

Opinion No. 22-3583

September 12, 1922

BY: HARRY S. BOWMAN, Attorney General

TO: State Corporation Commisison, Santa Fe, New Mexico.

Foreign Corporations Need Not Record Articles of Incorporation in Office County Clerk.

OPINION

{*178} In reply to your letter of the 9th instant, asking if it is necessary for a foreign corporation authorized to transact business in this state, to record a certified copy of its articles, statement and certificate of authority in the office of the county clerk of the county where the agent resides, I wish to advise:

While Section 985, Code 1915, provides that foreign corporations doing business in this state shall be subject to the provisions of this article, so far as the same can be applied to foreign corporations, I am of the opinion that there is nothing in the law which requires such corporations to record a certified copy of their articles, statement and certificate of authority.

Section 986, Code 1915, prescribes the requirements before a foreign corporations shall be issued a certificate to transact business, and Section 987 prohibits the transaction of any business by the foreign corporation until after the certificate is obtained. There is nothing anywhere which would indicate that it was the intention of the legislature that foreign corporations must record their articles, etc.