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SENATE FILE 225

By GAUDINEER

Passed Senate, Date 3-12-71 Passed House, Date 4-8-71
Vote: Ayes 36 Nays 0 Vote: Ayes 91 Nays 0
Approved 4-27-71

A BILL FOR

1 An Act relating to the definition of a nonresident for the
2 purpose of making service of process.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4 Section 1. Section six hundred seventeen point three
5 (617.3), unnumbered paragraph two (2), Code 1971, is amended
6 as follows:

7 If a foreign corporation makes a contract with a resident
8 of Iowa to be performed in whole or in part by either party
9 in Iowa, or if such foreign corporation commits a tort in
10 whole or in part in Iowa against a resident of Iowa, such acts
11 shall be deemed to be doing business in Iowa by such foreign
12 corporation for the purpose of service of process or original
13 notice on such foreign corporation under this section, and,
14 if the corporation does not have a registered agent or agents
15 in the state of Iowa, shall be deemed to constitute the
16 appointment of the secretary of state of the state of Iowa to
17 be its true and lawful attorney upon whom may be served all
18 lawful process or original notice in actions or proceedings
19 arising from or growing out of such contract or tort. If a
20 nonresident person makes a contract with a resident of Iowa to
21 be performed in whole or in part by either party in Iowa, or
22 if such person commits a tort in whole or in part in Iowa
23 against a resident of Iowa, such acts shall be deemed to be
24 doing business in Iowa by such person for the purpose of service
25 of process or original notice on such person under this section,

1 and shall be deemed to constitute the appointment of the
2 secretary of state of the state of Iowa to be the true and
3 lawful attorney of such person upon whom may be served all
4 lawful process or original notice in actions or proceedings
5 arising from or growing out of such contract or tort. The
6 term "nonresident person" shall include any person who was,
7 at the time of the contract or tort, a resident of the state
8 of Iowa but who removed from the state before the commencement
9 of such action or proceedings and ceased to be a resident of
10 Iowa or, a resident who has remained continuously absent from
11 the state for at least a period of six months following
12 commission of the tort. The making of the contract or the
13 committing of the tort shall be deemed to be the agreement of
14 such corporation or such person that any process or original
15 notice so served shall be of the same legal force and effect
16 as if served personally upon such defendant within the state
17 of Iowa. The term "resident of Iowa" shall include any Iowa
18 corporation, any foreign corporation holding a certificate of
19 authority to transact business in Iowa, any individual residing
20 in Iowa, and any partnership or association one or more of
21 whose members is a resident of Iowa.

22 EXPLANATION

23 This Act clarifies the law and allows the service of process
24 in regard to a person who was a resident at the time of making
25 a contract for which service is sought but is not a resident
26 at the time of serving the process. In such case service will
27 be on the secretary of state.

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