WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2002

ENROLLED

House Bill No. 4558
(By Delegates Kominar, Proudfoot, Fletcher, Stalnaker, Boggs and Browning)

Passed March 8, 2002
In Effect Ninety Days from Passage
AN ACT to amend and reenact section three, article twelve-c, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section two hundred two, article two, chapter thirty-one-b of said code; to amend and reenact section one thousand two, article ten of said chapter; to amend and reenact section eight, article one-a, chapter thirty-eight of said code; to amend and reenact section five hundred twenty-five, article nine, chapter forty-six 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, all relating to fees for articles of organization for limited liability companies and certificate of authority for foreign limited liability companies; deleting bond requirements by a plaintiff against a nonresident prior to filing a complaint and summons in circuit court; providing for the deposit of certain fees; and removing certain contradictory language.

Be it enacted by the Legislature of West Virginia:
That section three, article twelve-c, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section two hundred two, article two, chapter thirty-one-b of said code be amended and reenacted; that section one thousand two, article ten of said chapter be amended and reenacted; that section eight, article one-a, chapter thirty-eight of said code be amended and reenacted; that section five hundred twenty-five, article nine, chapter forty-six 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 11. TAXATION.

ARTICLE 12C. CORPORATE LICENSE TAX.

§11-12C-3. Payment and collection of tax; deposit of money; return required.

1 (a) Payment and collection of tax. — When application is made to the secretary of state for a certificate of incorporation or authority to do business in this state, the applicant shall pay all taxes and fees due under this article; and the secretary of state shall collect the corporate license tax for the first year before issuing the certificate. Thereafter, on or before the first day of the license tax year next following the date of the certificate, and on or before the first day of each succeeding license tax year, the corporation shall pay and the tax commissioner shall collect the tax for a full license tax year together with the statutory attorney fee: Provided, That if the application is made on or after the first day of the second month preceding the beginning of the next license tax year, and before the first day of the license tax year, the secretary of state shall collect the tax for the full year beginning on the first day of the next license tax year in addition to the initial tax, together with the statutory attorney fee.
(b) Deposit of money. — The first year license tax received by the secretary of state pursuant to the provisions of this article shall be deposited by the secretary of state as follows: One-half shall be deposited in the state general revenue fund and one-half shall be deposited in the services fees and collections account established by section two, article one, chapter fifty-nine of this code. The license tax received by the tax commissioner every year after the initial registration shall be deposited into the state general revenue fund.

(c) Returns. — Payment of the tax and statutory attorney fee required under the provisions of this section shall be accompanied by a return on forms provided by the tax commissioner for that purpose. The tax commissioner shall upon completion of processing the return, forward it to the secretary of state, together with a list of all corporations which have paid the tax. The return shall contain: (1) The address of the corporation’s principal office; (2) the names and mailing addresses of its officers and directors; (3) the name and mailing address of the person on whom notice of process may be served; (4) the name and address of the corporation’s parent corporation and of each subsidiary of the corporation licensed to do business in this state; and (5) any other information the tax commissioner considers appropriate. Notwithstanding any other provision of law to the contrary, the secretary of state shall, upon request of any person, disclose: (A) The address of the corporation’s principal office; (B) the names and addresses of its officers and directors; (C) the name and mailing address of the person on whom notice of process may be served; and (D) the name and address of each subsidiary of the corporation and the corporation’s parent corporation.

CHAPTER 31B. UNIFORM LIMITED LIABILITY COMPANY ACT.

ARTICLE 2. ORGANIZATION.

(a) One or more persons may organize a limited liability company, consisting of one or more members, by delivering articles of organization to the office of the secretary of state for filing, together with the fee prescribed by section two, article one, chapter fifty-nine of this code.

(b) Unless a delayed effective date is specified, the existence of a limited liability company begins when the articles of organization are filed.

(c) The filing of the articles of organization by the secretary of state is conclusive proof that the organizers satisfied all conditions precedent to the creation of a limited liability company.

ARTICLE 10. FOREIGN LIMITED LIABILITY COMPANIES.

§31B-10-1002. Application for certificate of authority.

(a) A foreign limited liability company may apply for a certificate of authority to transact business in this state by delivering an application to the secretary of state for filing, together with the fee prescribed by section two, article one, chapter fifty-nine of this code.

(b) The application shall set forth:

1. The name of the foreign company or, if its name is unavailable for use in this state, a name that satisfies the requirements of section 10-1005 of this article;

2. The name of the state or country under whose law it is organized;

3. The street address of its principal office;
(4) The name and address of each member having authority to execute instruments on behalf of the limited liability company;

(5) The address of its initial designated office in this state;

(6) The name and street address of its initial agent for service of process in this state;

(7) Whether the duration of the company is for a specified term and, if so, the period specified;

(8) Whether the company is manager-managed, and, if so, the name and address of each initial manager; and

(9) Whether the members of the company are to be liable for its debts and obligations under a provision similar to section 3-303(c).

(b) A foreign limited liability company shall deliver with the completed application a certificate of existence or a record of similar import authenticated by the secretary of state or other official having custody of company records in the state or country under whose law it is organized.

CHAPTER 38. LIENS.

ARTICLE 1A. TRUSTEES OF SECURITY TRUSTS.

§38-1A-8. How service of process or notice made.

Service of process or notice shall be made by mailing or delivering to the office of the secretary of state three copies of the process or notice, with a notation on the process or notice 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 is not stated in the security trust, the notation shall state the address of the beneficiary of the trust as given in the security trust.
trust; and service of the process or notice is complete upon the
receipt in the office of the secretary of state of the notice or
process bearing the 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 keep one copy of all
process and notices, with a record of the day and hour of service
of the process or notice.

CHAPTER 46. UNIFORM COMMERCIAL CODE.

ARTICLE 9. SECURED TRANSACTIONS; SALES OF ACCOUNTS AND
CHATTEL PAPER.

§46-9-525. Fees.

(a) Initial financing statement or other record: general rule.
— Except as otherwise provided in subsection (e) of this
section, the fee for filing and indexing a record under this part,
other than an initial financing statement of the kind described
in subsection (b) of this section, is the amount specified in
subsection (c) of this section, if applicable, plus:

(1) Ten dollars if the record is communicated in writing and
consists of one or two pages; and

(2) Ten dollars if the record is communicated in writing and
consists of more than two pages; and

(3) Ten dollars if the record is communicated by another
medium authorized by filing-office rule.

(b) Initial financing statement: Public-finance and manuf-
factured housing transactions. — Except as otherwise provided
in subsection (e) of this section, the fee for filing and indexing
an initial financing statement of the following kind is the
amount specified in subsection (c) of this section, if applicable,
plus:
(1) Ten dollars if the financing statement indicates that it is filed in connection with a public-finance transaction;

(2) Ten dollars if the financing statement indicates that it is filed in connection with a manufactured-home transaction.

(c) Number of names. — The number of names required to be indexed does not affect the amount of the fee in subsections (a) and (b) of this section.

(d) Response to information request. — The fee for responding to a request for information from the filing office, including for issuing a certificate showing whether there is on file any financing statement naming a particular debtor, is:

(1) Five dollars if the request is communicated in writing;

(2) Five dollars if the request is communicated by another medium authorized by filing-office rule; and

(3) Fifty cents per page for each active lien.

(e) Record of mortgage. — This section does not require a fee with respect to a record of a mortgage which is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under section 9-502(c) of this article. However, the recording and satisfaction fees that otherwise would be applicable to the record of the mortgage apply.

(f) Deposit of funds. — All fees and moneys collected by the secretary of state pursuant to the provisions of this article shall be deposited by the secretary of state as follows: One-half shall be deposited in the state fund, general revenue, and one-half shall be deposited in the service fees and collections account established by section two, article one, chapter fifty-nine of this code for the operation of the office of the secretary
of state. Any balance remaining on the thirtieth day of June, two thousand one, in the existing special revenue account entitled “uniform commercial code” as established by chapter two hundred four, acts of the Legislature, regular session one thousand nine hundred eighty-nine, shall be transferred to the service fees and collections account established by section two, article one, chapter fifty-nine of this code for the operation of the office of the secretary of state. The secretary of state shall dedicate sufficient resources from that fund or other funds to provide the services required in this article, unless otherwise provided by appropriation or other action by the Legislature.

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 the nonresident was 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, the nonresident motorist shall be considered 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 the nonresident defendant.
(b) For purposes of service of process as provided in this section, every insurance company shall be considered the agent or attorney-in-fact of every nonresident motorist insured by that company if the insured nonresident motorist is involved in any accident or collision in this state and service of process cannot be effected upon the nonresident through the office of the secretary of state. Upon receipt of process as provided in this section, 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 considered 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 considered 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 provided in this section, shall be of the same legal force and validity as though the 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 on
the complaint, 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 the 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 shall 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 the service shall be sufficient upon the
nonresident defendant or, if a natural person, his or her adminis-
trator, 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 on the
mail 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
any reasonable continuances to afford the defendant opportu-
nity 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. 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 of process.

(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 shall 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) of this section. 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, 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 the nonresident or a person who, at the residence, place of business or post office of the nonresident,
(2) “Motor vehicle” means and includes any self-propelled vehicle, including a 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 of the street, road or highway 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 in this section is cumulative and nothing contained in this section shall be construed as a bar to the plaintiff in any action from having process in the 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 or her 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 or her successor in office, to be his or her true and lawful attorney upon whom may be served all lawful process in any action or proceeding against him or her, 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 or her, 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 or she 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 or she might reasonably have expected such person to use, consume or be affected by the goods in this state: Provided, That he or she 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 or her.

(c) Service shall be made by leaving the original and two copies of both the summons and the complaint, 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 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 at his or her nonresident address and the defendant’s return receipt signed by himself or herself or his or her 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 or her 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 or her 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. The secretary of state shall keep a record in his or her 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, partner-
ship 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.

(a) Except as may be otherwise provided in this code, the secretary of state shall charge for services rendered in his or her office the following fees to be paid by the person to whom the service is rendered at the time it is done:

(1) 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:

(A) Articles of incorporation of for-profit corporation ........................................ $50.00

(B) Articles of incorporation of nonprofit corporation ........................................ 25.00

(C) Articles of organization of limited liability company ..................................... 100.00

(D) Agreement of a general partnership ................. 50.00

(E) Certificate of a limited partnership ............... 100.00

(F) Agreement of a voluntary association ............ 50.00

(G) Articles of organization of a business trust .... 50.00

(H) 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

(I) 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

(J) 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
(K) 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

(L) 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

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

(N) 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

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

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

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

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

(2) 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:
63 (A) Certificate of authority of for-profit corporation .......................... $100.00
64 (B) Certificate of authority of nonprofit corporation .......................... 50.00
65 (C) Certificate of authority of foreign limited liability companies ........ 150.00
66 (D) Certificate of exemption from certificate of authority ................... 25.00
67 (E) Registration of a general partnership .......................... 50.00
68 (F) Registration of a limited partnership .......................... 150.00
69 (G) Registration of a limited liability partnership for two-year term .... 500.00
70 (H) Registration of a voluntary association .......................... 50.00
71 (I) Registration of a trust or business trust .......................... 50.00
72 (J) 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
73 (K) Amendment or correction of certificate of limited partnership, limited liability partnership, limited liability company or professional limited liability company, voluntary association or business trust .......................... 25.00
74 (L) 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
75 (M) 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

(N) 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

(O) Plus for each additional party to the merger in excess of two ........................................ 5.00

(P) 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

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

(3) 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

(4) For receiving, filing and preserving a reservation of a name for each one hundred twenty 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

(5) For issuing a certificate relating to a corporation or other business entity, as follows:
(A) Certificate of good standing of a domestic or foreign corporation .................................. $10.00

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

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

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

(E) Plus, for each additional amendment, restatement or other additional document ........................ 5.00

(F) Certificate of registration of the name of a foreign corporation, limited liability company, limited partnership or limited liability partnership ................................. 25.00

(G) And for the annual renewal of the name registration ............................................. 10.00

(H) Any other certificate not specified in this subdivision ............................... 10.00

(6) For issuing a certificate other than those relating to business entities, as provided in this subsection, as follows:

(A) Certificate or apostille relating to the authority of certain public officers, including the membership of boards and commissions ........................................... $10.00

(B) Plus, for each additional certificate pertaining to the same transaction ............................. 5.00
(C) Any other certificate not specified in this subdivision ................................... 10.00

(D) For acceptance, indexing and recordation of service of process 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

(E) For shipping and handling expenses for execution of service of process by certified mail upon any defendant within the United States, which fee is to be deposited to the special revenue account established in this section for the operation of the office of the secretary of state. ................ 5.00

(F) For shipping and handling expenses for execution of service of process upon any defendant outside the United States by registered mail, which fee is to be deposited to the special revenue account established in this section for the operation of the office of the secretary of state. ................ 15.00

(7) 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:

(A) For any search of archival records maintained at sites other than the office of the secretary of state, no less than $10.00

(B) 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 of an hour consumed in making such search ................ 10.00

(C) For any search of records maintained on site for the purpose of obtaining copies of documents or printouts of data .............................. 5.00
(D) 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

(E) The cost of the search is in addition to the cost of any copies or printouts prepared or any certificate issued pursuant to or based on the search.

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

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

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

(B) For each sheet after the first ....................... .50

(C) For sending the copies or lists by fax transmission ...................................................... 5.00

(D) 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.

(E) 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

(b) The secretary of state may propose legislative rules for promulgation for charges for on-line electronic access to database information or other information maintained by the secretary of state.
(c) For any other work or service not enumerated in this subsection, the fee prescribed elsewhere in this code or a rule promulgated under the authority of this code.

(d) 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.

(e) The secretary of state may provide printed or electronic information free of charge as he or she considers necessary and efficient for the purpose of informing the general public or the news media.

(f) There is hereby continued in the state treasury a special revenue account to be known as the "service fees and collections" account. Expenditures from the account shall be used for the operation of the office of the secretary of state and are not authorized from collections, but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of article three, chapter twelve of this code and upon the fulfillment of the provisions set forth in article two, chapter five-a of this code. Notwithstanding any other provision of this code, one half of all the fees and service charges established in the following sections and for the following purposes shall be deposited by the secretary of state or other collecting agency to that special revenue account and used for the operation of the office of the secretary of state;

(1) The annual attorney-in-fact fee for corporations and limited partnerships established in section five, article twelve-c, chapter eleven of this code;

(2) The fees received for the sale of the state register, code of state rules and other copies established by rule and authorized by section seven, article two, chapter twenty-nine-a of this code;
(3) The registration fees, late fees and legal settlements charged for registration and enforcement of the charitable organizations and professional solicitations established in sections five, nine and fifteen-b, article nineteen, chapter twenty-nine of this code;

(4) The annual attorney-in-fact fee for limited liability companies as designated in section one hundred eight, article one, chapter thirty-one-b of this code and established in section two hundred eleven, article two of said chapter;

(5) The filing fees and search and copying fees for uniform commercial code transactions established by section five hundred twenty-five, article nine, chapter forty-six of this code;

(6) The annual attorney-in-fact fee for licensed insurers established in section twelve, article four, chapter thirty-three of this code;

(7) The fees for the application and record maintenance of all notaries public established by section one hundred seven, article one, chapter twenty-nine-c of this code;

(8) The fees for the application and record maintenance of commissioners for West Virginia as established by section twelve, article four, chapter twenty-nine of this code;

(9) The fees for registering credit service organizations as established by section five, article six-c, chapter forty-six-a of this code;

(10) The fees for registering and renewing a West Virginia limited liability partnership as established by section one, article ten, chapter forty-seven-b of this code;

(11) The filing fees for the registration and renewal of trademarks and service marks established in section seventeen, article two, chapter forty-seven of this code;
(12) All fees for services, the sale of photocopies and data maintained at the expense of the secretary of state as provided in this section; and

(13) All registration, license and other fees collected by the secretary of state not specified in this section.

(g) Any balance in the service fees and collections account established by this section which exceeds five hundred thousand dollars as of the thirtieth day of June, two thousand three, and each year thereafter, shall be expired to the state fund, general revenue fund.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within was approved this the ___ day of March, 2002.

Governor