



West Virginia Secretary of State

Process Division

(304) 558-8000

wvsos.gov

Rev. 3/13/2018

Defendants Who May Be Served by Secretary of State

Authorized

<p>Corporations Limited Liability Companies Limited Partnerships Limited Liability Partnerships</p>	<p>West Virginia law appoints the Secretary of State as attorney-in-fact for several types of businesses. Included are those which are required to file organizational documents with the Secretary of State to establish their authority to do business in the state.</p> <p>When a corporation or other business files its organizing documents, and annually every year after, it is required to provide the name and address of an agent of process -- a person who has authority to accept service on behalf of the company. The agent is sometimes directly connected with the business entity (such as an officer or director), or it may be the legal counsel, a corporate service company, or other person.</p> <p>When an agent name has been filed, service must be directed to the agent at the address currently listed with the Secretary of State.</p> <p>If an agent name has not been filed, service must be directed to the principal office at the address currently listed with the Secretary of State.</p>
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Unauthorized

<p>Foreign Corporations Foreign Limited Partnerships</p>	<p>Some companies organized outside this state are not registered with the West Virginia Secretary of State but can still be served. The person filing the suit is responsible for obtaining the correct out-of-state address of the company's principal office.</p>
<p>Unincorporated Nonprofit Associations</p>	<p>This special type of association was authorized in 1995 providing limited liability to the association members. The Secretary of State accepts service on these associations only if an agent has been named and filed here.</p>
<p>Licensed Insurance Companies</p>	<p>The Secretary of State accepts service on insurance companies which are licensed by the Insurance Commissioner of West Virginia. The insurance company's exact name and the address of the principal office plus the agent of process must be included in the complaint.</p>
<p>Unlicensed/ Unauthorized Insurance Companies</p>	<p>When an insurance company is not licensed in West Virginia, the person filing the suit is responsible for obtaining the correct out-of-state address of the company's principal office.</p>
<p>Nonresident Charitable Organizations, Professional Solicitors, Professional Fundraising Counsel</p>	<p>Those charities, their fund-raising counsel and professional solicitors which solicit contributions from people in West Virginia but are organized out-of-state or have their principal office outside West Virginia may be served through the Secretary of State.</p>



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Nonresidents Under the WV Consumer Credit and Protection Act	When a consumer credit sale or consumer lease subject to the provisions of the Consumer Credit and Protection Act results in an instrument or contract being held by a nonresident, that person may be served through the Secretary of State.
State Agencies	State agencies are treated as domestic public corporations under R.C.P. 4(d)(6)(D), and may be served through the Secretary of State. However, state officers who are individually named as defendants must be served personally.
Nonresident Motor Vehicle Operator Involved in Accident in WV	Service on an out-of-state driver relating to an accident in West Virginia can be made through the Secretary of State, providing the complaint includes the name and out-of-state address of the person being served.
Nonresidents Served Under the Long-Arm Statute	West Virginia law provides specific grounds for serving out-of-state individuals through the Secretary of State. Providing the complaint includes the name and out-of-state address of the person being served, complaints are served on persons who are: <ul style="list-style-type: none">• Transacting business in West Virginia;• Contracting to supply services or things in this State;• Causing tortious injury in this state by act or omission (Including non-support of minor children, as provided under <i>Losinski v. Losinski</i>);• Causing injury in this State by breach of warranty;• Having interest in, using or possessing real property in West Virginia;• Contracting to insure persons, property or risk located in West Virginia at the time of contracting.
Nonresident Trustee of Security Trust	Although the law requires trustees of security trusts to be residents, or if the trustee is a corporation, have its principal office in West Virginia, the law still allows service against a non-resident trustee through the Secretary of State should such a person or corporation have been named. The name and address must be provided, and the request for service form should be checked and attached.
Suggestee Executions	When the wages of an individual have been garnished by order of a West Virginia court, and the employer is authorized to be served by the Secretary of State in other matters, the order is served by certified mail through the Secretary of State. Wages are paid to the party named in the order or the clerk of the court -- not to the Secretary of State.