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SENATE BILL NO. 172

Offered January 13, 2016

Prefiled December 30, 2015

A *BILL to amend the Code of Virginia by adding a section numbered 8.01-328.2 and by adding in Article 5 of Chapter 14 of Title 8.01 a section numbered 8.01-410.1, relating to foreign entities; consent to jurisdiction and service of summons for witness or subpoena duces tecum.*

Patron—Surovell

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-328.2 and by adding in Article 5 of Chapter 14 of Title 8.01 a section numbered 8.01-410.1 as follows:

§ 8.01-328.2. Personal jurisdiction over foreign entity.

The application to the State Corporation Commission (the Commission) by a foreign entity to transact business in the Commonwealth under any applicable provision of Title 13.1 constitutes consent to the jurisdiction of the courts of the Commonwealth for all actions against such foreign entity. Such consent to jurisdiction shall remain in effect from the date of issuance of the certificate of authority granted by the Commission until the foreign entity obtains a certificate of withdrawal from the Commission or the certificate of authority is otherwise withdrawn by the Commission.

§ 8.01-410.1. Service of summons for witness or subpoena duces tecum on foreign entities.

When a summons for witness or subpoena duces tecum is served on a registered agent of a foreign entity that has been authorized by the State Corporation Commission to transact business within the Commonwealth under any applicable provision of Title 13.1, the court may enforce compliance with such summons or subpoena, regardless of whether the foreign entity is a party to the underlying case.

This section in no way limits the right of the foreign entity to apply to the court to quash or otherwise modify such summons or subpoena.

2. That the State Corporation Commission shall notify every registered agent of a foreign entity that has a certificate of authority or similar authorization to transact business within the Commonwealth of the provisions of § 8.01-328.2, as created by this act, prior to the deadline for such foreign entity to pay its annual registration fee to the Commission.

INTRODUCED

SB172