

## **SECURITIES ACT INTERPRETIVE STATEMENT-01**

RE: RCW 21.20.330 - CONSENT TO SERVICE OF PROCESS

### **Question Presented:**

Must issuers of exempt securities file a consent to service of process?

### **Statute:**

RCW 21.20.330 provides that:

Every applicant for registration as a broker-dealer, investment adviser, investment adviser representative, or salesperson under this chapter and every issuer that files an application to register or files a claim of exemption from registration to offer a security in this state through any person acting on an agency basis in the common law sense shall file with the director or with such person as the director may by rule or order designate, in such form as the director by rule prescribes, an irrevocable consent appointing the director or the director's successor in office to be the attorney of the applicant to receive service of any lawful process. . . .

### **Discussion and Conclusion:**

RCW 21.20.330 was amended by the Legislature in 1994. As a result of the amendment, an issuer relying on a self-executing exemption from registration no longer is required to file a consent to service of process with the Securities Division. However, an issuer that files a permissive or required claim of exemption must file a consent.

Adopted: January 1, 1991; As amended May 31, 1996

Replaces: Statement of Policy 83-18

Deborah R. Bortner, Securities Administrator

Prepared by: Janet So and Nelda Shannon, Securities Examiners