

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Enrolled
Committee Substitute
for
Senate Bill 852

BY SENATOR MORRIS

[Passed March 12, 2026; in effect 90 days from
passage (June 10, 2026)]

FILED

2026 APR - 1 P 10:37

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SB 852

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1 AN ACT to amend and reenact §59-1-2 of the Code of West Virginia, 1931, as amended, relating
2 to increasing service of process fees and fees in shipping and handling expenses for
3 execution of service of process by certified mail upon any defendant; and providing for
4 certain exemptions for foreign veteran-owned businesses.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. FEES AND ALLOWANCES.

§59-1-2. Fees to be charged by Secretary of State.

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

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

8 (A) Articles of incorporation of for-profit corporation, \$100;

9 (B) Articles of incorporation of nonprofit corporation, \$25;

10 (C) Articles of organization of limited liability company, \$100;

11 (D) Agreement of a general partnership, \$50;

12 (E) Certificate of a limited partnership, \$100;

13 (F) Agreement of a voluntary association, \$50;

14 (G) Articles of organization of a business trust, \$50;

15 (H) Amendment or correction of articles of incorporation, including change of name or
16 increase of capital stock, in addition to any applicable license tax, \$25;

17 (I) Amendment or correction, including change of name, of articles of organization of
18 business trust, limited liability partnership, limited liability company, or professional limited liability
19 company; or of certificate of limited partnership; or of agreement of voluntary association, \$25;

(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;

(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;

(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;

(M) Plus for each additional party to the merger in excess of two, \$15;

(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;

(O) Articles of dissolution of a corporation, voluntary association, or business trust, or statement of dissolution of a general partnership, \$25;

(P) Revocation of voluntary dissolution of a corporation, voluntary association, or business trust, \$15;

(Q) Articles of termination of a limited liability company, cancellation of a limited partnership, or statement of withdrawal of limited liability partnership, \$25;

(R) Reinstatement of a limited liability company or professional limited liability company after administrative dissolution, \$25.

(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:

(A) Certificate of authority of for-profit corporation, \$100;

- 46 (B) Certificate of authority of nonprofit corporation, \$50;
- 47 (C) Certificate of authority of foreign limited liability companies, \$150;
- 48 (D) Certificate of exemption from certificate of authority, \$25;
- 49 (E) Registration of a general partnership, \$50;
- 50 (F) Registration of a limited partnership, \$150;
- 51 (G) Registration of a limited liability partnership for two-year term, \$500;
- 52 (H) Registration of a voluntary association, \$50;
- 53 (I) Registration of a trust or business trust, \$50;
- 54 (J) Amendment or correction of certificate of authority of a foreign corporation, including
- 55 change of name or increase of capital stock, in addition to any applicable license tax, \$25;
- 56 (K) Amendment or correction of certificate of limited partnership, limited liability
- 57 partnership, limited liability company or professional limited liability company, voluntary
- 58 association or business trust, \$25;
- 59 (L) Registration of trade name, otherwise designated as a true name, fictitious name, or
- 60 D. B. A. (doing business as) name for any foreign business entity as permitted by law, \$25;
- 61 (M) Amendment and restatement of certificate of authority or of registration of a
- 62 corporation, limited partnership, limited liability partnership, limited liability company, or
- 63 professional limited liability company, voluntary association, or business trust, \$25;
- 64 (N) Articles of merger of two corporations, limited partnerships, limited liability
- 65 partnerships, limited liability companies or professional limited liability companies, voluntary
- 66 associations, or business trusts, \$25;
- 67 (O) Plus, for each additional party to the merger in excess of two, \$5;
- 68 (P) Statement of conversion, when permitted, from one business entity into another
- 69 business entity, in addition to the cost of filing the appropriate articles or certificate to organize
- 70 the surviving entity, \$25;

71 (Q) Certificate of withdrawal or cancellation of a corporation, limited partnership, limited
72 liability partnership, limited liability company, voluntary association, or business, trust \$25;

73 Notwithstanding any other provision of this section to the contrary, after June 30, 2008,
74 the fees described in this subdivision that are collected for the issuance of a certificate relating to
75 the initial registration of a corporation, limited partnership, domestic limited liability company or
76 foreign limited liability company shall be deposited in the general administrative fees account
77 established by this section.

78 (3) For receiving, filing, and recording a change of the principal or designated office,
79 change of the agent of process and/or change of officers, directors, partners, members or
80 managers, as the case may be, of a corporation, limited partnership, limited liability partnership,
81 limited liability company, or other business entity as provided by law, \$15;

82 (4) For receiving, filing, and preserving a reservation of a name for each 120 days or for
83 any other period in excess of seven days prescribed by law for a corporation, limited partnership,
84 limited liability partnership or limited liability company, \$15;

85 (5) For issuing a certificate relating to a corporation or other business entity, as follows:

86 (A) Certificate of good standing of a domestic or foreign corporation, \$10;

87 (B) Certificate of existence of a domestic limited liability company and certificate of
88 authorization foreign limited liability company, \$10;

89 (C) Certificate of existence of any business entity, trademark or service mark registered
90 with the Secretary of State, \$10;

91 (D) Certified copy of corporate charter or comparable organizing documents for other
92 business entities, \$15;

93 (E) Plus, for each additional amendment, restatement or other additional document, \$5;

94 (F) Certificate of registration of the name of a foreign corporation, limited liability company,
95 limited partnership or limited liability partnership, \$25;

96 (G) For the annual renewal of the name registration, \$10;

(H) Any other certificate not specified in this subdivision, \$10.

(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;

(B) Plus, for each additional certificate pertaining to the same transaction, \$5;

(C) Any other certificate not specified in this subdivision, \$10;

(D) For acceptance, indexing, and recordation of service of process for any corporation, limited partnership, limited liability partnership, limited liability company, voluntary association, business trust, insurance company, person, or other entity as permitted by law, \$20;

(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, \$15;

(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, \$20.

(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;

(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 a search, \$10;

(C) For any search of records maintained on site for the purpose of obtaining copies of documents or printouts of data, \$5;

(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;

(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.

(8) 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;

(B) For each sheet after the first, 50 cents;

(C) For sending the copies or lists by fax transmission, \$5;

(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 plus 10 cents 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.

(b) The Secretary of State may propose rules for legislative approval, in accordance with the provisions of §29A-3-1 *et seq.* of this code, for charges for online 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 section, the fee prescribed elsewhere in this code or a rule promulgated under the authority of this code.

147 (d) The records maintained by the Secretary of State are prepared and indexed at the
148 expense of the state and those records shall not be obtained for commercial resale without the
149 written agreement of the state to a contract including reimbursement to the state for each instance
150 of resale.

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

154 (f) There is hereby continued in the State Treasury a special revenue account to be known
155 as the Service Fees and Collections Account. Expenditures from the account shall be used for
156 the operation of the office of the Secretary of State and are not authorized from collections, but
157 are to be made only in accordance with appropriation by the Legislature and in accordance with
158 the provisions of §12-3-1 *et seq.* of this code and upon the fulfillment of the provisions set forth in
159 §5A-2-1 *et seq.* of this code. Notwithstanding any other provision of this code to the contrary,
160 except as provided in §59-1-21(h) of this code and §59-1-2a of this code, one half of all the fees
161 and service charges established in the following sections and for the following purposes shall be
162 deposited by the Secretary of State or other collecting agency to that special revenue account
163 and used for the operation of the office of the Secretary of State:

164 (1) The annual attorney-in-fact fee for corporations and limited partnerships established in
165 §11-12C-5 of this code;

166 (2) The fees received for the sale of the State Register, Code of State Rules, and other
167 copies established by rule and authorized by §29A-2-7 of this code;

168 (3) The registration fees, late fees, and legal settlements charged for registration and
169 enforcement of the charitable organizations and professional solicitations established in §29-19-
170 5, §29-19-9, and §29-19-15b this code;

171 (4) The annual attorney-in-fact fee for limited liability companies as designated in §31B-1-
172 108 of this code and the annual report fee established in §31B-2-211 of this code: *Provided, That*

173 after June 30, 2008, the annual report fees designated in §31B-1-108 of this code shall upon
174 collection, be deposited in the General Administrative Fees Account described in §59-1-21(h) of
175 this code;

176 (5) The filing fees and search and copying fees for uniform commercial code transactions
177 established by §46-9-525 of this code;

178 (6) The annual attorney-in-fact fee for licensed insurers established in §33-4-12 of this
179 code;

180 (7) The fees for the application and record maintenance of all notaries public established
181 by §39-4-20 of this code;

182 (8) The fees for registering credit service organizations as established by §46A-6C-5 of
183 this code;

184 (9) The fees for registering and renewing a West Virginia limited liability partnership as
185 established by §47B-10-1 of this code;

186 (10) The filing fees for the registration and renewal of trademarks and service marks
187 established in §47-2-17 of this code;

188 (11) All fees for services, the sale of photocopies and data maintained at the expense of
189 the Secretary of State as provided in this section; and

190 (12) All registration, license and other fees collected by the Secretary of State not specified
191 in this section.

192 (g) Any balance in the service fees and collections account established by this section
193 which exceeds \$500,000 as of June 30, 2003, and each year thereafter, shall be expired to the
194 State Fund, General Revenue Fund.

195 (h) Effective July 1, 2008, there is hereby created in the State Treasury a special revenue
196 account to be known as the General Administrative Fees Account. Expenditures from the account
197 shall be used for the operation of the office of the Secretary of State and are not authorized from
198 collections, but are to be made only in accordance with appropriation by the Legislature and in

199 accordance with the provisions of §12-3-1 *et seq.* of this code and upon the fulfillment of the
200 provisions set forth in §11B-2-1 *et seq.* of this code: *Provided*, That for the fiscal year ending June
201 30, 2009, expenditures are authorized from collections rather than pursuant to an appropriation
202 by the Legislature. Any balance in the account at the end of each fiscal year shall not revert to
203 the General Revenue Fund but shall remain in the fund and be expended as provided by this
204 subsection.

205 (2) After June 30, 2008, all the fees and service charges established in §59-1-2a of this
206 code for the following purposes shall be collected and deposited by the Secretary of State or other
207 collecting agency in the general administrative fees account and used for the operation of the
208 office of the Secretary of State:

209 (A) The annual report fees paid to the Secretary of State by corporations, limited
210 partnerships, domestic limited liability companies, and foreign limited liability companies;

211 (B) The fees for the issuance of a certificate relating to the initial registration of a
212 corporation, limited partnership, domestic limited liability company, or foreign limited liability
213 company described in §59-1-21(a)(2) of this code; and

214 (C) The fees for the purchase of data and updates related to the state's Business
215 Organizations Database described in §59-1-2a of this code.

216 (i) There is continued in the office of the Secretary of State a noninterest-bearing, escrow
217 account to be known as the Prepaid Fees and Services Account. This account shall be for the
218 purpose of allowing customers of the Secretary of State to prepay for services, with payment to
219 be held in escrow until services are rendered. Payments deposited in the account shall remain in
220 the account until services are rendered by the Secretary of State and at that time the fees will be
221 reallocated to the appropriate general or special revenue accounts. There shall be no fee charged
222 by the Secretary of State to the customer for the use of this account and the customer may request
223 the return of any moneys maintained in the account at any time without penalty. The assets of the

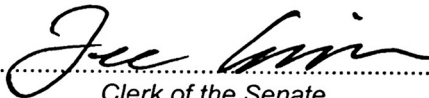
224 prepaid fees and services account do not constitute public funds of the state and are available
225 solely for carrying out the purposes of this section.

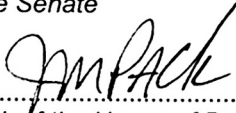
226 (j) A veteran-owned business, as defined in §59-1-2a(a)(13) of this code, commenced on
227 or after July 1, 2015, or an active-duty member business, as defined in §59-1-2a(a)(13),
228 commenced on or after July 1, 2021, is exempt from paying the fees prescribed in paragraphs
229 (a)(1)(A), (a)(1)(B), (a)(1)(C), (a)(1)(D), (a)(1)(E), (a)(1)(F), and (a)(1)(G) of this section, (a)(2)(A),
230 (a)(2)(B), (a)(2)(C), (a)(2)(E), (a)(2)(F), (a)(2)(G), (a)(2)(H), and (a)(2)(I) of this section.

231 (k) Notwithstanding any other provisions of this article, after July 1, 2017, the Secretary of
232 State may offer a fee for expedited services which may not exceed \$500.

233 (l) The fees provided for in this section shall remain in effect until such time as the
234 Legislature has approved rules promulgated by the Secretary of State, in accordance with the
235 provisions of §29A-3-1 *et seq.* of this code, establishing a schedule of fees for services.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

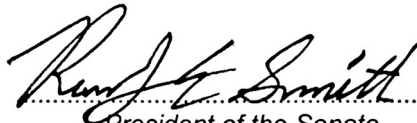

Clerk of the Senate

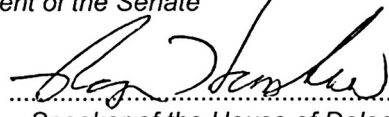

Clerk of the House of Delegates

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SECRETARY OF STATE

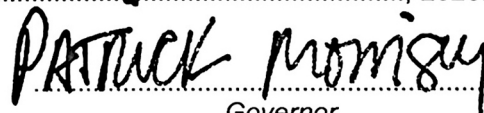
Originated in the Senate.

In effect 90 days from passage.


President of the Senate


Speaker of the House of Delegates

The within is approved this the 1st
Day of April, 2026.


Governor

PRESENTED TO THE GOVERNOR

MAR 13 1965

Time 2:30pm