

WAGE AND HOUR DIVISION  
U. S. Department of Labor

LEGAL FIELD LETTER NO. 18

SUBJECT: LOCAL AGENTS AUTHORIZED TO RECEIVE SERVICE ON BEHALF  
OF CORPORATIONS.

Attention is called to Part V, Division One (1) of the Inspector's Manual which points out (last paragraph) that in cases where corporations are doing business in a state other than that in which they are incorporated, the regional office should furnish information as to whether the corporation has appointed a local agent to accept service of process.

Due perhaps to the press of work, this information has not always been furnished, resulting frequently in the necessity for additional correspondence before suit could be instituted.

In the cases described above inspectors should be careful to include in the inspection report (1) the state of incorporation of the company, and (2) whether a local agent has been appointed for the service of process, and, if so, his name, title and address.

In some states, pursuant to statute, the Secretary of State or some other official is constituted the agent of such corporations for the purpose of service of process. In other states, statutes provide that the corporation shall appoint an agent and sometimes also provide that upon their failure to do so some state official shall be authorized to receive service of process for the corporation. It is, therefore, necessary for the inspector in each case to check with the ranking field attorney on the law on this point.

The ranking field attorney should supplement the factual information by including in the file a statement of or excerpt from the law if necessary, so that the Washington office will have sufficient information to determine whether suit can be brought in the state in which the company is doing business despite the fact that the company is not incorporated therein and may not have appointed a local agent.

Issued 5/22/40

(4537)

