

# **WEST VIRGINIA LEGISLATURE**

**2026 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 852**

BY SENATOR MORRIS

[Reported February 26, 2026, from the Committee on  
Government Organization]



1 A BILL to amend and reenact §59-1-2 of the Code of West Virginia, 1931, as amended, relating  
2 to increasing service of process fees and fees in shipping and handling expenses for  
3 execution of service of process by certified mail upon any defendant; and providing for  
4 certain exemptions for foreign veteran-owned businesses.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 1. FEES AND ALLOWANCES.**

**§59-1-2. Fees to be charged by Secretary of State.**

1 (a) Except as may be otherwise provided in this code, the Secretary of State shall charge  
2 for services rendered in his or her office the following fees to be paid by the person to whom the  
3 service is rendered at the time it is done:

4 (1) For filing, recording, indexing, preserving a record of, and issuing a certificate relating  
5 to the formation, amendment, change of name, registration of trade name, merger, consolidation,  
6 conversion, renewal, dissolution, termination, cancellation, withdrawal, revocation, and  
7 reinstatement of business entities organized within the state, as follows:

8 (A) Articles of incorporation of for-profit corporation, \$100;

9 (B) Articles of incorporation of nonprofit corporation, \$25;

10 (C) Articles of organization of limited liability company, \$100;

11 (D) Agreement of a general partnership, \$50;

12 (E) Certificate of a limited partnership, \$100;

13 (F) Agreement of a voluntary association, \$50;

14 (G) Articles of organization of a business trust, \$50;

15 (H) Amendment or correction of articles of incorporation, including change of name or  
16 increase of capital stock, in addition to any applicable license tax, \$25;

17 (I) Amendment or correction, including change of name, of articles of organization of  
18 business trust, limited liability partnership, limited liability company, or professional limited liability  
19 company; or of certificate of limited partnership; or of agreement of voluntary association, \$25;

20 (J) Amendment and restatement of articles of incorporation, certificate of limited  
21 partnership, agreement of voluntary association or articles of organization of limited liability  
22 partnership, limited liability company or professional limited liability company or business trust,  
23 \$25;

24 (K) Registration of trade name, otherwise designated as a true name, fictitious name, or  
25 D. B. A. (doing business as) name for any domestic business entity as permitted by law, \$25;

26 (L) Articles of merger of two corporations, limited partnerships, limited liability  
27 partnerships, limited liability companies or professional limited liability companies, voluntary  
28 associations, or business trusts, \$25;

29 (M) Plus for each additional party to the merger in excess of two, \$15;

30 (N) Statement of conversion, when permitted, from one business entity into another  
31 business entity, in addition to the cost of filing the appropriate documents to organize the surviving  
32 entity, \$25;

33 (O) Articles of dissolution of a corporation, voluntary association, or business trust, or  
34 statement of dissolution of a general partnership, \$25;

35 (P) Revocation of voluntary dissolution of a corporation, voluntary association, or business  
36 trust, \$15;

37 (Q) Articles of termination of a limited liability company, cancellation of a limited  
38 partnership, or statement of withdrawal of limited liability partnership, \$25;

39 (R) Reinstatement of a limited liability company or professional limited liability company  
40 after administrative dissolution, \$25.

41 (2) For filing, recording, indexing, preserving a record of, and issuing a certificate relating  
42 to the registration, amendment, change of name, merger, consolidation, conversion, renewal,  
43 withdrawal, or termination within this state of business entities organized in other states or  
44 countries, as follows:

45 (A) Certificate of authority of for-profit corporation, \$100;

- 46 (B) Certificate of authority of nonprofit corporation, \$50;
- 47 (C) Certificate of authority of foreign limited liability companies, \$150;
- 48 (D) Certificate of exemption from certificate of authority, \$25;
- 49 (E) Registration of a general partnership, \$50;
- 50 (F) Registration of a limited partnership, \$150;
- 51 (G) Registration of a limited liability partnership for two-year term, \$500;
- 52 (H) Registration of a voluntary association, \$50;
- 53 (I) Registration of a trust or business trust, \$50;
- 54 (J) Amendment or correction of certificate of authority of a foreign corporation, including  
55 change of name or increase of capital stock, in addition to any applicable license tax, \$25;
- 56 (K) Amendment or correction of certificate of limited partnership, limited liability  
57 partnership, limited liability company or professional limited liability company, voluntary  
58 association or business trust, \$25;
- 59 (L) Registration of trade name, otherwise designated as a true name, fictitious name, or  
60 D. B. A. (doing business as) name for any foreign business entity as permitted by law, \$25;
- 61 (M) Amendment and restatement of certificate of authority or of registration of a  
62 corporation, limited partnership, limited liability partnership, limited liability company, or  
63 professional limited liability company, voluntary association, or business trust, \$25;
- 64 (N) Articles of merger of two corporations, limited partnerships, limited liability  
65 partnerships, limited liability companies or professional limited liability companies, voluntary  
66 associations, or business trusts, \$25;
- 67 (O) Plus, for each additional party to the merger in excess of two, \$5;
- 68 (P) Statement of conversion, when permitted, from one business entity into another  
69 business entity, in addition to the cost of filing the appropriate articles or certificate to organize  
70 the surviving entity, \$25;

71 (Q) Certificate of withdrawal or cancellation of a corporation, limited partnership, limited  
72 liability partnership, limited liability company, voluntary association, or business, trust \$25;

73 Notwithstanding any other provision of this section to the contrary, after June 30, 2008,  
74 the fees described in this subdivision that are collected for the issuance of a certificate relating to  
75 the initial registration of a corporation, limited partnership, domestic limited liability company or  
76 foreign limited liability company shall be deposited in the general administrative fees account  
77 established by this section.

78 (3) For receiving, filing, and recording a change of the principal or designated office,  
79 change of the agent of process and/or change of officers, directors, partners, members or  
80 managers, as the case may be, of a corporation, limited partnership, limited liability partnership,  
81 limited liability company, or other business entity as provided by law, \$15;

82 (4) For receiving, filing, and preserving a reservation of a name for each 120 days or for  
83 any other period in excess of seven days prescribed by law for a corporation, limited partnership,  
84 limited liability partnership or limited liability company, \$15;

85 (5) For issuing a certificate relating to a corporation or other business entity, as follows:

86 (A) Certificate of good standing of a domestic or foreign corporation, \$10;

87 (B) Certificate of existence of a domestic limited liability company and certificate of  
88 authorization foreign limited liability company, \$10;

89 (C) Certificate of existence of any business entity, trademark or service mark registered  
90 with the Secretary of State, \$10;

91 (D) Certified copy of corporate charter or comparable organizing documents for other  
92 business entities, \$15;

93 (E) Plus, for each additional amendment, restatement or other additional document, \$5;

94 (F) Certificate of registration of the name of a foreign corporation, limited liability company,  
95 limited partnership or limited liability partnership, \$25;

96 (G) For the annual renewal of the name registration, \$10;

97 (H) Any other certificate not specified in this subdivision, \$10.

98 (6) For issuing a certificate other than those relating to business entities, as provided in  
99 this subsection, as follows:

100 (A) Certificate or apostille relating to the authority of certain public officers, including the  
101 membership of boards and commissions, \$10;

102 (B) Plus, for each additional certificate pertaining to the same transaction, \$5;

103 (C) Any other certificate not specified in this subdivision, \$10;

104 (D) For acceptance, indexing, and recordation of service of process for any corporation,  
105 limited partnership, limited liability partnership, limited liability company, voluntary association,  
106 business trust, insurance company, person, or other entity as permitted by law, ~~\$15~~ \$20;

107 (E) For shipping and handling expenses for execution of service of process by certified  
108 mail upon any defendant within the United States, which fee is to be deposited to the special  
109 revenue account established in this section for the operation of the office of the Secretary of State,  
110 ~~\$5~~ \$15;

111 (F) For shipping and handling expenses for execution of service of process upon any  
112 defendant outside the United States by registered mail, which fee is to be deposited to the special  
113 revenue account established in this section for the operation of the office of the Secretary of State,  
114 ~~\$15~~ \$20.

115 (7) For a search of records of the office conducted by employees of or at the expense of  
116 the Secretary of State upon request, as follows:

117 (A) For any search of archival records maintained at sites other than the office of the  
118 Secretary of State no less than, \$10;

119 (B) For searches of archival records maintained at sites other than the office of the  
120 Secretary of State which require more than one hour, for each hour or fraction of an hour  
121 consumed in making a search, \$10;

122 (C) For any search of records maintained on site for the purpose of obtaining copies of  
123 documents or printouts of data, \$5;

124 (D) For any search of records maintained in electronic format which requires special  
125 programming to be performed by the state information services agency or other vendor any actual  
126 cost, but not less than, \$25;

127 (E) The cost of the search is in addition to the cost of any copies or printouts prepared or  
128 any certificate issued pursuant to or based on the search.

129 (F) For recording any paper for which no specific fee is prescribed, \$5.

130 (8) For producing and providing photocopies or printouts of electronic data of specific  
131 records upon request, as follows:

132 (A) For a copy of any paper or printout of electronic data, if one sheet, \$1;

133 (B) For each sheet after the first, 50 cents;

134 (C) For sending the copies or lists by fax transmission, \$5;

135 (D) For producing and providing photocopies of lists, reports, guidelines, and other  
136 documents produced in multiple copies for general public use, a publication price to be  
137 established by the Secretary of State at a rate approximating \$2 plus 10 cents per page and  
138 rounded to the nearest dollar;

139 (E) For electronic copies of records obtained in data format on disk, the cost of the record  
140 in the least expensive available printed format, plus, for each required disk, which shall be  
141 provided by the Secretary of State, \$5.

142 (b) The Secretary of State may propose rules for legislative approval, in accordance with  
143 the provisions of §29A-3-1 *et seq.* of this code, for charges for online electronic access to  
144 database information or other information maintained by the Secretary of State.

145 (c) For any other work or service not enumerated in this section, the fee prescribed  
146 elsewhere in this code or a rule promulgated under the authority of this code.

147 (d) The records maintained by the Secretary of State are prepared and indexed at the  
148 expense of the state and those records shall not be obtained for commercial resale without the  
149 written agreement of the state to a contract including reimbursement to the state for each instance  
150 of resale.

151 (e) The Secretary of State may provide printed or electronic information free of charge as  
152 he or she considers necessary and efficient for the purpose of informing the general public or the  
153 news media.

154 (f) There is hereby continued in the State Treasury a special revenue account to be known  
155 as the Service Fees and Collections Account. Expenditures from the account shall be used for  
156 the operation of the office of the Secretary of State and are not authorized from collections, but  
157 are to be made only in accordance with appropriation by the Legislature and in accordance with  
158 the provisions of §12-3-1 *et seq.* of this code and upon the fulfillment of the provisions set forth in  
159 §5A-2-1 *et seq.* of this code. Notwithstanding any other provision of this code to the contrary,  
160 except as provided in §59-1-21(h) of this code and §59-1-2a of this code, one half of all the fees  
161 and service charges established in the following sections and for the following purposes shall be  
162 deposited by the Secretary of State or other collecting agency to that special revenue account  
163 and used for the operation of the office of the Secretary of State:

164 (1) The annual attorney-in-fact fee for corporations and limited partnerships established in  
165 §11-12C-5 of this code;

166 (2) The fees received for the sale of the State Register, Code of State Rules, and other  
167 copies established by rule and authorized by §29A-2-7 of this code;

168 (3) The registration fees, late fees, and legal settlements charged for registration and  
169 enforcement of the charitable organizations and professional solicitations established in §29-19-  
170 5, §29-19-9, and §29-19-15b this code;

171 (4) The annual attorney-in-fact fee for limited liability companies as designated in §31B-1-  
172 108 of this code and the annual report fee established in §31B-2-211 of this code: *Provided, That*

173 after June 30, 2008, the annual report fees designated in §31B-1-108 of this code shall upon  
174 collection, be deposited in the General Administrative Fees Account described in §59-1-21(h) of  
175 this code;

176 (5) The filing fees and search and copying fees for uniform commercial code transactions  
177 established by §46-9-525 of this code;

178 (6) The annual attorney-in-fact fee for licensed insurers established in §33-4-12 of this  
179 code;

180 (7) The fees for the application and record maintenance of all notaries public established  
181 by §39-4-20 of this code;

182 (8) The fees for registering credit service organizations as established by §46A-6C-5 of  
183 this code;

184 (9) The fees for registering and renewing a West Virginia limited liability partnership as  
185 established by §47B-10-1 of this code;

186 (10) The filing fees for the registration and renewal of trademarks and service marks  
187 established in §47-2-17 of this code;

188 (11) All fees for services, the sale of photocopies and data maintained at the expense of  
189 the Secretary of State as provided in this section; and

190 (12) All registration, license and other fees collected by the Secretary of State not specified  
191 in this section.

192 (g) Any balance in the service fees and collections account established by this section  
193 which exceeds \$500,000 as of June 30, 2003, and each year thereafter, shall be expired to the  
194 State Fund, General Revenue Fund.

195 ~~(h)(4)~~Effective July 1, 2008, there is hereby created in the State Treasury a special  
196 revenue account to be known as the General Administrative Fees Account. Expenditures from  
197 the account shall be used for the operation of the office of the Secretary of State and are not  
198 authorized from collections, but are to be made only in accordance with appropriation by the

199 Legislature and in accordance with the provisions of §12-3-1 *et seq.* of this code and upon the  
200 fulfillment of the provisions set forth in §11B-2-1 *et seq.* of this code: *Provided*, That for the fiscal  
201 year ending June 30, 2009, expenditures are authorized from collections rather than pursuant to  
202 an appropriation by the Legislature. Any balance in the account at the end of each fiscal year  
203 shall not revert to the General Revenue Fund but shall remain in the fund and be expended as  
204 provided by this subsection.

205 (2) After June 30, 2008, all the fees and service charges established in §59-1-2a of this  
206 code for the following purposes shall be collected and deposited by the Secretary of State or other  
207 collecting agency in the general administrative fees account and used for the operation of the  
208 office of the Secretary of State:

209 (A) The annual report fees paid to the Secretary of State by corporations, limited  
210 partnerships, domestic limited liability companies, and foreign limited liability companies;

211 (B) The fees for the issuance of a certificate relating to the initial registration of a  
212 corporation, limited partnership, domestic limited liability company, or foreign limited liability  
213 company described in §59-1-21(a)(2) of this code; and

214 (C) The fees for the purchase of data and updates related to the state's Business  
215 Organizations Database described in §59-1-2a of this code.

216 (i) There is continued in the office of the Secretary of State a noninterest-bearing, escrow  
217 account to be known as the Prepaid Fees and Services Account. This account shall be for the  
218 purpose of allowing customers of the Secretary of State to prepay for services, with payment to  
219 be held in escrow until services are rendered. Payments deposited in the account shall remain in  
220 the account until services are rendered by the Secretary of State and at that time the fees will be  
221 reallocated to the appropriate general or special revenue accounts. There shall be no fee charged  
222 by the Secretary of State to the customer for the use of this account and the customer may request  
223 the return of any moneys maintained in the account at any time without penalty. The assets of the

224 prepaid fees and services account do not constitute public funds of the state and are available  
225 solely for carrying out the purposes of this section.

226 (j) A veteran-owned business, as defined in §59-1-2a(a)(13) of this code, commenced on  
227 or after July 1, 2015, or an active-duty member business, as defined in §59-1-2a(a)(13),  
228 commenced on or after July 1, 2021, is exempt from paying the fees prescribed in paragraphs  
229 (a)(1)(A), (a)(1)(B), (a)(1)(C), (a)(1)(D), (a)(1)(E), (a)(1)(F), and(a)(1)(G) of this section, (a)(2)(A),  
230 (a)(2)(B), (a)(2)(C), (a)(2)(E), (a)(2)(F), (a)(2)(G), (a)(2)(H), and (a)(2)(I) of this section.

231 (k) Notwithstanding any other provisions of this article, after July 1, 2017, the Secretary of  
232 State may offer a fee for expedited services which ~~shall~~ may not exceed \$500.

233 (l) The fees provided for in this section shall remain in effect until such time as the  
234 Legislature has approved rules promulgated by the Secretary of State, in accordance with the  
235 provisions of §29A-3-1 *et seq.* of this code, establishing a schedule of fees for services.