

1 AN ACT relating to service of process on nonresidents of this Commonwealth.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 454.210 is amended to read as follows:

- 4 (1) As used in this section, "person" includes an individual, his executor, administrator,
5 or other personal representative, or a corporation, partnership, association, or any
6 other legal or commercial entity, who is a nonresident of this Commonwealth.
- 7 (2) (a) A court may exercise personal jurisdiction over a person who acts directly or
8 by an agent, as to a claim arising from the person's:
- 9 1. Transacting any business in this Commonwealth;
 - 10 2. Contracting to supply services or goods in this Commonwealth;
 - 11 3. Causing tortious injury by an act or omission in this Commonwealth;
 - 12 4. Causing tortious injury in this Commonwealth by an act or omission
13 outside this Commonwealth if he regularly does or solicits business, or
14 engages in any other persistent course of conduct, or derives substantial
15 revenue from goods used or consumed or services rendered in this
16 Commonwealth, provided that the tortious injury occurring in this
17 Commonwealth arises out of the doing or soliciting of business or a
18 persistent course of conduct or derivation of substantial revenue within
19 the Commonwealth;
 - 20 5. Causing injury in this Commonwealth to any person by breach of
21 warranty expressly or impliedly made in the sale of goods outside this
22 Commonwealth when the seller knew such person would use, consume,
23 or be affected by, the goods in this Commonwealth, if he also regularly
24 does or solicits business, or engages in any other persistent course of
25 conduct, or derives substantial revenue from goods used or consumed or
26 services rendered in this Commonwealth;
 - 27 6. Having an interest in, using, or possessing real property in this

1 Commonwealth, providing the claim arises from the interest in, use of,
 2 or possession of the real property, provided, however, that such in
 3 personam jurisdiction shall not be imposed on a nonresident who did not
 4 himself voluntarily institute the relationship, and did not knowingly
 5 perform, or fail to perform, the act or acts upon which jurisdiction is
 6 predicated;

7 7. Contracting to insure any person, property, or risk located within this
 8 Commonwealth at the time of contracting;

9 8. Committing sexual intercourse in this state which intercourse causes the
 10 birth of a child when:

- 11 a. The father or mother or both are domiciled in this state;
- 12 b. There is a repeated pattern of intercourse between the father and
 13 mother in this state; or
- 14 c. Said intercourse is a tort or a crime in this state; or

15 9. Making a telephone solicitation, as defined in KRS 367.46951, into the
 16 Commonwealth.

17 (b) When jurisdiction over a person is based solely upon this section, only a claim
 18 arising from acts enumerated in this section may be asserted against him.

19 (3) (a) When personal jurisdiction is authorized by this section, service of process
 20 may be made:

- 21 **1. In any manner authorized by the Kentucky Rules of Civil Procedure;**
- 22 **2.** On such person, or any agent of such person, in any county in this
 23 Commonwealth, where he may be found; ~~or~~ or
- 24 **3.** On the Secretary of State who, for this purpose, shall be deemed to be
 25 the statutory agent of such person.

26 (b) The clerk of the court in which the action is brought shall issue a summons
 27 against the defendant named in the complaint. The clerk shall execute the

1 summons either by:

2 1. Sending by certified mail two (2) true copies to the Secretary of State
3 and shall also mail with the summons two (2) attested copies of
4 plaintiff's complaint; or

5 2. Transmitting an electronically attested copy of the complaint and
6 summons to the Secretary of State via the Kentucky Court of Justice
7 electronic filing system.

8 (c) The Secretary of State shall, within seven (7) days of receipt thereof in his
9 office, mail a copy of the summons and complaint to the defendant at the
10 address given in the complaint. The letter shall be posted by certified mail,
11 return receipt requested, and shall bear the return address of the Secretary of
12 State. The clerk shall make the usual return to the court, and in addition the
13 Secretary of State shall make a return to the court showing that the acts
14 contemplated by this statute have been performed, and shall attach to his
15 return the registry receipt, if any. Summons shall be deemed to be served on
16 the return of the Secretary of State and the action shall proceed as provided in
17 the Rules of Civil Procedure.

18 (d) The clerk mailing the summons to the Secretary of State shall mail to him, at
19 the same time, a fee of ten dollars (\$10), which shall be taxed as costs in the
20 action. The fee for a summons transmitted electronically pursuant to this
21 subsection shall be transmitted to the Secretary of State on a periodic basis.

22 (4) When the exercise of personal jurisdiction is authorized by this section, any action
23 or suit may be brought in the county wherein the plaintiff resides or where the cause
24 of action or any part thereof arose.

25 (5) A court of this Commonwealth may exercise jurisdiction on any other basis
26 authorized in the Kentucky Revised Statutes or by the Rules of Civil Procedure,
27 notwithstanding this section.