

1 IN THE HOUSE

BY STEVENS

2

HOUSE BILL NO. 309

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to jurisdiction over the
7 person in civil actions; and providing for
8 an effective date."

9

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10

* Section 1. AS 09.05 is amended by adding a new section to
11 read:

12

Sec. 09.05.015. PERSONAL JURISDICTION. (a) A court of

13

this state having jurisdiction over the subject matter has

14

jurisdiction over a person served in an action according to

15

the rules of civil procedure

16

(1) in any action, whether arising in or out of

17

this state, against a defendant who, when the action is com-

18

menced,

19

(A) is a natural person present in this state

20

when served;

21

(B) is a natural person domiciled in this

22

state;

23

(C) is a domestic corporation; or

24

(D) is engaged in substantial and not isolated

25

activities in this state, whether such activities are

26

wholly interstate, intrastate, or otherwise;

27

(2) in any action which may be brought under

28

statutes of this state which specifically confer grounds for

29

personal jurisdiction over the defendant;

1 (3) in any action claiming injury to person or
2 property in or out of this state arising out of an act or
3 omission in this state by the defendant;

4 (4) in any action claiming injury to person or
5 property in this state arising out of an act or omission out
6 of this state by the defendant, provided, in addition, that
7 at the time of the injury either

8 (A) solicitation or service activities were
9 carried on in this state by or on behalf of the defend-
10 ant; or

11 (B) products, materials or things processed,
12 serviced or manufactured by the defendant were used or
13 consumed in this state in the ordinary course of trade;

14 (5) in any action which

15 (A) arises out of a promise, made anywhere
16 to the plaintiff or to some third party for the plaintiff's
17 benefit, by the defendant to perform services in
18 this state or to pay for services to be performed in
19 this state by the plaintiff;

20 (B) arises out of services actually performed
21 for the plaintiff by the defendant in this state, or
22 services actually performed for the defendant by the
23 plaintiff in this state if the performance in this state
24 was authorized or ratified by the defendant;

25 (C) arises out of a promise, made anywhere
26 to the plaintiff or to some third party for the plaintiff's
27 benefit, by the defendant to deliver or receive
28 in this state or to ship from this state goods, documents
29 of title, or other things of value;

1 (D) relates to goods, documents of title, or
2 other things of value shipped from this state by the
3 plaintiff to the defendant on his order or direction; or

4 (E) relates to goods, documents of title, or
5 other things of value actually received by the plaintiff
6 in this state from the defendant without regard to where
7 delivery to the carrier occurred;

8 (6) in any action which arises out of

9 (A) a promise, made anywhere to the plaintiff
10 or to some third party for the plaintiff's benefit, by
11 the defendant to create in either party an interest in,
12 or to protect, acquire, dispose of, use, rent, own,
13 control or possess by either party real property situ-
14 ated in this state;

15 (B) a claim to recover any benefit derived
16 by the defendant through the use, ownership, control or
17 possession by the defendant of tangible property situ-
18 ated in this state either at the time of the first use,
19 ownership, control or possession or at the time the
20 action is commenced; or

21 (C) a claim that the defendant return, re-
22 store, or account to the plaintiff for any asset or
23 thing of value which was in this state at the time the
24 defendant acquired possession or control over it;

25 (7) in any action to recover a deficiency judgment
26 upon a mortgage note or conditional sales contract or other
27 security agreement executed by the defendant or his predeces-
28 sor to whose obligations the defendant has succeeded and the
29 deficiency is claimed

1 (A) in an action in this state to foreclose
2 upon real property situated in this state;

3 (B) following sale of real property in this
4 state by the plaintiff; or

5 (C) following resale of tangible property in
6 this state by the plaintiff;

7 (8) in any action against a defendant who is or
8 was an officer or director of a domestic corporation where
9 the action arises out of the defendant's conduct as such
10 officer or director or out of the activities of the corpora-
11 tion while the defendant held office as a director or officer;

12 (9) in any action for the collection of taxes or
13 assessments levied, assessed or otherwise imposed by a taxing
14 authority after the effective date of this section;

15 (10) in any action which arises out of a promise
16 made to the plaintiff or some third party by the defendant to
17 insure upon or against the happening of an event if

18 (A) the person insured was a resident of this
19 state when the event out of which the cause of action is
20 claimed to arise occurred;

21 (B) the event out of which the cause of action
22 is claimed to arise occurred in this state; or

23 (C) the promise to insure was made in the
24 state;

25 (11) in any action against a personal representa-
26 tive to enforce a claim against the deceased person repre-
27 sented if one or more of the grounds stated in (2) - (10) of
28 this section would have furnished a basis for jurisdiction
29 over the deceased had he been living, and it is immaterial

1 under this section whether the action was commenced during
2 the lifetime of the deceased.

3 (b) In any action brought in reliance upon jurisdiction-
4 al grounds stated in (a)(2) - (10) of this section, there
5 cannot be joined in the same action any other claim or cause
6 against the defendant unless grounds exist under this section
7 for personal jurisdiction over the defendant as to the claim
8 or cause to be joined.

9 * Sec. 2. This Act takes effect on the day after its passage
10 and approval or on the day it becomes law without such approval.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29