

362.2-907 Cancellation of certificate of authority -- Effect of failure to have certificate. (Repealed, effective January 1, 2011)

- (1) If the Secretary of State determines that one (1) or more grounds exist for the revocation of a certificate of authority, then the Secretary of State shall serve the foreign limited partnership with written notice of the determination by mailing the notice by first class mail to the foreign limited partnership at its principal office.
- (2) If the foreign limited partnership does not correct each ground for revocation or demonstrate to the reasonable satisfaction of the Secretary of State that each ground determined by the Secretary of State does not exist within sixty (60) days after the mailing of the notice, then the Secretary of State may revoke the foreign limited partnership's certificate of authority by signing a certificate of revocation that recites the ground or grounds for revocation and its effective date. The Secretary of State shall file the original of the certificate and serve a copy on the foreign limited partnership by mailing the notice by first class mail to the limited partnership at its principal office.
- (3) The authority of a foreign limited partnership to transact business in this Commonwealth shall cease on the date shown on the certificate revoking its certificate of authority.
- (4) The Secretary of State's revocation of a foreign limited partnership's certificate of authority shall be considered to appoint the Secretary of State the foreign limited partnership's agent for service of process in any proceeding based on the cause of action which arose during the time the foreign limited partnership was authorized to transact business in this Commonwealth. Service of process on the Secretary of State under this subsection shall be service on the foreign limited partnership. Upon receipt of process, the Secretary of State shall mail a copy of the process to the foreign limited partnership at its principal office shown in its most recent annual report or any subsequent communication received from the limited partnership stating the current mailing address of its principal office, or, if none are on file, in its certificate of authority.
- (5) Revocation of a foreign limited partnership's certificate of authority shall not terminate the authority of the registered agent of the limited partnership.
- (6) A foreign limited partnership may appeal the Secretary of State's revocation of its certificate of authority to the Franklin Circuit Court within thirty (30) days after service of the certificate of revocation. The foreign limited partnership may appeal by petitioning the court to set aside the revocation and attaching to the petition copies of its certificate of authority and the Secretary of State's certificate of revocation.
- (7) The court may summarily order the Secretary of State to reinstate the certificate of authority or may take any other action the court considers appropriate.
- (8) The court's final decision may be appealed as in other civil proceedings.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 133, sec. 68, effective July 15, 2010; and repealed ch. 151, sec. 151, effective January 1, 2011. -- Created 2006 Ky. Acts ch. 149, sec. 167, effective July 12, 2006.

Legislative Research Commission Note (1/1/2011). 2010 Ky. Acts ch. 151, sec. 151,
has repealed this statute effective January 1, 2011.