

2012 Kansas Statutes

17-7301. Foreign corporations; application to do business in Kansas; contents of application; filing and certification by secretary of state, conditions. (a) As used in this act, the words "foreign corporation" mean a corporation organized under the laws of any jurisdiction other than this state.

(b) No foreign corporation shall do any business in this state, through or by branch offices, agents or representatives located in this state, until it has filed in the office of the secretary of state of this state an application for authority to engage in business in this state as a foreign corporation. Such application shall be filed in accordance with K.S.A. 17-6003, and amendments thereto, and shall include:

(1) A certificate issued within 90 days of the date of application by the proper officer of the jurisdiction where such corporation is incorporated or by a third-party agent authorized by the secretary of state attesting to the fact that such corporation is a corporation in good standing in such jurisdiction;

(2) a statement that the corporation is in good standing in the state of incorporation as of the date the application is signed;

(3) the address of the principal office of the corporation;

(4) the full nature and character of the business the corporation proposes to conduct in this state, including whether the corporation operates for profit or not for profit;

(5) the location of the registered office of the corporation in this state and the name of its resident agent for service of process required to be maintained by this act;

(6) the date on which the corporation commenced, or intends to commence, doing business in this state; and

(7) an irrevocable written consent of the foreign corporation that actions may be commenced against it in the proper court of any county where there is proper venue by service of process on the secretary of state as provided for in K.S.A. 60-304, and amendments thereto, and stipulating and agreeing that such service shall be taken and held, in all courts, to be as valid and binding as if due service had been made upon an officer of the corporation.

The application shall be executed and filed in accordance with K.S.A. 17-6003, and amendments thereto.

(c) After receipt of the application and fee, if the secretary of state finds that it complies with the provisions of this section, the secretary of state shall record the original application and return a certified copy of the recorded document in accordance with K.S.A. 17-6003, and amendments thereto. The certified copy of the recorded document shall be prima facie evidence of the right of the corporation to do business in this state. The secretary of state shall not file such application unless:

(1) The name of the corporation is such as to distinguish it upon the records of the office of the secretary of state from the name of any other corporation, limited liability company or limited partnership organized under the laws of this state or reserved or registered as a foreign corporation, limited liability company or limited partnership under the laws of this state;

(2) the corporation has obtained the written consent of such other entity, which has the same name and such consent has been executed and filed with the secretary of state; or

(3) the corporation indicates, as a means of identification and in its advertising within this state, the state in which it is incorporated.

History: L. 1972, ch. 52, § 141; L. 1973, ch. 100, § 18; L. 1975, ch. 144, § 2; L. 1987, ch. 89, § 2; L. 1999, ch. 41, § 4; L. 1999, ch. 149, § 2; L. 2000, ch. 39, § 44; L. 2004, ch. 143, § 78; L. 2009, ch. 64, § 2; July 1, 2010.