

TITLE 4: ECONOMIC RESOURCES
DIVISION 5: BUSINESS REGULATION

§ 50163. Agent for Service of Process.

(a) *Requirement for Agent for Service of Process.* Any non-resident or foreign non-participating manufacturer that has not registered to do business in the Commonwealth as a foreign corporation or business entity shall, as a condition precedent to having its brand families included or retained in the directory, appoint and continually engage without interruption the services of an agent in this Commonwealth, pursuant to 4 CMC § 4331, to act as agent for the service of process on whom all process, and any action or proceeding against it concerning or arising out of the enforcement of this Act and Public Law 13-15, may be served in any manner authorized by law. Such service shall constitute legal and valid service of process on the non-participating manufacturer. The non-participating manufacturer shall provide the name, address, phone number and proof of the appointment and availability of such agent to the director and Attorney General and to the satisfaction of the Attorney General.

(b) The non-participating manufacturer shall provide notice to the Director and Attorney General thirty calendar days prior to termination of the authority of an agent and shall further provide proof to the satisfaction of the Attorney General of the appointment of a new agent no less than five calendar days prior to the termination of an existing agent appointment. In the event an agent terminates an agency appointment, the non-participating manufacturer shall notify the Attorney General of said termination within five calendar days and shall include proof to the satisfaction of the Attorney General of the appointment of a new agent.

(c) Any non-participating manufacturer whose cigarettes are sold in this Commonwealth, who has not appointed and engaged an agent as herein required, shall be deemed to have appointed the Registrar of Corporations as such agent and may be proceeded against in courts of this Commonwealth by service of process upon the Registrar of Corporations; provided, however, that the appointment of the Registrar of Corporations as such agent shall not satisfy the condition precedent for having the brand families of the non-participating manufacturer included or retained in the directory.

Source: PL 14-10, § 4, modified.

Commission Comment: PL 13-15, referred to as the “Model Escrow Statute” by PL 14-10, is codified at 3 CMC §§ 2171 and 2172. The Commission changed the capitalization of words throughout the section above pursuant to its authority by 1 CMC § 3806(f).