

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](#)