

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Bell**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §16-4-101F. TO
9 ALLOW ARKANSAS COURTS TO EXERCISE PERSONAL JURISDICTION
10 OVER NONRESIDENTS BASED ON SERVICE OF PROCESS WITHIN THE
11 STATE UPON THE NONRESIDENT OR HIS AGENT; AND FOR OTHER
12 PURPOSES."

Subtitle

14 "AN ACT TO PROVIDE FOR PERSONAL JURISDICTION OVER
15 NONRESIDENTS BY SERVICE OF PROCESS WITHIN THE STATE OR
16 UPON HIS AGENT."
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code Annotated §16-4-101F. is amended to read as
22 follows:

23 "F. Other Bases of Jurisdiction. A court of this state may exercise
24 jurisdiction over a nonresident on any other basis authorized by law,
25 including, but not limited to, service of process within the state upon the
26 nonresident, his agent or employee."
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28 SECTION 2. The provisions of this act, being procedural in nature,
29 shall apply retroactively and prospectively.
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31 SECTION 3. All provisions of this act of a general and permanent nature
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
33 Revision Commission shall incorporate the same in the Code.
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35 SECTION 4. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect
2 other provisions or applications of the act which can be given effect without
3 the invalid provision or application, and to this end the provisions of this
4 act are declared to be severable.

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6 SECTION 5. All laws and parts of laws in conflict with this act are
7 hereby repealed.

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9 SECTION 6. EMERGENCY. It is hereby found and determined by the General
10 Assembly of the State of Arkansas that when the General Assembly enacted
11 Arkansas_ long-arm statute, the Uniform Interstate and International
12 Procedures Act (Arkansas Code Annotated §§16-4-101 et seq.), it was not
13 intended to exclusively define the basis for jurisdiction over non-resident
14 corporate defendants, but rather was intended to expand the jurisdiction of
15 Arkansas Courts, it being long held by the Arkansas bench and bar that service
16 upon an agent appointed by a foreign corporation to receive process in
17 Arkansas confers personal jurisdiction in a transitory action regardless of
18 the long-arm statute, which long-held concept appears to have been struck down
19 by the Arkansas Supreme Court in *Malone & Hyde, Inc. v. Chisley*, 308 Ark. 308
20 (1992). Therefore, an emergency is hereby declared to exist and this act
21 being necessary for the immediate preservation of the public peace, health,
22 and safety, shall be in full force and effect from and after its passage and
23 approval.

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