## 502.611 Service of process.

1. Signed consent to service of process. A consent to service of process required by this chapter must be signed and filed in the form required by a rule or order under this chapter. A consent appointing the administrator as a person's agent for service of process in a noncriminal action or proceeding against the person, or the person's successor or personal representative under this chapter or a rule adopted or order issued under this chapter after the consent is filed, has the same force and validity as if the service of process were made personally on the person filing the consent. A person that has filed a consent complying with this subsection in connection with a previous application for registration or notice filing need not file an additional consent.

2. Conduct constituting appointment of agent for service of process. If a person, including a nonresident of this state, engages in an act, practice, or course of business prohibited or made actionable by this chapter or a rule adopted or order issued under this chapter and the person has not filed a consent to service of process under subsection 1, the act, practice, or course of business constitutes the appointment of the administrator as the person's agent for service of process in a noncriminal action or proceeding against the person or the person's successor or personal representative.

3. *Procedure for service of process*. If service of process is made on the administrator under subsection 1 or 2 it shall be made as provided in section 505.30, but is not effective unless all of the following apply:

a. The plaintiff, which may be the administrator, shall promptly send notice of the service of process and a copy of the service of process by certified mail to the defendant or respondent at the address set forth in the consent to service of process or, if a consent to service of process has not been filed, to the defendant's or respondent's last known principal place of business.

*b*. The plaintiff shall file an affidavit of compliance with this subsection in the action or proceeding on or before the return day of the service of process, if any, or within the time that the court, or the administrator in a proceeding before the administrator, allows.

4. Service of process in an administrative proceeding or civil action by administrator. Service of process pursuant to subsection 3 may be used in a proceeding before the administrator or by the administrator in a civil action in which the administrator is the moving party.

5. Opportunity to defend. If process is served under subsection 3, the court, or the administrator in a proceeding before the administrator, shall order continuances as are necessary or appropriate to afford the defendant or respondent reasonable opportunity to defend.

[C77, 79, 81, §502.611]

90 Acts, ch 1196, §5; 2004 Acts, ch 1161, §61, 68; 2018 Acts, ch 1018, §1 Referred to in §502.201, 502.302, 502.303, 502.304, 502.405, 502.406