

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

ACT 1213 OF 1997
HOUSE BILL 2127

4
5 By: Representative Teague

For An Act To Be Entitled

9 "AN ACT TO ESTABLISH A TWENTY-FIVE DOLLAR FEE FOR SERVICE
10 OF PROCESS TO THE SECRETARY OF STATE FOR NON-RESIDENT
11 ENTITIES; AND FOR OTHER PURPOSES."

Subtitle

14 "TO ESTABLISH A TWENTY-FIVE DOLLAR FEE
15 FOR SERVICE OF PROCESS TO THE SECRETARY
16 OF STATE FOR NON-RESIDENT ENTITIES."

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. Arkansas Code 16-58-120(b) is amended to read as follows:

21 "(b)(1) Any resident or nonresident person who commits acts in this
22 state sufficient to give an individual in this state a cause of action against
23 the person committing the acts, shall have deemed to have appointed the
24 Secretary of State as his agent for service of process on him in any suit
25 arising out of the acts committed by said resident or nonresident.

26 (2) Service of the process shall be made by serving ~~a copy~~ three copies
27 of the process on the Secretary of State, notifying the Secretary of State
28 that service is being effected pursuant to this subsection, and paying the
29 Secretary of State the sum of twenty-five dollars (\$25.00). Such service shall
30 be sufficient service upon the nonresident person or any resident person, who
31 has subsequently absented himself physically from the state or upon the
32 executor, administrator, or other legal representative of his estate, in case
33 he has since deceased, if notice of the service and a copy of the process are
34 forthwith sent by certified mail by the plaintiff or his attorney to the
35 defendant at his last known address or to the administrator, executor, or
36 other legal representative of the estate in case the person has deceased, and

1 the defendant's return receipt or the return receipt of the administrator,
2 executor, or other legal representative of the estate of the deceased person
3 is attached to the writ of process and entered and filed in the office of the
4 clerk of the court wherein such cases are brought.

5 (3) The court in which the action is pending may order some continuance
6 as may be necessary to afford the defendant reasonable opportunity to defend
7 the act.

8 (4) The Secretary of State, upon receiving a copy of the service of
9 summons shall also forthwith mail a copy of the summons together with a copy
10 of the complaint by first class mail to the last and best known address of the
11 named defendant in the suit, notifying him of the filing of the suit."

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13 SECTION 2. Arkansas Code 16-58-121(b)(1) is amended to read as follows:

14 "(b)(1) Service of the process shall be made by serving a copy of the
15 process on the Secretary of State, notifying the Secretary of State that
16 service is being effected pursuant to this subsection, and paying the
17 Secretary of State the sum of twenty-five dollars (\$25.00). Such service shall
18 be sufficient service upon the nonresident owner, nonresident operator, or
19 chauffeur or upon the resident owner, resident operator, or chauffeur who has
20 subsequently absented himself physically from the state, or upon the executor,
21 administrator, or other legal representative of his estate in case he has not
22 survived such accident or collision or has since died, if notice of the
23 service and a copy of the process are forthwith sent by registered mail by the
24 plaintiff or his attorney to the defendant at his last known address or to the
25 administrator, executor, or other legal representative of the estate in the
26 case he has not survived the accident or collision or has since died, and
27 notice of such service and a copy of the process are forthwith sent by
28 registered mail by the plaintiff or his attorney to the defendant at his last
29 known address, or to the administrator, executor, or other legal
30 representative of the estate of the deceased wrongdoer or tortfeasor, and the
31 defendant's return receipt, or the return receipt of the administrator,
32 executor, or other legal representative of the estate of the deceased person,
33 or the affidavit of the plaintiff or his attorney of compliance herewith are
34 to be appended to the writ of process and entered and filed in the office of
35 the clerk of the court wherein the cause is brought. The Secretary of State,
36 upon receiving a copy of the service of summons shall also forthwith mail a

1 copy of the summons together with a copy of the complaint by first class mail
 2 to the last and best known address of the named defendant in the suit,
 3 notifying him of the filing of the suit."

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5 SECTION 3. Arkansas Code 17-24-401 is amended to read as follows:

6 "17-24-401. Long arm jurisdiction.

7 Any nonresident person, partnership, association, or any foreign
 8 corporation not authorized to do business in this state whose sole business
 9 contact with this state is the soliciting of accounts in this state by mail,
 10 telephone, telegraph, or by other like means originating outside this state,
 11 or the taking or accepting for collection of any account or accounts in this
 12 state by such means, shall by such acts:

13 (1) Subject himself to the jurisdiction of the proper courts of this
 14 state under the procedure provided in §§ 17-24-403 and 17-24-404 on any cause
 15 of action arising out of or connected with the collection of any such account
 16 or accounts;

17 (2) Be deemed to have consented to comply with the maximum collection
 18 charges or fees provided in § 17-24-309; and

19 (3) Be deemed to have consented to and designated the Secretary of
 20 State of Arkansas to be the true and lawful attorney of the person,
 21 partnership, association, or corporation upon whom may be served all legal
 22 process in any action, suit, or proceeding in any court by any resident of
 23 this state arising out of or connected with the collection of any such account
 24 or accounts. Such acts shall be signification of its agreement that any legal
 25 process in any court action or suit so served shall be of the same legal force
 26 and validity as personal service of process in this state upon the person,
 27 partnership, association, or corporation. Service of process shall be made
 28 upon the Secretary of State by serving three copies of the process on the
 29 Secretary of State along with notification thereto that service is being
 30 effected pursuant to this subsection, and paying the Secretary of State the
 31 sum of twenty-five dollars (\$25.00). The Secretary of State, upon receiving
 32 the process, shall forthwith mail a copy of the summons and complaint by first
 33 class mail to the last and best known address of the named defendant in the
 34 suit, notifying him of the filing of the suit."

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36 SECTION 4. All provisions of this act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
2 Revision Commission shall incorporate the same in the Code.

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4 SECTION 5. If any provision of this act or the application thereof to
5 any person or circumstance is held invalid, such invalidity shall not affect
6 other provisions or applications of the act which can be given effect without
7 the invalid provision or application, and to this end the provisions of this
8 act are declared to be severable.

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10 SECTION 6. All laws and parts of laws in conflict with this act are
11 hereby repealed.

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APPROVED:4-08-97

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