passage



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House Bill No. 2

(By MR. SPEAKER, MR. AMOS)

[Passed June 23, 1947; 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 last amended by chapter forty-one, acts of the Legislature, regular session, one thousand nine hundred forty-seven, providing for 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 created by virtue of the laws of the state of West Virginia and for all foreign corporations doing business in the state of West Virginia, with authority to accept service of notices and process on behalf of such corporations and upon whom service of notice and process may be made in this state for and upon every such corporation 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 last amended by chapter forty-one, acts of the Legislature, regular session, one thousand nine hundred forty-seven, be amended and reenacted to read as follows:

Article 1. Provisions Relating to Corporations Generally.

Section 71. *Auditor Attorney in Fact for All Corporations; Purposes for Which Secretary of State Constituted Such Attorney in Fact.*—The auditor of this state is hereby constituted the attorney in fact for and on behalf of every 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, of which process or notice two copies for each defendant shall be furnished the auditor with the original notice or process, the auditor shall file in his office a copy of such process or notice, with a note thereon endorsed of the time of service, or acceptance, as the case may be, and transmit

18 one copy of such process, or notice, by registered mail to
19 such corporation at the address last furnished by it, as
20 required by law. But no process or notice shall be served
21 on the auditor or accepted by him less than ten days be-
22 fore the return day thereof. Such corporation shall pay
23 the annual fee prescribed in article twelve, chapter eleven
24 of this code for the services of the auditor as its attorney
25 in fact.

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

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

Forest L. McMer
Chairman Senate Committee

R. L. Matthews
Chairman House Committee

We hereby certify that the foregoing bill, originating in the House of Delegates, takes effect from passage.

Howard Keyes
Clerk of the Senate

J. Ruff
Clerk of the House of Delegates

Arnold M. Vickers
President of the Senate

John E. Amos
Speaker of the House of Delegates

The within Approved this the 27th
day of June, 1947.

Blaine Medow
Governor.



Filed in the Office of the Secretary of State
of West Virginia JUN 27 1947

WM. S. O'BRIEN,
SECRETARY OF STATE