

## **Part 2**

### **Nonresident Jurisdiction Act**

#### **78B-3-201 Title -- Purpose.**

- (1) This part is known as the "Nonresident Jurisdiction Act."
- (2) It is declared, as a matter of legislative policy, that the public interest demands the state provide its citizens with an effective means of redress against nonresident persons, who, through certain significant minimal contacts with this state, incur obligations to citizens entitled to the state's protection. This legislative action is necessary because of technological progress which has substantially increased the flow of commerce between the several states resulting in increased interaction between persons of this state and persons of other states.
- (3) The provisions of this part, to ensure maximum protection to citizens of this state, should be applied so as to assert jurisdiction over nonresident defendants to the fullest extent permitted by the due process clause of the Fourteenth Amendment to the United States Constitution.

Renumbered and Amended by Chapter 3, 2008 General Session

#### **78B-3-202 Definitions.**

As used in this part:

- (1) The words "any person" mean any individual, firm, company, association, or corporation.
- (2) The words "transaction of business within this state" mean activities of a nonresident person, his agents, or representatives in this state which affect persons or businesses within the state.

Renumbered and Amended by Chapter 3, 2008 General Session

#### **78B-3-204 Effect of failure to appoint registered agent -- Service of process upon nonresident.**

If a nonresident person doing business fails to appoint a registered agent within the state in accordance with Title 16, Chapter 17, Model Registered Agents Act, service of process may be made by serving any person employed by or acting as an agent for the nonresident.

Amended by Chapter 43, 2010 General Session

#### **78B-3-205 Acts submitting person to jurisdiction.**

Notwithstanding Section 16-10a-1501, any person or personal representative of the person, whether or not a citizen or resident of this state, who, in person or through an agent, does any of the following enumerated acts is subject to the jurisdiction of the courts of this state as to any claim arising out of or related to:

- (1) the transaction of any business within this state;
- (2) contracting to supply services or goods in this state;
- (3) the causing of any injury within this state whether tortious or by breach of warranty;
- (4) the ownership, use, or possession of any real estate situated in this state;
- (5) contracting to insure any person, property, or risk located within this state at the time of contracting;
- (6) with respect to actions of divorce, separate maintenance, or child support, having resided, in the marital relationship, within this state notwithstanding subsequent departure from the state;

or the commission in this state of the act giving rise to the claim, so long as that act is not a mere omission, failure to act, or occurrence over which the defendant had no control; or  
(7) the commission of sexual intercourse within this state which gives rise to a paternity suit under Title 78B, Chapter 15, Utah Uniform Parentage Act, to determine paternity for the purpose of establishing responsibility for child support.

Renumbered and Amended by Chapter 3, 2008 General Session

**78B-3-206 Service of process.**

- (1) Service of process on any party outside the state may be made pursuant to the applicable provisions of Rule 4 of the Utah Rules of Civil Procedure.
- (2) Service of summons and of a copy of the complaint, if any, may also be made upon any person located without this state by any individual over 21 years of age, not a party to the action, with the same force and effect as though the summons had been personally served within this state. No order of court is required. An affidavit of the server shall be filed with the court stating the time, manner and place of service. The court may consider the affidavit, or any other competent proofs, in determining whether proper service has been made.
- (3) Nothing contained in this section shall be construed to limit or affect the right to serve process in any other manner provided by law.

Renumbered and Amended by Chapter 3, 2008 General Session

**78B-3-207 Only claims arising from enumerated acts may be asserted.**

Only claims arising from acts enumerated in this part may be asserted against a defendant in an action in which jurisdiction over him is based upon this part.

Renumbered and Amended by Chapter 3, 2008 General Session

**78B-3-208 Default judgments.**

- (1) A default judgement may not be entered until the expiration of at least 30 days after service.
- (2) A default judgment entered on service may be set aside only on a showing which would be timely and sufficient to set aside a default judgment entered on personal service within this state.

Renumbered and Amended by Chapter 3, 2008 General Session

**78B-3-209 When exercisable.**

Subject to the applicable statute of limitations, jurisdiction established under this part may be exercised regardless of when the claim arose.

Renumbered and Amended by Chapter 3, 2008 General Session