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SENATE BILL NO. 794

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 17, 1995)

(Patron Prior to Substitute—Senator Stolle)

A BILL to amend and reenact § 13.1-637 of the Code of Virginia, relating to service of process upon registered agents; use of facsimile.

Be it enacted by the General Assembly of Virginia:**1. That § 13.1-637 of the Code of Virginia is amended and reenacted as follows:**

§ 13.1-637. Service on corporation.

A. A corporation's registered agent is the corporation's agent for service of process, notice, or demand required or permitted by law to be served on the corporation. The registered agent may by instrument in writing, acknowledged before a notary public, designate a person or persons in the office of the registered agent upon whom any such process, notice or demand may be served *and may, by instrument in writing, authorize service of process by facsimile by the sheriff, provided acknowledgement of receipt of service is returned by facsimile to the sheriff.* Whenever any ~~such~~ person so designated by the registered agent accepts service of process *or whenever service is by facsimile*, a photographic copy of ~~such instrument~~ *the instruments designating the person or authorizing the method of service and receipt* shall be attached to the return.

B. Whenever a corporation fails to appoint or maintain a registered agent in this Commonwealth, or whenever its registered agent cannot with reasonable diligence be found at the registered office, then the clerk of the Commission shall be an agent of the corporation upon whom service may be made in accordance with § 12.1-19.1.

C. This section does not prescribe the only means, or necessarily the required means, of serving a corporation.

HOUSE SUBSTITUTE

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