



# Arkansas Secretary of State

## Cole Jester

### Service of Process

Effective September 1, 2007 the Arkansas Secretary of State no longer accepts service of process on registered entities in Arkansas. Act 638 of 2007 (The Model Registered Agents Act) amended all sections of Arkansas Code, which addresses service of process on business entities registered in Arkansas. The following portion of Act 638 of 2007 addresses the new procedure for serving business entities in Arkansas.

#### **4-20-113. Service of process on entities.**

- (a) A registered agent is an agent of the represented entity authorized to receive service of any process, notice, or demand required or permitted by law to be served on the entity.
- (b) If an entity fails to appoint an agent under this subchapter or if an entity that previously filed a registered agent filing with the Secretary of State no longer has a registered agent, or if its registered agent cannot with reasonable diligence be served, the entity may be served by registered or certified mail, return receipt requested, addressed to one or more of the governors of the entity by name at its principal office in accordance with any applicable judicial rules and procedures. The names of the governors and the address of the principal office shall be as shown in the most recent annual report filed with the Secretary of State. If the entity is not required to file an annual report with the Secretary of State, the names of the governors and the address of the principal office shall be as shown in the entity's public organic document. Service is perfected under this subsection at the earliest of:
- (1) the date the entity receives the mail;
  - (2) the date shown on the return receipt, if signed on behalf of the entity; or
  - (3) five days after its deposit with the United States Postal Service, if correctly addressed and with sufficient postage.
- (c) If process, notice, or demand cannot be served on an entity pursuant to subsection (a) or (b), service of process may be made by handing a copy to the manager, clerk, or other person in charge of any regular place of business or activity of the entity if the person served is not a plaintiff in the action.
- (d) Service of process, notice, or demand on a registered agent must be in the form of a written document, except that service may be made on a commercial registered agent in such other forms of a record, and subject to such requirements, as the agent has stated from time to time in its listing under § 4-20-106 that it will accept.
- (e) Service of process, notice, or demand may be perfected by any other means prescribed by law other than this chapter.

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However, the Arkansas Secretary of State will still continue to accept service of process under A.C.A. 16-58-120 & 17-24-404 ("Long arm" jurisdiction). The fee for this service is \$25.00. For more information on this service please contact the Legal Division at 501-682-3401.

