

Topic: Use of "Mail Box" service
 Question by: Kathy M. Sachs
 Jurisdiction: Kansas
 Date: April 6, 2015

Jurisdiction	Question(s)
	<p>I ran a comparison of the Registered Office's address given in our Business Entity Database and compared it against Mail Box Etc. and UPS store type business in Kansas. I found thousands of matches. I don't think the statutes intended to allow such addresses, but they do meet the requirement of being open during regular business hours.</p> <p>Just curious whether jurisdictions see this as a problem?</p>
Manitoba	
Corporations Canada	
Alabama	
Alaska	
Arizona	<p>Arizona is similar - we require a street address, and we tell them no P.O. Box or personal mailbox place. We also do not check up front, but will inquire if a bad address is reported, and can admin dissolve if it isn't changed.</p>
Arkansas	
California	
Colorado	<p>We are aware of filers using businesses such as Mail Box Etc. for several years. Colorado revised statutes have a provision for service of any process, notice or demand to serve the entity by registered or certified mail at its principal address if the registered agent is not located or found at its registered agent address.</p>
Connecticut	
Delaware	
District of Columbia	
Florida	<p>Florida law provides a mail box drop box is in compliance.</p>
Georgia	<p>This is a huge problem in Georgia. They use these addresses for the registered agents address.</p>

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Hawaii	<p>Hawaii is similar to Tennessee, where the registered agent's address must be a street address. We reject if we spot a box or postal mail box in an agent's address.</p> <p>Last September, we went a little further. Registered entities were using the street address of a U.S. Post Office on Oahu as the agent's address.</p> <p>We did research and created a list of street addresses of Post Offices on Oahu. We sent notices to registered entities using street addresses of Post Offices as the registered agent's address. We did not allow the next annual report filing unless they changed the registered agent's address.</p>
Idaho	
Illinois	
Indiana	
Iowa	
Kansas	
Kentucky	
Louisiana	<p>Our office will accept any physical address provided by the customer. Like Missouri we do not check each address when it comes into the office but if we are notified by a constituent that a certain address is a UPS address we will write the business entity and let them know they need to provide a new address. We also state in same letter that we will revoke/administratively terminate their charter if they don't do so within 30 days.</p>
Maine	
Maryland	
Massachusetts	
Michigan	
Minnesota	<p>In Minnesota, while we have not run the kind of comparison that you describe, we certainly are aware that many companies use a MailBoxes etc. type address. It is not strictly illegal but does violate the spirit of the law. In Minnesota, domestic entities are not required to have registered agents; delivery to the registered office is sufficient for service and other notices.</p>
Mississippi	

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Missouri	<p>In Missouri we do not allow the UPS address for the registered agent address. Our statutes are specific that an individual would need to be at that address from 8:00 to 5:00 to receive any service of process that may or may not come. We do not check each address when it comes into the office but if we are notified by a constituent that a certain address is a UPS address we will write the business entity and let them know they need to provide a different address.</p>
Montana	<p>In Montana, we require a physical or street address for the registered agent. They could use a mail box service or PO Box as a mailing address, but they must have a physical address for service of process.</p>
Nebraska	
Nevada	<p>Nevada is similar to NC as many of the mail drop business are in the registered agent business no different than an RA with another street address accepting service.</p>
New Hampshire	
New Jersey	
New Mexico	
New York	
North Carolina	<p>North Carolina does see it as a problem and we have also found that they are using the physical address of the vendor as well. However, if the vendor can sign for and accept service for the box holder and the box holder receives the notice or demand for the registered agent, the NC SOS has no authority to move forward with any action against the company.</p>
North Dakota	
Ohio	<p>In Ohio the law requires the agent to be an individual who is a resident of Ohio or a business entity that has a business address in Ohio. There is nothing in the law preventing them from using a PO Box address or other address such as a UPS store. I see this many times with individuals who do not want their home address included on our public database.</p> <p>If the agent is accepting the mail and responding appropriately, then it does not appear to be an issue for us..</p>
Oklahoma	
Oregon	
Pennsylvania	

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Rhode Island	
South Carolina	
South Dakota	
Tennessee	<p>In Tennessee, we say the registered agent's office address must be a "street address", which we believe gives us authority to reject PO Boxes and other purely mailing addresses.</p>
Texas	
Utah	<p>this has long been an issue in Utah but the law does allow it</p>
Vermont	
Virginia	<p>For those states that have followed the Model Business Corporation Act, as has Virginia, you should note the Official Comment to § 5.01, which provides that:</p> <p>The requirements that a corporation continuously maintain a registered office and a registered agent at that office are based on the premises that at all times a corporation should have an office where it may be found and a person at that office on whom any notice or process required or permitted by law may be served.</p> <p>Accordingly, the model act contemplates service on the registered agent, in person, which is not available if the registered office is a post office box or a mail service store. We also view virtual offices as noncompliant in this regard.</p>
Washington	<p>Washington State is similar to Montana. Current law requires a physical or "geographic" address for the agent, but an alternate mailing address may be provided in addition to the physical address.</p>
West Virginia	
Wisconsin	
Wyoming	

Additional comments:

Kansas in Response to Tennessee:

We have the same requirements; the problem is that these post office businesses don't look like a PO Box. They actually advertise that you can use their address as your official address. The only way I identified that we had thousands is that we looked up all their addresses in Kansas and ran it against our registered address database.

We just aren't sure whether we have any business to care one way or the other.

Full text of email:

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