

1 IN THE HOUSE

BY STEVENS

2 HOUSE BILL NO. 16

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

10 Sec. 09.05.015. PERSONAL JURISDICTION. (a) A court of this
11 state having jurisdiction over the subject matter has jurisdiction over
12 a person served in an action according to the rules of civil procedure

13 (1) in any action, whether arising in or out of this state,
14 against a defendant who, when the action is commenced,

15 (A) is a natural person present in this state when
16 served;

17 (B) is a natural person domiciled in this state;

18 (C) is a domestic corporation; or

19 (D) is engaged in substantial and not isolated
20 activities in this state, whether such activities are wholly
21 interstate, intrastate, or otherwise;

22 (2) in any action which may be brought under statutes of
23 this state which specifically confer grounds for personal jurisdiction
24 over the defendant;

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

28 (4) in any action claiming injury to person or property in
29 this state arising out of an act or omission out of this state by the

1 defendant, provided, in addition, that at the time of the injury either

2 (A) solicitation or service activities were carried on
3 in this state by or on behalf of the defendant; or

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

7 (5) in any action which

8 (A) arises out of a promise, made anywhere to the
9 plaintiff or to some third party for the plaintiff's benefit, by
10 the defendant to perform services in this state or to pay for
11 services to be performed in this state by the plaintiff;

12 (B) arises out of services actually performed for the
13 plaintiff by the defendant in this state, or services actually
14 performed for the defendant by the plaintiff in this state if the
15 performance in this state was authorized or ratified by the
16 defendant;

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

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

24 (E) relates to goods, documents of title, or other
25 things of value actually received by the plaintiff in this state
26 from the defendant without regard to where delivery to the
27 carrier occurred;

28 (6) in any action which arises out of

29 (A) a promise, made anywhere to the plaintiff or to

1 some third party for the plaintiff's benefit, by the defendant to
2 create in either party an interest in, or to protect, acquire,
3 dispose of, use, rent, own, control or possess by either party
4 real property situated in this state;

5 (B) a claim to recover any benefit derived by the de-
6 fendant through the use, ownership, control or possession by the
7 defendant of tangible property situated in this state either at
8 the time of the first use, ownership, control or possession or at
9 the time the action is commenced; or

10 (C) a claim that the defendant return, restore, or
11 account to the plaintiff for any asset or thing of value which
12 was in this state at the time the defendant acquired possession
13 or control over it;

14 (7) in any action to recover a deficiency judgment upon a
15 mortgage note or conditional sales contract or other security agreement
16 executed by the defendant or his predecessor to whose obligations the
17 defendant has succeeded and the deficiency is claimed

18 (A) in an action in this state to foreclose upon real
19 property situated in this state;

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

22 (C) following resale of tangible property in this state
23 by the plaintiff;

24 (8) in any action against a defendant who is or was an
25 officer or director of a domestic corporation where the action arises
26 out of the defendant's conduct as such officer or director or out of
27 the activities of the corporation while the defendant held office as a
28 director or officer;

29 (9) in any action for the collection of taxes or

1 assessments levied, assessed or otherwise imposed by a taxing authority
2 after the effective date of this section;

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

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

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

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

12 (11) in any action against a personal representative to
13 enforce a claim against the deceased person represented if one or more
14 of the grounds stated in (2) - (10) of this section would have furnish-
15 ed a basis for jurisdiction over the deceased had he been living, and
16 it is immaterial under this section whether the action was commenced
17 during the lifetime of the deceased.

18 (b) In any action brought in reliance upon jurisdictional
19 grounds stated in (a)(2) - (10) of this section, there cannot be joined
20 in the same action any other claim or cause against the defendant un-
21 less grounds exist under this section for personal jurisdiction over
22 the defendant as to the claim or cause to be joined.

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