WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1997

ENROLLED

HOUSE BILL No. 2671

(By Delegate Michael)

Passed April 12, 1997
In Effect July 1, 1997

Passage
AN ACT to amend and reenact section eight, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section five, article twelve-c, chapter eleven of said code; to amend and reenact section seventeen-c, article five, chapter twenty-one-a of said code; to amend and reenact sections nine and fourteen, article nineteen, chapter twenty-nine of said code; to amend and reenact section seven, article two, chapter twenty-nine-a of said code; to amend and reenact sections three and six, article eighteen, chapter thirty of said code; to amend and reenact sections fifteen and fifty-six, article one, chapter thirty-one of said code; to amend and reenact section one hundred eleven, article one, chapter thirty-one-b of said code; to amend and reenact sections twelve and thirteen, article four, chapter thirty-three of said code; to amend and reenact section eight, article one-a, chapter thirty-eight of said code; to amend and reenact section five, article five-a of said chapter; to amend and reenact sections four hundred three, four hundred four, four hundred five, four hundred six and four hundred seven, article nine, chapter forty-six of said code; to amend and reenact section one hundred thirty-seven, article two, chapter forty-six-a of said code; to amend and reenact section four,
article nine, chapter forty-seven of said code; to amend and reenact sections thirty-one and thirty-three, article three, chapter fifty-six of said code; and to amend and reenact section two, article one, chapter fifty-nine of said code, relating generally to the secretary of state; fees and charges for services of the secretary of state, filing a change of officers for a corporation or other business entity and designation of the secretary of state as attorney in fact for service of process; providing for distribution of the rule monitor to subscribers of the code of state rules; and providing for an increase in fees.

Be it enacted by the Legislature of West Virginia:

That section eight, article five, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended be amended and reenacted; that section five, article twelve-c, chapter eleven of said code be amended and reenacted; that section seventeen-c, article five, chapter twenty-one-a of said code be amended and reenacted; that sections nine and fourteen, article nineteen, chapter twenty-nine of said code be amended and reenacted; that section seven, article two, chapter twenty-nine-a of said code be amended and reenacted; that sections three and six, article eighteen, chapter thirty of said code be amended and reenacted; that sections fifteen and fifty-six, article one, chapter thirty-one of said code be amended and reenacted; to amend and reenact section one hundred eleven, article one, chapter thirty-one-b of said code; that sections twelve and thirteen, article four, chapter thirty-three of said code be amended and reenacted; that sections one hundred thirty-seven, article two, chapter forty-six-a of said code be amended and reenacted; that section four, article nine, chapter forty-seven of said code be amended and reenacted; that sections thirty-one and thirty-three, article three, chapter fifty-six of said code be amended and reenacted; and that section two, article one, chapter fifty-nine of said code be amended and reenacted, all to read as follows:
CHAPTER 3. ELECTIONS.

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.

§3-5-8. Filing fees and their disposition.

Every person who becomes a candidate for nomination for or election to office in any primary election, shall, at the time of filing the certificate of announcement as required in this article, pay a filing fee as follows:

(a) A candidate for president of the United States, for vice-president of the United States, for United States senator, for member of the United States House of Representatives, for governor and for all other state elective offices shall pay a fee equivalent to one percent of the annual salary of the office for which the candidate announces;

(b) A candidate for the office of judge of a circuit court and judge of any court of record of limited jurisdiction shall pay a fee equivalent to one percent of the total annual salary of the office for which the candidate announces;

(c) A candidate for member of the House of Delegates shall pay a fee of one-half percent of the total annual salary of the office, and a candidate for state senator shall pay a fee of one percent of the total annual salary of the office;

(d) A candidate for sheriff, prosecuting attorney, circuit clerk, county clerk, assessor, member of the county commission and magistrate shall pay a fee equivalent to one percent of the annual salary of the office for which the candidate announces. A candidate for county board of education shall pay a fee of twenty-five dollars. A candidate for any other county office shall pay a fee of ten dollars;

(e) Delegates to the national convention of any political party shall pay the following filing fees:
A candidate for delegate-at-large shall pay a fee of twenty dollars; and a candidate for delegate from a congressional district shall pay a fee of ten dollars;

(f) Candidates for members of political executive committees and other political committees shall pay the following filing fees:

A candidate for member of a state executive committee of any political party shall pay a fee of twenty dollars; a candidate for member of a county executive committee of any political party shall pay a fee of ten dollars; and a candidate for member of a congressional, senatorial or delegate district committee of any political party shall pay a fee of five dollars.

Candidates filing for an office to be filled by the voters of one county shall pay the filing fee to the clerk of the circuit court, and candidates filing for an office to be filled by the voters of more than one county shall pay the filing fee to the secretary of state at the time of filing their certificates of announcement, and no certificate of announcement shall be received until the filing fee is paid.

All moneys received by such clerk from such fees shall be credited to the general county fund. Moneys received by the secretary of state from fees paid by candidates for offices to be filled by all the voters of the state shall be deposited in a special fund for that purpose and shall be apportioned and paid by him to the several counties on the basis of population, and that received from candidates from a district or judicial circuit of more than one county shall be apportioned to the counties comprising the district or judicial circuit in like manner. When such moneys are received by sheriffs, it shall be credited to the general county fund.

CHAPTER 11. TAXATION.

ARTICLE 12C. CORPORATE LICENSE TAX.

§11-12C-5. Annual fee of secretary of state as attorney-in-fact.

Every domestic and foreign corporation, and every domestic and foreign limited partnership shall pay an
annual fee of ten dollars for the services of the secretary
of state as attorney-in-fact for such corporation or limited
partnership, which fee shall be due and payable at the
same time and with the same return, collected by the same
officers, and accounted for in the same way, as the annual
license tax imposed on corporations under this article.
The tax commissioner shall pay over to the secretary of
state all attorney-in-fact fees collected under this section,
and such fees shall be used to offset the costs of the
secretary of state for his or her services as attorney-in-fact.

CHAPTER 21A. UNEMPLOYMENT COMPENSATION.

ARTICLE 5. EMPLOYER COVERAGE AND RESPONSIBILITY.

§21A-5-17c. Service of process on nonresident employer.
If an employer is not a resident of West Virginia, was
a resident but has left the state of West Virginia or is a
corporation not authorized to do business in this state and
for which employer services are performed in insured
work within the state of West Virginia and liability for
payment of unemployment compensation contributions is
due and payable to this state under the provisions of the
West Virginia unemployment compensation law, such
employer shall be deemed to appoint the secretary of state
of West Virginia, or his successor in office, to be the
employer’s true and lawful attorney upon whom may be
served all lawful process in any action or any proceeding
for all purposes under this chapter and when served as
hereinafter provided such service shall have the same
force, effect and validity as if said nonresident employer
were personally served with summons and complaint in
this state.

Service shall be made by leaving the original and two
copies of both the summons and complaint, and the fee
required by section two, article one, chapter fifty-nine of
this code, with the secretary of state, or in his office, and
said service shall be sufficient upon said nonresident. In
the event any such summons and complaint is so served
on the secretary of state he shall immediately cause one of
the copies of the summons and complaint to be sent by
registered or certified mail, return receipt requested, to the
27 employer at the latter's last known or reasonably
28 ascertainable address. The employer's return receipt or, if
29 such registered or certified mail is returned to the
30 secretary of state refused by the addressee or for any other
31 reason is undelivered, such mail showing thereon the
32 stamp of the post-office department that delivery has been
33 refused, or other reason for nondelivery, shall be
34 appended to the original summons and complaint, and
35 filed by the secretary of state in the clerk's office of the
36 court from which said process issued.

CHAPTER 29. MISCELLANEOUS BOARDS AND
OFFICERS.

ARTICLE 19. SOLICITATION OF CHARITABLE FUNDS ACT.

§29-19-9. Registration of professional fund-raising counsel
and professional solicitor; bonds; records; books.

1 (a) No person may act as a professional fund-raising
2 counsel or professional solicitor for a charitable
3 organization subject to the provisions of this article, unless
4 he or she has first registered with the secretary of state.
5 Applications for such registration shall be in writing under
6 oath or affirmation in the form prescribed by the secretary
7 of state and contain such information as he or she may
8 require. The application for registration by professional
9 fund-raising counsel or professional solicitor shall be
10 accompanied by an annual fee in the sum of one hundred
11 dollars. A partnership or corporation, which is a
12 professional fund-raising counsel or professional solicitor,
13 may register for and pay a single fee on behalf of all its
14 members, officers, agents and employees. However, the
15 names and addresses of all officers, agents and employees
16 of professional fund-raising counsel and all professional
17 solicitors, their officers, agents, servants or employees
18 employed to work under the direction of a professional
19 solicitor shall be listed in the application.

20 (b) The applicant shall, at the time of the making of
21 an application, file with and have approved by the
22 secretary of state a bond in which the applicant shall be
23 the principal obligor in the sum of ten thousand dollars
and which shall have one or more sureties satisfactory to the secretary of state, whose liability in the aggregate as such sureties will at least equal the said sum and maintain said bond in effect so long as a registration is in effect. The bond shall run to the state for the use of the secretary of state and any person who may have a cause of action against the obligor of said bonds for any losses resulting from malfeasance, nonfeasance or misfeasance in the conduct of solicitation activities. A partnership or corporation which is a professional fund-raising counsel or professional solicitor may file a consolidated bond on behalf of all its members, officers and employees.

(c) Each registration shall be valid throughout the state for a period of one year and may be renewed for additional one-year periods upon written application under oath in the form prescribed by the secretary of state and the payment of the fee prescribed herein.

(d) The secretary of state or his or her designate shall examine each application, and if he or she finds it to be in conformity with the requirements of this article and all relevant rules and regulations and the registrant has complied with the requirements of this article and all relevant rules and regulations, he or she shall approve the registration.

§29-19-14. Nonresident charitable organizations, professional fund-raising counsel and solicitors; designation of secretary of state as agent for service of process; notice of such service by attorney general.

Any charitable organization or professional fund-raising counsel or professional solicitor having its or his or her principal place of business without the state, or organized under and by virtue of the laws of a foreign state, which or who shall solicit contributions from people in this state, is subject to the provisions of this article and shall be deemed to have irrevocably appointed the secretary of state as its or his or her agent upon whom may be served any summons, subpoena, subpoena duces tecum or other process directed to such charitable organization, professional fund-raising counsel or
professional solicitor or any partner, principal officer or
director thereof in any action or proceeding brought
under the provisions of this article. Service of such process
upon the secretary of state shall be made by personally
delivering to and leaving with him a copy thereof along
with the fee required by section two, article one, chapter
fifty-nine of this code, and such service shall be sufficient
service: Provided, That notice of such service and a copy
of such process are forthwith sent by the secretary of state
to such charitable organization or professional fund-
raising counsel or professional solicitor by registered or
certified mail with return receipt requested at its or his or
her office, as set forth in the registration form required to
be filed with the secretary of state pursuant to this article
or in default of the filing of such form, at the last address
known to the the secretary of state.

CHAPTER 29A. STATE ADMINISTRATIVE
PROCEDURES ACT.

ARTICLE 2. STATE REGISTER.


(a) The Legislature intends that the secretary of state
offer to the public convenient and efficient access to
copies of the state register or parts thereof desired by the
citizens. The provisions of this section are enacted in order
to provide a means of doing so pending any other means
provided by law or legislative rule.

(b) All materials filed in the state register shall be
indexed daily in chronological order of filing with a brief
description of the item filed and a columnar cross index to
(1) agency and (2) section, article and chapter of the code
to which it relates and by which it is filed in the state
register and (3) such other information in the description
or cross index as the secretary of state believes will aid a
citizen in using the chronological index.

(c) To give users of the code of state rules a means to
know whether the rule is being superseded by a version of
the rule that has become effective, but not yet been final-
filed, prepared, proofed and distributed, or may be
superseded by a rule which is being proposed and
promulgated pursuant to article three but not yet become
final, the secretary of state shall provide with each update
of the code of state rules, a copy of the rule monitor and
its cross index which shows the rules that have become
effective but not yet distributed and the rules which may
be superseded by a rule which is being proposed. The
copy of the rule monitor distributed with the updates of
the code of state rules shall state plainly that this version of
the rule monitor only shows the status of the promulgation
of rules as of the date of distribution of the update of the
code of state rules, and that to obtain the most recent status
of the rules, the user should consult the rule monitor in the
most recent publication of the state register. With the first
distribution to the loose leaf version of the code of state
rules the secretary of state shall also distribute a divider
where the current rule monitor shall be maintained. With
the first distribution, the secretary of state shall also
include instructions, with a copy for insertion in or on the
front of each volume of the loose-leaf versions of the code
of state rules, to users on how the rule monitor can be
utilized to determine whether the version of the rule in the
code of state rules currently in effect. This subsection is
not to be construed to require that subscribers to the
updates of the code of state rules receive a subscription to
the state register.

(d) The secretary of state shall cause to be duplicated
in such number as shall be required, on white paper with
two punches suitable for fastening in two-ring binders, the
permanent biennial state register, the chronological index
and other materials filed in the register, or any part by
agency or section, article or chapter for subscription at a
cost including labor, paper and postage, sufficient in his
judgment to defray the expense of such duplication. The
secretary of state shall also offer, at least at monthly
intervals, supplements to the published materials listed
above. Any subscription for monthly supplements shall be
offered annually and shall include the chronological
index and materials related to such agency or agencies, or
section, article or chapter of the code as a person may
designate. A person may limit the request to notices only,
to notices and rules, or to notices and proposed rules, or any combination thereof.

(e) Every two years, the secretary of state shall offer for purchase succeeding biennial permanent state registers which shall consist of all rules effective on the date of publication selected by the secretary of state, which date shall be at least two years from the last such publication date, and materials filed in the state register relating thereto. The cost of the succeeding biennial permanent state register and for the portion relating to any agency or any section, article or chapter of the code which may be designated by a person purchasing the same shall be fixed in the same manner specified in section eleven of this article.

(f) The secretary of state may omit from any duplication made pursuant to subsection (e) of this section any rules the duplication of which would be unduly cumbersome, expensive or otherwise inexpedient, if a copy of such rules is made available from the original filing of such rule, at a price not exceeding the cost of duplication, and if the volume from which such rule is omitted includes a notice in that portion of the publication in which the rule would have been located, stating (1) the general subject matter of the omitted rule, (2) each section, article and chapter of this code to which the omitted rule relates, and (3) the means by which a copy of the omitted rule may be obtained.

(g) The secretary of state may propose changes to the procedures outlined in the section above by proposing a legislative rule under the provisions of section nine, article three of this chapter, but may promulgate no rules containing those changes unless authorized by the Legislature pursuant to article three of this chapter.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 18. PRIVATE INVESTIGATIVE AND SECURITY SERVICES.

§30-18-3. Application requirements for a license to conduct the private investigation business.
(a) To be licensed to be a private detective, a private investigator or to operate a private detective or investigative firm, each applicant shall complete and file a written application, under oath, with the secretary of state and in such form as the secretary may prescribe.

(b) On the application each applicant shall provide the following information: The applicant’s name, birth date, citizenship, physical description, military service, current residence, residences for the preceding seven years, qualifying education or experience, the location of each of his or her offices in this state and any other information requested by the secretary of state in order to comply with the requirements of this article.

(c) In the case of a corporation that is seeking a firm license, the application shall be signed by the president, and verified by the secretary or treasurer of such corporation and shall specify the name of the corporation, the date and place of its incorporation, the names and titles of all officers, the location of its principal place of business, and the name of the city, town or village, stating the street and number, and otherwise such apt description as will reasonably indicate the location. If the corporation has been incorporated in a state other than West Virginia, a certificate of good standing from the state of incorporation must accompany the application. This information must be provided in addition to that required to be provided by the applicant.

(d) The applicant shall provide:

(1) Information in the application about whether the applicant has ever been arrested for or convicted of any crime or wrongs, either done or threatened, against the government of the United States;

(2) Information about offenses against the laws of West Virginia or any state; and

(3) Any facts as may be required by the secretary of state to show the good character, competency and integrity of the applicant.
To qualify for a firm license, the applicant shall provide such information for each person who will be authorized to conduct the private investigation business and for each officer, member or partner of the firm.

(e) As part of the application, each applicant shall give the secretary of state permission to review the records held by the division of public safety for any convictions that may be on record for the applicant.

(f) For each applicant for a license and for each officer, member and partner of the firm applying for a license, the application shall be accompanied by one recent full-face photograph and one complete set of the person’s fingerprints.

(g) For each applicant, the application shall be accompanied by:

(1) Character references from at least five reputable citizens. Each reference must have known the applicant for at least five years preceding the application. No reference may be connected to the applicant by blood or marriage. All references must have been written for the purpose of the application for a license to conduct the private investigation business; and

(2) A nonrefundable application processing service charge of fifty dollars, which shall be payable to the secretary of state to offset the cost of license review and criminal investigation background report from the department of public safety, along with a license fee of one hundred dollars if the applicant is an individual, or two hundred dollars if the applicant is a firm, or five hundred dollars if the applicant is a non-resident of West Virginia or a foreign corporation or business entity. The license fee shall be deposited to the general revenue fund, and shall be refunded only if the license is denied.

(h) All applicants for private detective or private investigator licenses or for private investigation firm licenses shall file in the office of secretary of state a surety bond. Such bond shall:
(1) Be in the sum of two thousand five hundred dollars and conditioned upon the faithful and honest conduct of such business by such applicant;

(2) Be written by a company recognized and approved by the insurance commissioner of West Virginia and approved by the attorney general of West Virginia with respect to its form;

(3) Be in favor of the state of West Virginia for any person who is damaged by any violation of this article. The bond must also be in favor of any person damaged by such a violation.

(i) Any person claiming against the bond required by subsection (h) of this section for a violation of this article may maintain an action at law against any licensed individual or firm and against the surety. The surety shall be liable only for damages awarded under section twelve of this article and not the punitive damages permitted under that section. The aggregate liability of the surety to all persons damaged by a person or firm licensed under this article may not exceed the amount of the bond.

§30-18-6. Application requirements for a license to conduct security guard business.

(a) To be licensed as a security guard or to operate a security guard firm, each applicant shall complete and file a written application, under oath, with the secretary of state and in such form as the secretary may prescribe.

(b) On the application, each applicant shall provide the following information: The applicant’s name, birth date, citizenship, physical description, military service, current residence, residences for the preceding seven years, qualifying education or experience, the location of each of his or her offices in this state and any other information requested by the secretary of state in order to comply with the requirements of this article.

(c) In the case of a corporation that is seeking a firm license, the application shall be signed by the president, and verified by the secretary or treasurer of such corporation and shall specify the name of the corporation,
the date and place of its incorporation, the names and titles
of all officers, the location of its principal place of
business, and the name of the city, town or village, stating
the street and number, and otherwise such apt description
as will reasonably indicate the location. If the corporation
has been incorporated in a state other than West Virginia, a
certificate of good standing from the state of
incorporation must accompany the application. This
information shall be provided in addition to that required
to be provided the applicant.

(d) The applicant shall provide:

(1) Information in the application about whether the
applicant has ever been arrested for or convicted of any
crime or wrongs, either done or threatened, against the
government of the United States;

(2) Information about offenses against the laws of
West Virginia or any state; and

(3) Any facts as may be required by the secretary of
state to show the good character, competency and integrity
of the applicant.

To qualify for a firm license, the applicant shall
provide such information for each person who would be
authorized to conduct security guard business under the
applicant’s firm license and for each officer, member or
partner in the firm.

(e) As part of the application, each applicant shall
give the secretary of state permission to review the records
held by the department of public safety for any
convictions that may be on record for the applicant.

(f) For each applicant for a license and for each
officer, member and partner of the firm applying for a
license, the application shall be accompanied by one
recent full-face photograph and one complete set of the
person’s fingerprints.

(g) For each applicant, the application shall be
accompanied by:
(1) Character references from at least five reputable citizens. Each reference must have known the applicant for at least five years preceding the application. No reference may be connected to the applicant by blood or marriage. All references must have been written for the purpose of the application for a license to conduct security guard business; and

(2) A nonrefundable application processing service charge of fifty dollars, which shall be payable to the secretary of state to offset the cost of license review and criminal investigation background report from the department of public safety, along with a license fee of one hundred dollars if the applicant is an individual, or two hundred dollars if the applicant is a firm, or five hundred dollars if the applicant is a non-resident of West Virginia or a foreign corporation or business entity. The license fee shall be deposited to the general revenue fund, and shall be refunded only if the license is denied.

(h) All applicants for security guard licenses or security guard firm licenses shall file in the office of secretary of state a surety bond. Such bond shall:

(1) Be in the sum of two thousand five hundred dollars and conditioned upon the faithful and honest conduct of such business by such applicant;

(2) Be written by a company recognized and approved by the insurance commissioner of West Virginia and approved by the attorney general of West Virginia with respect to its form;

(3) Be in favor of the state of West Virginia for any person who is damaged by any violation of this article. The bond must also be in favor of any person damaged by such a violation.

(i) Any person claiming against the bond required by subsection (h) of this section for a violation of this article may maintain an action at law against any licensed individual or firm and against the surety. The surety shall be liable only for damages awarded under section twelve of this article and not the punitive damages permitted
CHAPTER 31. CORPORATIONS.

ARTICLE 1. BUSINESS AND NONPROFIT CORPORATIONS.

§31-1-15. Secretary of state constituted attorney-in-fact for all corporations; manner of acceptance or service of notices and process upon secretary of state; what constitutes conducting affairs or doing or transacting business in this state for purposes of this section.

The secretary of 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 every foreign corporation authorized to conduct affairs or do or transact business herein pursuant to the provisions of this article, with authority to accept service of notice and process on behalf of every such corporation 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 secretary of state 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 secretary of state with the original notice or process, together with the fee required by section two, article one, chapter fifty-nine of this code, the secretary of state 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 one copy of such process or notice by registered or certified mail, return receipt requested, to the person to whom notice and process shall be sent, whose name and address were last furnished to the state officer at the time authorized by statute to accept service of notice and process and upon whom notice and process may be served; and if no such person has been named, to the principal office of the corporation at the address last furnished to the state officer at the time authorized by statute to accept service of process and upon whom process may be served, as
required by law. No process or notice shall be served on
the secretary of state or accepted by him less than ten days
before the return day thereof. Such corporation shall pay
the annual fee prescribed by article twelve, chapter eleven
of this code for the services of the secretary of state as its
attorney-in-fact.

Any foreign corporation which shall conduct affairs
or do or transact business in this state without having been
authorized so to do pursuant to the provisions of this
article shall be conclusively presumed to have appointed
the secretary of state as its attorney-in-fact with authority
to accept service of notice and process on behalf of such
corporation and upon whom service of notice and process
may be made in this state for and upon every such
corporation in any action or proceeding described in the
next following paragraph of this section. No act of such
corporation appointing the secretary of state as 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 secretary of state with the original
notice or process, together with the fee required by section
two, article one, chapter fifty-nine of this code, the
secretary of state 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
one copy of such process or notice by registered or
certified mail, return receipt requested, to such corporation
at the address of its principal office, which address shall be
stated in such process or notice. Such service or
acceptance of such process or notice shall be sufficient if
such return receipt shall be signed by an agent or
employee of such corporation, or the registered or
certified mail so sent by the secretary of state is refused by
the addressee and the registered or certified mail is
returned to the secretary of state, or to his office, showing
thereon the stamp of the United States postal service that
delivery thereof has been refused, and such return receipt
or registered or certified mail is appended to the original
process or notice and filed therewith in the clerk’s office
of the court from which such process or notice was issued.
No process or notice shall be served on the secretary of state or accepted by him less than ten days before the return date thereof. The court may order such continuances as may be reasonable to afford each defendant opportunity to defend the action or proceedings.

For the purpose of this section, a foreign corporation not authorized to conduct affairs or do or transact business in this state pursuant to the provisions of this article shall nevertheless be deemed to be conducting affairs or doing or transacting business herein (a) if such corporation makes a contract to be performed, in whole or in part, by any party thereto, in this state, (b) if such corporation commits a tort, in whole or in part, in this state, or (c) if such corporation manufactures, sells, offers for sale or supplies any product in a defective condition and such product causes injury to any person or property within this state notwithstanding the fact that such corporation had no agents, servants or employees or contacts within this state at the time of said injury. The making of such contract, the committing of such tort or the manufacture or sale, offer of sale or supply of such defective product as hereinabove described shall be deemed to be the agreement of such corporation that any notice or process served upon, or accepted by, the secretary of state pursuant to the next preceding paragraph of this section in any action or proceeding against such corporation arising from, or growing out of, such contract, tort, or manufacture or sale, offer of sale or supply of such defective product shall be of the same legal force and validity as process duly served on such corporation in this state.

§31-1-56. Appointment of person to whom notice or process may be sent by the secretary of state; change of principal office or name and address of person to receive notice or process.

(a) A corporation may at any time appoint a person other than the corporation to whom notice or process served upon the secretary of state or service of which is accepted by the secretary of state may be sent, as required
by section fifteen of this article, by filing with the secretary of state a statement setting forth:

(1) The name of the corporation and the state of its incorporation.

(2) The present address of its principal office.

(3) Express appointment of and the name and address of the person to whom notice or process shall be sent by the secretary of state under section fifteen of this article.

(4) Express authority to the secretary of state to send to such person at the address given, all notices and process served upon the secretary of state or service of which is accepted by the secretary of state.

(5) That such appointment was duly authorized by the board of directors of the corporation.

Such statement shall be signed by the president or a vice president or secretary or an assistant secretary, of the corporation, verified by the signer and delivered to the secretary of state, and upon receipt thereof shall be filed by the secretary of state in his office.

(b) A corporation may at any time change the address of its principal office; or the name and address, or the address, of the person to whom shall be sent notice or process served upon, or service of which is accepted by, the secretary of state. Such change shall become effective as the name and address or address last furnished to the secretary of state for the purposes of section fifteen of this article only when such corporation has filed in the office of the secretary of state a statement setting forth:

(1) The name of the corporation.

(2) The state under whose laws it was incorporated.

(3) If the address of the principal office is changed, then the address of the former or present principal office and the address to which it is changed or to be changed.
(4) If the name and address or address only of the person to whom notice or process is to be sent is to be changed, then the name and address of such person to be used from and after the filing of the statement required by this section.

(5) That such change was duly authorized by the board of directors.

(c) The corporation may file a record of the election or appointment of new corporate officers, setting forth:

(1) The name and principal office address of the corporation.

(2) The name, address and office of each new officer.

(3) That the officers were duly elected or appointed.

Such statement shall be signed by the president, vice president, secretary or assistant secretary of the corporation and verified by him. The fee for filing any notice of a change of agent, officers and/or principal office address shall be as required by section two, article one, chapter fifty-nine of this code.

CHAPTER 31B. UNIFORM LIMITED LIABILITY COMPANY ACT.

ARTICLE 1. GENERAL PROVISIONS.

§31B-1-111. Service of process.

(a) An agent for service of process appointed by a limited liability company or a foreign limited liability company is an agent of the company for service of any process, notice or demand required or permitted by law to be served upon the company.

(b) If a limited liability company or foreign limited liability company fails to appoint or maintain an agent for service of process in this state or the agent for service of process cannot with reasonable diligence be found at the agent’s address, the secretary of state is an agent of the
company upon whom process, notice or demand may be served.

(c) Service of any process, notice or demand on the secretary of state may be made by delivering to and leaving with the secretary of state, the assistant secretary of state or clerk having charge of the limited liability company department of the secretary of state, the original process, notice or demand and two copies thereof for each defendant, along with the fee required by section two, article one, chapter fifty-nine of this code. No process, notice or demand may be served on or accepted by the secretary of state less than ten days before the return day thereof. If the process, notice or demand is served on the secretary of state, the secretary of state shall forward one of the copies by registered or certified mail, return receipt requested, to the company at its designated office and shall file in his or her office a copy of such process, notice or demand, with a note thereon endorsed of the time of service, or acceptance, as the case may be. Such service or acceptance of such process, notice or demand is sufficient if such return receipt is signed by an agent or employee of such company, or the registered or certified mail so sent by the secretary of state is refused by the addressee and the registered or certified mail is returned to the secretary of state, showing thereon the stamp of the United States postal service that delivery thereof has been refused, and such return receipt or registered or certified mail is appended to the original process, notice or demand and filed therewith in the clerk’s office of the court from which such process, notice or demand was issued.

(d) The secretary of state shall keep a record of all processes, notices and demands served pursuant to this section and record the time of and the action taken regarding the service.

(e) This section does not affect the right to serve process, notice or demand in any manner otherwise provided by law.

CHAPTER 33. INSURANCE.

ARTICLE 4. GENERAL PROVISIONS.
§33-4-12. Service of process on licensed insurers.

1 The secretary of state shall be, and is hereby constituted, the attorney-in-fact of every licensed insurer, domestic, foreign, or alien, transacting insurance in this state, upon whom all legal process in any action, suit or proceeding against it shall be served, and he may accept service of such process. Such process shall be served upon the secretary of state, or accepted by him, in the same manner as provided for service of process upon unlicensed insurers under subdivisions (2) and (3) of subsection (b) of section thirteen of this article. Each licensed insurer shall pay to the secretary of state an annual fee of ten dollars for services as authorized agent for service of process, which shall be used to offset the costs of the secretary of state for his or her services as attorney-in-fact.

§33-4-13. Service of process on unlicensed insurers.

(a) The purpose of this section is to subject certain insurers to the jurisdiction of the courts of this state in suits by or on behalf of insureds or beneficiaries under certain insurance contracts and to subject said insurers to the jurisdiction of the courts of this state in suits by or on behalf of the insurance commissioner of West Virginia. The Legislature declares that it is a subject of concern that certain insurers, while not licensed to transact insurance in this state, are soliciting the sale of insurance and selling insurance to residents of this state, thus presenting the insurance commissioner with the problem of resorting to courts of foreign jurisdictions for the purpose of enforcing the insurance laws of this state for the protection of our citizens. The Legislature declares that it is also a subject of concern that many residents of this state hold policies of insurance issued or delivered in this state by insurers not licensed to transact insurance in this state, thus presenting to such residents the often insuperable obstacle of resorting to distant fora for the purpose of asserting legal rights under such policies. In furtherance of such state interest, the Legislature herein provides a method of substituted service of process upon such insurers and declares that in so doing it exercises its
powers to protect its residents and to define, for the purpose of this section, what constitutes transacting insurance in this state, and also exercises powers and privileges available to the state by virtue of public law number fifteen, seventy-ninth Congress of the United States, chapter twenty, first session, Senate number three hundred forty, as amended, which declares that the business of insurance and every person engaged therein shall be subject to the laws of the several states.

(b) (1) Any of the following acts in this state, effected by mail or otherwise, by an unlicensed foreign or alien insurer: (i) The issuance or delivery of contracts of insurance to residents of this state or to corporations authorized to do business therein, (ii) the solicitation of applications for such contracts, (iii) the collection of premiums, membership fees, assessments or other considerations for such contracts, or (iv) any other transaction of business, is equivalent to and shall constitute an appointment by such insurer of the secretary of state and his or her successor in office, to be its true and lawful attorney, upon whom may be served all lawful process in any action, suit or proceeding instituted by or on behalf of an insured or beneficiary arising out of any such contract of insurance, and in any action, suit or proceeding which may be instituted by the insurance commissioner in the name of any such insured or beneficiary or in the name of the state of West Virginia, and in any administrative proceeding before the commissioner, and any such act shall be signification of its agreement that such service of process is of the same legal force and validity as personal service of process in this state upon such insurer.

(2) Such service of process upon any such insurer or upon an insurer pursuant to section twenty-two, article three of this chapter in any such action or proceeding in any court of competent jurisdiction of this state, or in any administrative proceeding before the commissioner, may be made by serving the secretary of state or his or her chief clerk with two copies and an original thereof and the payment to him or her of the fee required by section two, article one, chapter fifty-nine of this code. The secretary of state shall forward a copy of such process by registered
or certified mail to the defendant at its last-known principal place of business and shall keep a record of all process so served upon him or her. Such service of process is sufficient, provided notice of such service and a copy of the process are sent within ten days thereafter by or on behalf of the plaintiff or moving party to the defendant, or responding party, at its last-known principal place of business by registered or certified mail with return receipt requested. The plaintiff or moving party shall file with the clerk of the court in which the action is pending, or with the judge or magistrate of such court in case there be no clerk, or in the official records of the commissioner if an administrative proceeding before the commissioner, an affidavit of compliance herewith, a copy of the process and either a return receipt purporting to be signed by the defendant or responding party or a person qualified to receive its registered or certified mail in accordance with the rules and customs of the post-office department; or, if acceptance was refused by the defendant or responding party or an agent thereof, the original envelope bearing a notation by the postal authorities that receipt was refused. Service of process so made shall be deemed to have been made within the territorial jurisdiction of any court in this state.

(3) Service of process in any such action, suit or proceeding shall in addition to the manner provided in subdivision (2) of this subsection (b) be valid if served upon any person within this state who, in this state on behalf of such insurer, is

(A) Soliciting insurance, or

(B) Making, issuing or delivering any contract of insurance, or

(C) Collecting or receiving any premium, membership fee, assessment or other consideration for insurance: Provided, That notice of such service and a copy of such process are sent within ten days thereafter, by or on behalf of the plaintiff or moving party to the defendant or responding party at the last-known principal place of business of the defendant or responding party, by registered or certified mail with return receipt requested.
The plaintiff or moving party shall file with the clerk of the court in which the action is pending, or with the judge or magistrate of such court in case there be no clerk, or in the official records of the commissioner if an administrative proceeding before the commissioner, an affidavit of compliance herewith, a copy of the process and either a return receipt purporting to be signed by the defendant or responding party, or a person qualified to receive its registered or certified mail in accordance with the rules and customs of the post-office department; or, if acceptance was refused by the defendant or responding party, or an agent thereof, the original envelope bearing a notation by the postal authorities that receipt was refused.

(4) The papers referred to in subdivisions (2) and (3) of this subsection (b) shall be filed within thirty days after the return receipt or other official proof of delivery or the original envelope bearing a notation of refusal, as the case may be, is received by the plaintiff or moving party. Service of process shall be complete ten days after such process and the accompanying papers are filed in accordance with this section.

(5) Nothing in this section contained shall limit or abridge the right to serve any process, notice or demand upon any insurer in any other manner now or hereafter permitted by law.

(c)(1) Before any unauthorized or unlicensed foreign or alien insurer shall file or cause to be filed any pleading in any action, suit or proceeding instituted against it, or any notice, order, pleading or process in an administrative proceeding before the commissioner instituted against such insurer, such unauthorized or unlicensed insurer shall either (i) deposit with the clerk of the court in which such action, suit or proceeding is pending, or with the commissioner in an administrative proceeding before the commissioner, cash or securities or file with such clerk or the commissioner a bond with good and sufficient sureties, to be approved by the court or the commissioner, in an amount to be fixed by the court or commissioner sufficient to secure the payment of any final judgment which may be rendered in such action or
Provided, That the court or the commissioner may in its, his or her respective discretion make an order dispensing with such deposit or bond where the auditor of the state shall have certified to such court or commissioner that such insurer maintains within this state funds or securities in trust or otherwise sufficient and available to satisfy any final judgment which may be entered in such action, suit or proceeding; or (ii) procure a license to transact insurance in this state.

(2) The court or the commissioner in any action, suit or proceeding in which service is made in the manner provided in subdivision (2) or (3), subsection (b) of this section may, in its, his or her respective discretion, order such postponement as may be necessary to afford the defendant or responding party reasonable opportunity to comply with the provisions of subdivision (1) of this subsection (c) and to defend such action or proceeding.

(3) Nothing in subdivision (1) of this subsection (c) is to be construed to prevent an unauthorized or unlicensed foreign or alien insurer from filing a motion to set aside service thereof made in the manner provided in subdivision (2) or (3), subsection (b) of this section on the grounds that such insurer has not done any of the acts enumerated in subdivision (1), subsection (b) of this section, or in section twenty-two, article three of this chapter.

(d) In any action against an unauthorized or unlicensed foreign or alien insurer upon a contract of insurance issued or delivered in this state to a resident thereof or to a corporation authorized to do business therein, if the insurer has failed for thirty days after demand prior to the commencement of the action to make payment in accordance with the terms of the contract, and it appears to the court that such refusal was vexatious and without reasonable cause, the court may allow to the plaintiff a reasonable attorney’s fee and include such fee in any judgment that may be rendered in such action. Such fee shall not exceed twelve and one-half percent of the amount which the court finds the plaintiff is entitled to recover against the insurer, but in no event shall such fee
be less than twenty-five dollars. Failure of an insurer to defend any such action shall be deemed prima facie evidence that its failure to make payment was vexatious and without reasonable cause.

CHAPTER 38. LIENS.
ARTICLE 1A. TRUSTEES OF SECURITY TRUSTS.
§38-1A-8. How service of process or notice made.

Service of such process or notice shall be made by mailing or delivering to the office of said secretary of state three copies of such process or notice, with a notation thereon of the residence address of the trustee upon whom service is being had, as stated in the security trust; if the address of the trustee be not stated in the security trust, the notation shall state the address of the beneficiary of such trust as given in the security trust; and service thereof shall be complete upon the receipt in said office of such notice or process bearing such notation and accompanied by the fee required by section two, article one, chapter fifty-nine of this code, which shall be taxed as costs in the suit, action or proceeding. The secretary of state shall pay into the state treasury all funds so coming into his hands, and shall keep one copy of all such process and notices, with a record of the day and hour of service thereof.

ARTICLE 5A. SUGGESTIONS OF SALARY AND WAGES OF PERSONS ENGAGED IN PRIVATE EMPLOYMENT.
§38-5A-5. Service of suggestee execution upon suggestee; payments in satisfaction of execution; action for failure or refusal to pay; payments to be made every ninety days.

(a) Service of a suggestee execution against salary or wages may be made by the clerk of the circuit court or the magistrate court clerk, as the case may be, by sending a copy of the suggestee execution to the suggestee by certified mail, return receipt requested, with delivery restricted to the addressee. If the registered mail is unclaimed, or otherwise is not accepted or is refused by the suggestee, then service of the suggestee execution shall
be made in the same manner as a summons commencing
an action is served, in accordance with the rules of civil
procedure for trial courts of record: Provided, That if the
suggestee is located in a county other than the county
where the suggestee execution issues, the clerk may mail
the suggestee execution by first class mail to the sheriff of
the other county for such service. If the service is made on
a corporation, limited liability company, or other person
or entity through the secretary of state, it shall be
submitted along with the fee required by section two,
article one, chapter fifty-nine of this code.

(b) If the suggestee served with the execution is
indebted or will in the future become indebted to the
judgment debtor for salary or wages, then during the time
the execution remains a lien on any indebtedness for
salary and wages, the suggestee is required to pay over to
the officer serving the same or to the judgment creditor
the percentage of the indebtedness required by section
three of this article, until the execution is wholly satisfied.
The suggestee shall deduct the amounts paid from the
amounts payable to the judgment debtor as salary or
wages, and the deduction of these amounts is a bar to any
further action by the judgment creditor against the wages
or salary of the judgment debtor.

(c) Once every ninety days during the life of such
execution and any renewal execution, the suggestee upon
whom the execution or any renewal execution is served
shall pay over to the officer who served the same or to the
judgment creditor the full amount of money held or
retained pursuant to such execution or renewal execution
during the preceding ninety days.

If the suggestee upon whom the execution is served
fails or refuses to pay over to the officer serving the
execution or to the judgment creditor the required
percentage of the indebtedness, as aforesaid, he or she
shall be liable to an action therefor by the judgment
creditor named in the execution and the amount recovered
in the action shall be applied in satisfaction of the
execution.

CHAPTER 46. UNIFORM COMMERCIAL CODE.
ARTICLE 9. SECURED TRANSACTIONS; SALES OF ACCOUNTS AND CHATTEL PAPERS.

§46-9-403. What constitutes filing; duration of filing; effect of lapsed filing; duties of filing officer.

(1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this article.

(2) Except as provided in subsection (6) or in subsection (8), a filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of the five-year period, unless a continuation statement is filed prior to the lapse. If a security interest perfected by filing exists at the time insolvency proceedings are commenced by or against the debtor, the security interest remains perfected until termination of the insolvency proceedings and thereafter for a period of sixty days or until expiration of the five-year period, whichever occurs later. Upon lapse the security interest becomes unperfected, unless it is perfected without filing. If the security interest becomes unperfected upon lapse, it is deemed to have been unperfected as against a person who became a purchaser or lien creditor before lapse.

(3) A continuation statement may be filed by the secured party within six months prior to the expiration of the five-year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and state that the original statement is still effective. A continuation statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of section 9-405, including payment of the required fee. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation
statements may be filed in the same manner to continue
the effectiveness of the original statement. Unless a statute
on disposition of public records provides otherwise, the
filing officer may remove a lapsed statement from the files
and destroy it immediately if he has retained a microfilm
or other photographic record, or in other cases after one
year after the lapse. The filing officer shall so arrange
matters by physical annexation of financing statements to
continuation statements or other related filings, or by
other means, that if he physically destroys the financing
statements of a period more than five years past, those
which have been continued by a continuation statement or
which are still effective under subsection (6) shall be
retained.

(4) Except as provided in subsection (7), a filing
officer shall mark each statement with a file number and
with the date and hour of filing and shall hold the
statement or a microfilm or other photographic copy
thereof for public inspection. In addition the filing
officer shall index the statements according to the name of
the debtor and shall note in the index the file number and
the address of the debtor given in the statement.

(5) The uniform fee for filing and indexing and for
stamping a copy furnished by the secured party to show
the date and place of filing for an original financing
statement or for a continuation statement shall be ten
dollars. The secured party may at his option show a trade
name for any person.

(6) If the debtor is a transmitting utility (subsection
(5) of section 9-401) and a filed financing statement so
states, it is effective until a termination statement is filed.
A real estate mortgage which is effective as a fixture filing
under subsection (6) of section 9-402 remains effective as
a fixture filing until the mortgage is released or satisfied
of record or its effectiveness otherwise terminates as to the
real estate.

(7) When a financing statement covers timber to be
cut or covers minerals or the like (including oil and gas)
or accounts subject to subsection (5) of section 9-103, or
is filed as a fixture filing, it shall be filed for record and
the filing officer shall index it under the names of the
debtor and any owner of record shown on the financing
statement in the same fashion as if they were the
mortgagors in a mortgage of the real estate described, and,
to the extent that the law of this state provides for indexing
of mortgages under the name of the mortgagee, under the
name of the secured party as if he were the mortgagee
thereunder, or where indexing is by description in the
same fashion as if the financing statement were a
mortgage of the real estate described.

(8) Notwithstanding any provision of this code to the
contrary, a filed financing statement on public bond issues
of counties, municipalities or public service districts of this
state shall be effective for the life of such bond issues
without the need for filing continuation statements.


(1) If a financing statement covering consumer
goods is filed on or after the first day of July, 1975, then
within one month or within ten days following written
demand by the debtor after there is no outstanding
secured obligation and no commitment to make advances,
incur obligations or otherwise give value, the secured party
must file with each filing officer with whom the financing
statement was filed, a termination statement to the effect
that he no longer claims a security interest under the
financing statement, which shall be identified by file
number. In other cases whenever there is no outstanding
secured obligation and no commitment to make advances,
incur obligations or otherwise give value, the secured party
must on written demand by the debtor send the debtor, for
each filing officer with whom the financing statement was
filed, a termination statement to the effect that he no
longer claims a security interest under the financing
statement, which shall be identified by file number. A
termination statement signed by a person other than the
secured party of record must be accompanied by a
separate written statement of assignment signed by the
secured party of record complying with subsection (2) of
section 9-405, including payment of the required fee. If
the affected secured party fails to file such a termination
statement as required by this subsection, or to send such a
termination statement within ten days after proper demand
therefor he shall be liable to the debtor for one hundred
dollars, and in addition for any loss caused to the debtor by such failure.

(2) On presentation to the filing officer of such a
termination statement he must note it in the index. If he
has received the termination statement in duplicate, he
shall return one copy of the termination statement to the
secured party stamped to show the time of receipt thereof.
If the filing officer has a microfilm or other photographic
record of the financing statement, and of any related
continuation statement, statement of assignment and
statement of release, he may remove the originals from the
files at any time after receipt of the termination statement,
or if he has no such record, he may remove them from the
files at any time after one year after receipt of the
termination statement.

(3) The uniform fee for filing and indexing the
termination statement shall be ten dollars.

§46-9-405. Assignment of security interest; duties of filing
officer; fees.

(1) A financing statement may disclose an
assignment of a security interest in the collateral described
in the financing statement by indication in the financing
statement of the name and address of the assignee or by
an assignment itself or a copy thereof on the face or back
of the statement. On presentation to the filing officer of
such a financing statement the filing officer shall mark the
same as provided in section 9-403 (4). The uniform fee
for filing, indexing and furnishing filing data for a
financing statement so indicating an assignment shall be
ten dollars.

(2) A secured party may assign of record all or a
part of his rights under a financing statement by the filing
in the place where the original financing statement was
filed of a separate written statement of assignment signed
by the secured party of record and setting forth the name
of the secured party of record and the debtor, the file
number and the date of filing of the financing statement
and the name and address of the assignee and containing a
description of the collateral assigned. A copy of the
assignment is sufficient as a separate statement if it
complies with the preceding sentence. On presentation to
the filing officer of such a separate statement, the filing
officer shall mark such separate statement with the date
and hour of the filing. He shall note the assignment on
the index of the financing statement, or in the case of a
fixture filing, or a filing covering timber to be cut, or
covering minerals or the like (including oil and gas) or
accounts subject to subsection (5) of section 9-103, he
shall index the assignment under the name of the assignor
as grantor and, to the extent that the law of this state
provides for indexing the assignment of a mortgage under
the name of the assignee, he shall index the assignment of
the financing statement under the name of the assignee.
The uniform fee for filing, indexing and furnishing filing
data about such a separate statement of assignment shall
be ten dollars. Notwithstanding the provisions of this
subsection, an assignment of record of a security interest
in a fixture contained in a mortgage effective as a fixture
filing (subsection (6) of section 9-402) may be made only
by an assignment of the mortgage in the manner provided
by the law of this state other than this chapter.

(3) After the disclosure or filing of an assignment
under this section, the assignee is the secured party of
record.

§46-9-406. Release of collateral; duties of filing officer; fees.

A secured party of record may by his signed
statement release all or a part of any collateral described in
a filed financing statement. The statement of release is
sufficient if it contains a description of the collateral being
released, the name and address of the debtor, the name
and address of the secured party, and the file number of
the financing statement. A statement of release signed by
a person other than the secured party of record must be
accompanied by a separate written statement of
assignment signed by the secured party of record and
complying with subsection (2) of section 9-405, including
payment of the required fee. Upon presentation of such a statement of release to the filing officer he shall mark the statement with the hour and date of filing and shall note the same upon the margin of the index of the filing of the financing statement. The uniform fee for filing and noting such a statement of release shall be ten dollars.

§46-9-407. Information from filing officer; central indexing system for recording security interest in farm products; contents.

(1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the secretary of state shall issue his certificate showing whether there is on file in his office on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be five dollars plus fifty cents for each financing statement and for each statement of assignment reported therein. Upon request the filing officer shall furnish a copy of any filed financing statement or statement of assignment for a uniform fee of fifty cents per page.

(3) The secretary of state shall develop and implement a central indexing system containing the information filed with his office pursuant to subsection four, section three hundred seven of this article. Under this system, the secretary shall record the date and time of filing and compile the information into a master list organized according to farm products. The list shall be organized within each farm product category in alphabetical order according to the last name of the borrower, or in the case of borrowers doing business other than as individuals, the first word in the name of such borrower in numerical order according to the social
32 security or taxpayer identification number of the
33 borrower, geographically by county and by crop year.
34 The master list shall also contain the name and address of
35 the secured party, the name and address of the borrower, a
36 description of the farm products, including amount where
37 applicable, subject to the security interest, and a reasonable
38 description of the real estate, including the county where
39 or upon which the farm products are located.
40
(4) The secretary of state shall maintain a list of all
41 buyers of farm products, commission merchants and
42 selling agents who register with the secretary of state
43 indicating an interest in receiving the lists described in
44 subsection five of this section.
45
(5) The secretary of state shall distribute on a regular
46 basis as determined by the secretary of state to each buyer,
47 commission merchant and selling agent registered under
48 subsection four, a copy in written or printed form of those
49 portions of the master list which the buyer, commission
50 merchant or selling agent has indicated an interest in
51 receiving.
52
(6) Upon the request of any person, the secretary of
53 state shall provide within twenty-four hours an oral
54 confirmation of the filing of the form described in
55 subsection four, section three hundred seven of this article,
56 followed by a written confirmation.
57
(7) All fees and moneys collected by the secretary of
58 state pursuant to the provisions of this article shall be
59 deposited by the secretary of state in a separate fund in the
60 state treasury and shall be expended solely for the
61 purposes of this article, unless otherwise provided by
62 appropriation or other action of the Legislature.
63
(8) The secretary of state shall, pursuant to the
64 provisions of article three, chapter twenty-nine-a of this
65 code, promulgate rules and set fees, not otherwise
66 provided for by general law, to carry out the duties
67 associated with this article.

CHAPTER 46A. WEST VIRGINIA CONSUMER CREDIT
AND PROTECTION ACT.
ARTICLE 2. CONSUMER CREDIT PROTECTION.

§46A-2-137. Service of process on certain nonresidents.

Any nonresident person, except a nonresident corporation authorized to do business in this state pursuant to the provisions of chapter thirty-one of this code, who takes or holds any negotiable instrument, nonnegotiable instrument, or contract or other writing, arising from a consumer credit sale or consumer lease which is subject to the provisions of this article, other than a sale or lease primarily for an agricultural purpose, or who is a lender subject to the provisions of section one hundred three of this article, shall be conclusively presumed to have appointed the secretary of state as his attorney-in-fact with authority to accept service of notice and process in any action or proceeding brought against him arising out of such consumer credit sale, consumer lease or consumer loan. A person shall be considered a nonresident hereunder if he is a nonresident at the time such service of notice and process is sought. No act of such person appointing the secretary of state 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 secretary of state with the original notice or process, together with the fee required by section two, article one, chapter fifty-nine of this code, the secretary of state 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 one copy of such process or notice by registered or certified mail, return receipt requested, to such person at his address, which address shall be stated in such process or notice: Provided, That such return receipt shall be signed by such person or an agent or employee of such person if a corporation, or the registered or certified mail so sent by said secretary of state is refused by the addressee and the registered or certified mail is returned to said secretary of state, or to his office, showing thereon the stamp of the U.S. postal service that delivery thereof has been refused, and such return receipt or registered or certified mail is appended to the original process or notice and filed.
therewith in the clerk’s office of the court from which
such process or notice was issued. But no process or
notice shall be served on the secretary of state or accepted
fewer than ten days before the return date thereof. The
court may order such continuances as may be reasonable
to afford each defendant opportunity to defend the action
or proceeding.

The provisions for service of process or notice herein
are cumulative and nothing herein contained shall be
construed as a bar to the plaintiff in any action from
having process or notice in such action served in any other
mode and manner provided by law.

CHAPTER 47. REGULATION OF TRADE.

ARTICLE 9. UNIFORM LIMITED PARTNERSHIP ACT.

§47-9-4. Secretary of state constituted attorney-in-fact for all
limited partnerships; manner of acceptance or
service of notice and process upon secretary of
state; what constitutes conducting affairs or doing
or transacting business in this state for purposes of
this section.

The secretary of state is hereby constituted the
attorney-in-fact for and on behalf of every limited
partnership created by virtue of the laws of this state and
every foreign limited partnership authorized to conduct
affairs or do or transact business herein pursuant to the
provisions of this article, with authority to accept service of
notice and process on behalf of every such limited
partnership and upon whom service of notice and process
may be made in this state for and upon every such limited
partnership. No act of such limited partnership appointing
the secretary of state 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 secretary of state with the original notice or process,

Together with the fee required by section two, article one,
chapter fifty-nine of this code, the secretary of state 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 one copy of such process or notice by registered or certified mail, return receipt requested, to the person to whom notice and process shall be sent, whose name and address were last furnished to the state officer at the time authorized by statute to accept service of notice and process and upon whom notice and process may be served; and if no such person has been named, to the principal office of the limited partnership at the address last furnished to the state officer at the time authorized by statute to accept service of process and upon whom process may be served, as required by law. No process or notice shall be served on the secretary of state or accepted by him less than ten days before the return day thereof. Such limited partnership shall pay the annual fee prescribed by article twelve, chapter eleven of this code for the services of the secretary of state as its attorney-in-fact.

Any foreign limited partnership which shall conduct affairs or do or transact business in this state without having been authorized so to do pursuant to the provisions of this article shall be conclusively presumed to have appointed the secretary of state as its attorney-in-fact with authority to accept service of notice and process on behalf of such limited partnership and upon whom service of notice and process may be made in this state for and upon every such limited partnership in any action or proceeding described in the next following paragraph of this section. No act of such limited partnership appointing the secretary of state as 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 secretary of state with the original notice or process, together with the fee required by section two, article one, chapter fifty-nine of this code, the secretary of state 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 one copy of such process or notice by registered or certified mail, return receipt requested, to such limited partnership at the address of its principal office, which address shall be stated
in such process or notice. Such service or acceptance of
such process or notice shall be sufficient if such return
receipt shall be signed by an agent or employee of such
limited partnership, or the registered or certified mail so
sent by the secretary of state is refused by the addressee
and the registered or certified mail is returned to the
secretary of state, or to his office, showing thereon the
stamp of the United States postal service that delivery
thereof has been refused, and such return receipt or
registered or certified mail is appended to the original
process or notice and filed therewith in the clerk's office
of the court from which such process or notice was issued.
No process or notice shall be served on the secretary of
state or accepted by him less than ten days before the
return date thereof. The court may order such
continuances as may be reasonable to afford each
defendant opportunity to defend the action or
proceedings.

For the purpose of this section, a foreign limited
partnership not authorized to conduct affairs or do or
transact business in this state pursuant to the provisions of
this article shall nevertheless be deemed to be conducting
affairs or doing or transacting business herein (a) if such
limited partnership makes a contract to be performed, in
whole or in part, by any party thereto in this state, (b) if
such limited partnership commits a tort in whole or in part
in this state, or (c) if such limited partnership
manufactures, sells, offers for sale or supplies any product
in a defective condition and such product causes injury to
any person or property within this state notwithstanding
the fact that such limited partnership had no agents,
servants or employees or contacts within this state at the
time of said injury. The making of such contract, the
committing of such tort or the manufacture or sale, offer
of sale or supply of such defective product as hereinabove
described shall be deemed to be the agreement of such
limited partnership that any notice or process served upon,
or accepted by, the secretary of state pursuant to the next
preceding paragraph of this section in any action or
proceeding against such limited partnership arising from
or growing out of such contract, tort or manufacture or
sale, offer of sale or supply of such defective product shall be of the same legal force and validity as process duly served on such limited partnership in this state.

CHAPTER 56. PLEADING AND PRACTICE.

ARTICLE 3. WRITS, PROCESS AND ORDER OF PUBLICATION.

§56-3-31. Actions by or against nonresident operators of motor vehicles involved in highway accidents; appointment of secretary of state, insurance company, as agents; service of process.

(a) Every nonresident, for the privilege of operating a motor vehicle on a public street, road or highway of this state, either personally or through an agent, appoints the secretary of state, or his or her successor in office, to be his or her agent or attorney-in-fact upon whom may be served all lawful process in any action or proceeding against him or her in any court of record in this state arising out of any accident or collision occurring in the state of West Virginia in which such nonresident may be involved: Provided, That in the event process against a nonresident defendant cannot be effected through the secretary of state, as provided by this section, for the purpose only of service of process, such nonresident motorist shall be deemed to have appointed as his or her agent or attorney-in-fact any insurance company which has a contract of automobile or liability insurance with said nonresident defendant.

(b) For purposes of service of process as provided in this section, every insurance company shall be deemed the agent or attorney-in-fact of every nonresident motorist insured by such company if the insured nonresident motorist is involved in any accident or collision in this state and service of process cannot be effected upon said nonresident through the office of the secretary of state. Upon receipt of process as hereinafter provided, the insurance company may, within thirty days, file an answer or other pleading or take any action allowed by law on behalf of the defendant.
(c) A nonresident operating a motor vehicle in this state, either personally or through an agent, is deemed to acknowledge the appointment of the secretary of state, or, as the case may be, his or her automobile insurance company, as his or her agent or attorney-in-fact, or the agent or attorney-in-fact of his or her administrator, administratrix, executor or executrix in the event the nonresident dies, and furthermore is deemed to agree that any process against him or her or against his or her administrator, administratrix, executor or executrix, which is served in the manner hereinafter provided, shall be of the same legal force and validity as though said nonresident or his or her administrator, administratrix, executor or executrix were personally served with a summons and complaint within this state.

Any action or proceeding may be instituted, continued or maintained on behalf of or against the administrator, administratrix, executor or executrix of any nonresident who dies during or subsequent to an accident or collision resulting from the operation of a motor vehicle in this state by the nonresident or his or her duly authorized agent.

(d) At the time of filing a complaint against a nonresident motorist who has been involved in an accident or collision in the state of West Virginia and before a summons is issued thereon, the plaintiff, or someone for him or her, shall execute a bond in the sum of one hundred dollars before the clerk of the court in which the action is filed, with surety to be approved by said clerk, conditioned that on failure of the plaintiff to prevail in the action he or she will reimburse the defendant, or cause the defendant to be reimbursed, the necessary expense incurred in the defense of the action in this state. Upon the issue of a summons the clerk will certify thereon that the bond has been given and approved.

(e) Service of process upon a nonresident defendant shall be made by leaving the original and two copies of both the summons and complaint, together with the bond certificate of the clerk, and the fee required by section two, article one, chapter fifty-nine of this code with the
secretary of state, or in his or her office, and said service shall be sufficient upon the nonresident defendant or, if a natural person, his or her administrator, administratrix, executor or executrix: **Provided,** That notice of service and a copy of the summons and complaint shall be sent by registered or certified mail, return receipt requested, by the secretary of state to the nonresident defendant. The return receipt signed by the defendant or his or her duly authorized agent shall be attached to the original summons and complaint and filed in the office of the clerk of the court from which process is issued. In the event the registered or certified mail sent by the secretary of state is refused or unclaimed by the addressee or if the addressee has moved without any forwarding address, the registered or certified mail returned to the secretary of state, or to his or her office, showing thereon the stamp of the post office department that delivery has been refused or not claimed or that the addressee has moved without any forwarding address, shall be appended to the original summons and complaint and filed in the clerk’s office of the court from which process issued. The court may order such continuances as may be reasonable to afford the defendant opportunity to defend the action.

(f) The fee remitted to the secretary of state at the time of service, shall be taxed in the costs of the proceeding and the secretary of state shall pay into the state treasury all funds so coming into his or her hands from such service. The secretary of state shall keep a record in his or her office of all service of process and the day and hour of service thereof.

(g) In the event service of process upon a nonresident defendant cannot be effected through the secretary of state as provided by this section, service may be made upon the defendant’s insurance company. The plaintiff must file with the clerk of the circuit court an affidavit alleging that the defendant is not a resident of this state; that process directed to the secretary of state was sent by registered or certified mail, return receipt requested; that the registered or certified mail was returned to the office of the secretary of state showing the stamp of the post office department that delivery was refused or that
the notice was unclaimed or that the defendant addressee
moved without any forwarding address; and that the
secretary of state has complied with the provisions of
subsection (e) herein. Upon receipt of process the
insurance company may, within thirty days, file an answer
or other pleading and take any action allowed by law in
the name of the defendant.

(h) The following words and phrases, when used in
this article, shall, for the purpose of this article and unless
a different intent on the part of the Legislature is apparent
from the context, have the following meanings:

(1) “Duly authorized agent” means and includes,
among others, a person who operates a motor vehicle in
this state for a nonresident as defined in this section and
chapter, in pursuit of business, pleasure or otherwise, or
who comes into this state and operates a motor vehicle for,
or with the knowledge or acquiescence of, a nonresident;
and includes, among others, a member of the family of
such nonresident or a person who, at the residence, place
of business or post office of such nonresident, usually
receives and acknowledges receipt for mail addressed to
the nonresident.

(2) “Motor vehicle” means and includes any self-
propelled vehicle, including motorcycle, tractor and trailer,
not operated exclusively upon stationary tracks.

(3) “Nonresident” means any person who is not a
resident of this state or a resident who has moved from the
state subsequent to an accident or collision, and among
others includes a nonresident firm, partnership,
corporation or voluntary association, or a firm,
partnership, corporation or voluntary association that has
moved from the state subsequent to an accident or
collision.

(4) “Nonresident plaintiff or plaintiffs” means a
nonresident who institutes an action in a court in this state
having jurisdiction against a nonresident in pursuance of
the provisions of this article.
(5) “Nonresident defendant or defendants” means a nonresident motorist who, either personally or through his or her agent, operated a motor vehicle on a public street, highway or road in this state and was involved in an accident or collision which has given rise to a civil action filed in any court in this state.

(6) “Street”, “road” or “highway” means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

(7) “Insurance company” means any firm, corporation, partnership or other organization which issues automobile insurance.

(i) The provision for service of process herein is cumulative and nothing herein contained shall be construed as a bar to the plaintiff in any action from having process in such action served in any other mode and manner provided by law.

§56-3-33. Actions by or against nonresident persons having certain contracts with this state; authorizing secretary of state to receive process; bond and fees; service of process; definitions; retroactive application.

(a) The engaging by a nonresident, or by his duly authorized agent, in any one or more of the acts specified in subdivisions (1) through (7) of this subsection shall be deemed equivalent to an appointment by such nonresident of the secretary of state, or his successor in office, to be his true and lawful attorney upon whom may be served all lawful process in any action or proceeding against him, in any circuit court in this state, including an action or proceeding brought by a nonresident plaintiff or plaintiffs, for a cause of action arising from or growing out of such act or acts, and the engaging in such act or acts shall be a signification of such nonresident’s agreement that any such process against him, which is served in the manner hereinafter provided, shall be of the same legal force and validity as though such nonresident
were personally served with a summons and complaint within this state:

(1) Transacting any business in this state;

(2) Contracting to supply services or things in this state;

(3) Causing tortious injury by an act or omission in this state;

(4) Causing tortious injury in this state by an act or omission outside this state if he regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this state;

(5) Causing injury in this state to any person by breach of warranty expressly or impliedly made in the sale of goods outside this state when he might reasonably have expected such person to use, consume or be affected by the goods in this state: Provided, That he also regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this state;

(6) Having an interest in, using or possessing real property in this state; or

(7) Contracting to insure any person, property or risk located within this state at the time of contracting.

(b) When jurisdiction over a nonresident is based solely upon the provisions of this section, only a cause of action arising from or growing out of one or more of the acts specified in subdivisions (1) through (7), subsection (a) of this section may be asserted against him.

(c) At the time of filing a complaint and before a summons is issued thereon, the plaintiff, or someone for him, shall execute a bond in the sum of one hundred dollars before the clerk of the court, with surety to be approved by said clerk, conditioned that on failure of the plaintiff to prevail in the action or proceeding that he will reimburse the defendant, or cause him to be reimbursed, the necessary taxable costs incurred by him in and about
the defense of the action or proceeding in this state, and upon the issuance of a summons, the clerk shall certify thereon that such bond has been given and approved. Service shall be made by leaving the original and two copies of both the summons and the complaint with the certificate aforesaid of the clerk thereon, and the fee required by section two, article one, chapter fifty-nine of this code with the secretary of state, or in his office, and such service shall be sufficient upon such nonresident: Provided, That notice of such service and a copy of the summons and complaint shall forthwith be sent by registered or certified mail, return receipt requested, by the secretary of state to the defendant and the defendant's return receipt signed by himself or his duly authorized agent or the registered or certified mail so sent by the secretary of state which is refused by the addressee and which registered or certified mail is returned to the secretary of state, or to his office, showing thereon the stamp of the post-office department that delivery has been refused, shall be appended to the original summons and complaint and filed therewith in the clerk's office of the court from which process issued. If any defendant served with summons and complaint fails to appear and defend within thirty days of service, judgment by default may be rendered against him at any time thereafter. The court may order such continuances as may be reasonable to afford the defendant opportunity to defend the action or proceeding.

(d) The fee remitted to the secretary of state at the time of service, shall be taxed in the costs of the action or proceeding and the secretary of state shall pay into the state treasury all funds so coming into his hands from such service. The secretary of state shall keep a record in his office of all such process and the day and hour of service thereof.

(e) The following words and phrases, when used in this section, shall for the purpose of this section and unless a different intent be apparent from the context, have the following meanings:
(1) “Duly authorized agent” means and includes among others a person who, at the direction of or with the knowledge or acquiescence of a nonresident, engages in such act or acts and includes among others a member of the family of such nonresident or a person who, at the residence, place of business or post office of such nonresident, usually receives and receipts for mail addressed to such nonresident.

(2) “Nonresident” means any person, other than voluntary unincorporated associations, who is not a resident of this state or a resident who has moved from this state subsequent to engaging in such act or acts, and among others includes a nonresident firm, partnership or corporation or a firm, partnership or corporation which has moved from this state subsequent to any of said such act or acts.

(3) “Nonresident plaintiff or plaintiffs” means a nonresident of this state who institutes an action or proceeding in a circuit court in this state having jurisdiction against a nonresident of this state pursuant to the provisions of this section.

(f) The provision for service of process herein is cumulative and nothing herein contained shall be construed as a bar to the plaintiff in any action or proceeding from having process in such action served in any other mode or manner provided by the law of this state or by the law of the place in which the service is made for service in that place in an action in any of its courts of general jurisdiction.

(g) This section shall not be retroactive and the provisions hereof shall not be available to a plaintiff in a cause of action arising from or growing out of any of said acts occurring prior to the effective date of this section.

CHAPTER 59. FEES, ALLOWANCES AND COSTS; NEWSPAPERS; LEGAL ADVERTISEMENTS.

ARTICLE 1. FEES AND ALLOWANCES.

§59-1-2. Fees to be charged by secretary of state.
Except as may be otherwise provided in this code, the secretary of state shall charge for services rendered in his office the following fees to be paid by the person to whom the service is rendered at the time it is done:

For filing, recording, indexing, preserving a record of and issuing a certificate relating to the formation, amendment, change of name, registration of trade name, merger, consolidation, conversion, renewal, dissolution, termination, cancellation, withdrawal revocation and reinstatement of business entities organized within the state, as follows:

- Articles of incorporation of for-profit corporation ........................................... 50.00
- Articles of incorporation of non-profit corporation .......................................... 25.00
- Agreement of a general partnership ............................................................... 50.00
- Certificate of a limited partnership ............................................................... 100.00
- Agreement of a voluntary association ............................................................ 50.00
- Articles of organization of a business trust ................................................... 50.00

- Amendment or correction of articles of incorporation, including change of name or increase of capital stock, in addition to any applicable license tax ................................................................. 25.00

- Amendment or correction, including change of name, of articles of organization of business trust, limited liability partnership, limited liability company or professional limited liability company, or of certificate of limited partnership or agreement of voluntary association ................................................................. 25.00

- Amendment and restatement of articles of incorporation, certificate of limited partnership, agreement of voluntary association, or articles of organization of limited liability partnership, limited liability company or professional limited liability company, or business trust ................................................................. 25.00
Registration of trade name, otherwise designated as a true name, fictitious name or D.B.A. (doing business as) name for any domestic business entity as permitted by law ........................... 25.00

Articles of merger of two corporations, limited partnerships, limited liability partnerships, limited liability companies or professional limited liability companies, voluntary associations, or business trusts ........ 25.00

Plus for each additional party to the merger in excess of two ................................. 15.00.

Statement of conversion, when permitted, from one business entity into another business entity, in addition to the cost of filing the appropriate documents to organize the surviving entity ................................. 25.00

Articles of dissolution of a corporation, voluntary association or business trust, or statement of dissolution of a general partnership ................................. 25.00

Revocation of voluntary dissolution of a corporation, voluntary association or business trust ................................. 15.00

Articles of termination of a limited liability company, cancellation of a limited partnership or statement of withdrawal of limited liability partnership ................................. 25.00

Reinstatement of a limited liability company or professional limited liability company after administrative dissolution ................................. 25.00

For filing, recording, indexing, preserving a record of and issuing a certificate relating to the registration, amendment, change of name, merger, consolidation, conversion, renewal, withdrawal or termination within this state of business entities organized in other states or countries, as follows:

Certificate of authority of for-profit corporation ................................. 100.00
Certificate of authority of non-profit corporation ............................... 50.00
Certificate of exemption from certificate of authority ........................... 25.00
Registration of a general partnership ............................ 50.00
Registration of a limited partnership .............................. 150.00
Registration of a limited liability partnership for two-year term ................ 500.00
Registration of a voluntary association .......................... 50.00
Registration of a trust or business trust .................... 50.00
Amendment or correction of certificate of authority of a foreign corporation, including change of name or increase of capital stock, in addition to any applicable license tax ................................ 25.00
Amendment or correction of certificate of limited partnership, limited liability company or professional limited liability company, voluntary association, or business trust ................ 25.00
Registration of trade name, otherwise designated as a true name, fictitious name or D.B.A. (doing business as) name for any foreign business entity as permitted by law .............................. 25.00
Amendment and restatement of certificate of authority or of registration of a corporation, limited partnership, limited liability partnership, limited liability company or professional limited liability company, voluntary association, or business trust ................ 25.00
Articles of merger of two corporations, limited partnerships, limited liability partnerships, limited liability companies or professional limited liability companies, voluntary associations, or business trusts ........ 25.00
Plus for each additional party to the merger in excess of two .......................... 5.00
Statement of conversion, when permitted, from one business entity into another business entity, in addition to the cost of filing the appropriate articles or certificate to organize the surviving entity ................. 25.00

Certificate of withdrawal or cancellation of a corporation, limited partnership, limited liability partnership, limited liability company, voluntary association or business trust .................. 25.00

For receiving, filing and recording a change of the principal or designated office, change of the agent of process and/or change of officers, directors, partners, members or managers, as the case may be, of a corporation, limited partnership, limited liability partnership, limited liability company or other business entity as provided by law .................... 15.00

For receiving, filing and preserving a reservation of a name for each 120 days or for any other period in excess of seven days prescribed by law for a corporation, limited partnership, limited liability partnership, or limited liability company .............................. 15.00

For issuing a certificate relating to a corporation or other business entity, as follows:

Certificate of good standing of a domestic or foreign corporation ........................... 10.00

Certificate of existence of a domestic limited liability company, and certificate of authorization foreign limited liability company ............................... 10.00

Certificate of existence of any business entity, trademark or service mark registered with the secretary of state ............................... 10.00

Certified copy of corporate charter or comparable organizing documents for other business entities .. 15.00

Plus, for each additional amendment, restatement or other additional document ................... 5.00
Certificate of registration of the name of a foreign corporation, limited liability company, limited partnership, or limited liability partnership .................. 25.00
and for the annual renewal of the name registration ........................................... 10.00
Any other certificate not herein specified .... 10.00
For issuing a certificate other than those relating to business entities as provided above, as follows:
Certificate or apostille relating to the authority of certain public officers, including the membership of boards and commissions .......................... 10.00
Any other certificate not herein specified .... 10.00
For acceptance, indexing, recordation and execution of service of process by certified or registered mail upon any corporation, limited partnership, limited liability partnership, limited liability company, voluntary association, business trust, insurance company, person or other entity as permitted by law ............... 15.00
For a search of records of the office conducted by employees of or at the expense of the secretary of state upon request, as follows:
For any search of archival records maintained at sites other than the office of the secretary of state, no less than .......................... 10.00
For searches of archival records maintained at sites other than the office of the secretary of state which require more than one hour, for each hour or fraction thereof consumed in making such search .............. 10.00
For any search of records maintained on site for the purpose of obtaining copies of documents or printouts of data .............................. 5.00
For any search of records maintained in electronic format which requires special programming to be performed by the state information services agency or other vendor, any actual cost, but not less than .... 25.00
The cost of the search shall be in addition to the cost of any copies or printouts prepared or any certificate issued pursuant thereto or based thereon.

For recording any paper for which no specific fee is prescribed ............................................. 5.00

For producing and providing photocopies or printouts of electronic data of specific records upon request, as follows:

For a copy of any paper or printout of electronic data, if one sheet ........................................ 1.00

For each sheet after the first ........................................... .50

For sending the copies or lists by fax transmission ................................................................. 5.00

For producing and providing photocopies of lists, reports, guidelines and other documents produced in multiple copies for general public use, a publication price to be established by the secretary of state at a rate approximating 2.00 plus .10 per page, and rounded to the nearest dollar.

For electronic copies of records obtained in data format on disk, the cost of the record in the least expensive available printed format, plus, for each required disk, which shall be provided by the secretary of state, ................................................................. 5.00

The secretary of state may promulgate legislative rules for charges for on-line electronic access to database information or other information maintained by the secretary of state.

For any other work or service not herein enumerated, such fee as may be elsewhere prescribed.

The records maintained by the secretary of state are prepared and indexed at the expense of the state, and those records shall not be obtained for commercial resale without the written agreement of the state to a contract including reimbursement to the state for each instance of resale.
The secretary of state may provide printed or electronic information free of charge as he or she deems necessary and efficient for the purpose of informing the general public or the news media.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect July 1, 1997.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved as the day of Mary, 1997.

Governor