

Topic: Service of process on unregistered entities
 Question by: Patricia L. Barfield
 Jurisdiction: Arizona
 Date: May 1, 2017

Jurisdiction	Question(s)
	Do you accept service of process for entities that are not registered with your agency? (Arizona currently does do this, but I'm considering changing that, as it is not a statutory requirement.) Whether you do or do not, what do you see as the legal value of accepting service for unregistered entities? Do you accept service of things that are not yet lawsuits (demand letters, etc.)?
Manitoba	
Corporations Canada	
Alabama	
Alaska	
Arizona	
Arkansas	
California	
Colorado	
Connecticut	
Delaware	The statute permits the Delaware Secretary of State to accept Service of Process on non-qualifying foreign corporations, alternate foreign entities and on nonresident individuals. The Secretary does accept service for things that are not yet lawsuits.
District of Columbia	Yes. Yes as our agency have in house investigative unit that can initiate investigation to force entity to register; we also have back office authority where if entity started doing business in the past we would collect all back reporting fees. No as we had to add language to our regulations specifically requiring for service acceptance to include "court filing" of the complaint.
Florida	

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Georgia	
Hawaii	
Idaho	
Illinois	
Indiana	
Iowa	
Kansas	<p>We do accept service of process (summons and Petition) on a non-registered business entity who are doing business in Kansas. Once we receive the summons and petition, send it out certified mail, to the defendant.</p> <p>If the packet of materials is returned UNDELIVERABLE to us, we then send all of our information to the county court that is named in the summons with a brief letter of explanation. We also send a copy of the letter and the copied return envelope to the attorney of the plaintiff.</p>
Kentucky	
Louisiana	Louisiana is like Ohio.
Maine	
Maryland	
Massachusetts	
Michigan	
Minnesota	Minnesota does accept service of process (summons and Petition) on a non-registered business entity who are doing business. A copy of the summons and petition are mailed out as certified mail to the defendant.
Mississippi	
Missouri	
Montana	
Nebraska	
Nevada	Nevada does accept service of process, as well as demand letters and other documents for non-registered entities.

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New Hampshire	
New Jersey	
New Mexico	
New York	<p>As required by the applicable statute, NY accepts service of process upon unauthorized foreign business and not-for-profit corporations, limited liability companies, limited partnerships, or limited liability partnerships. One copy of the process must be personally served on our office in Albany. The party serving the process is required to send/deliver a copy of the process to the entity served. The statutory fee for serving process on this office is \$40.</p> <p>Only "process" may be served on the New York Secretary of State as agent. "Process" is defined as judicial process and all orders, demands, notices, or other papers required or permitted to be personally served on a domestic or foreign entity, for the purpose of acquiring jurisdiction of such entity in any action or proceeding, civil or criminal, whether judicial, administrative, arbitratve, or otherwise, in this state or in the federal courts sitting in, or for, this state. Demand letters and notices usually do not meet this definition.</p>
North Carolina	<p>North Carolina does accept demand letters and other documents, but only for specific types of non-registered entities.</p>
North Dakota	
Ohio	
Oklahoma	
Oregon	<p>Ohio law requires us to accept service of process for an unlicensed foreign corporation. For other entities, we would serve demand letters as the law states "any process, notice or demand" can be served through our office, but for unlicensed entities the law specifically refers to a lawsuit, so we would not serve a demand letter.</p>
Pennsylvania	
Rhode Island	
South Carolina	
South Dakota	
Tennessee	

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Texas	<p>Texas is like NY. There are a number of Texas statutes that designate the Secretary of State as an agent for service of process for another person under particular circumstances, including unregistered foreign entities. The division has a unit comprised of 5 FTEs for this function. The fees are shown below:</p> <p>Maintenance of a record of the service of process, notice or demand and for forwarding the \$40 per person or party process, notice, or demand served.</p> <p>Certificate of service \$15</p> <p>Total (payable to Secretary of State) \$55</p>
Utah	<p>After Utah passed the Model Registered Agent Act, we no longer accepted service for ANY business. Only service directly involving the Division and Out of State Motorists. We do not accept demand letters, either.</p>
Vermont	
Virginia	
Washington	
West Virginia	
Wisconsin	
Wyoming	

Additional comments:

Full text of email:

All –

Do you accept service of process for entities that are not registered with your agency? (Arizona currently does do this, but I'm considering changing that, as it is not a statutory requirement.)

Whether you do or do not, what do you see as the legal value of accepting service for unregistered entities?

Thank you in advance for your responses!

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