

16104016D

SENATE BILL NO. 172**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee for Courts of Justice
on February 3, 2016)

(Patron Prior to Substitute—Senator Surovell)

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 business entities; consent to jurisdiction and service of summons for witness or subpoena duces tecum.*

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 business entity.

The application for a certificate of authority or registration or similar authorization to transact business in the Commonwealth to the State Corporation Commission (the Commission) by a foreign business entity under any applicable provision of Title 13.1 or Title 50 constitutes consent to the jurisdiction of the courts of the Commonwealth for all actions against such foreign business entity. Such consent to jurisdiction shall remain in effect from the date the certificate of authority is issued by or the date the registration is made with the Commission until the date the foreign business entity obtains from the Commission a certificate of withdrawal or cancellation of registration or files with the Commission a statement of cancellation of registration or the certificate of authority or similar authorization is revoked or otherwise canceled.

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

When a summons for a witness or subpoena duces tecum is served on the registered agent of a foreign business entity that is authorized or registered by or with the State Corporation Commission to transact business in the Commonwealth under any applicable provision of Title 13.1 or Title 50, the court may enforce compliance with such summons or subpoena, regardless of whether the foreign business entity is a party to the underlying case.

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

2. That the State Corporation Commission shall notify the registered agent of every foreign business entity that has a certificate of authority or similar authorization to transact business in the Commonwealth as of July 1, 2016, of the provisions of § 8.01-328.2 of the Code of Virginia, as created by this act.