

Service of Process; Secretary of State; HB 2298

HB 2298 amends law related to the Secretary of State (Secretary) and service of process, as follows.

Service of Process against Nonresidents in Cases Arising from Motor Vehicle Accidents or Collisions

The bill clarifies the requirements for service of process on nonresident drivers or their representatives through the Secretary. Current law provides that nonresident drivers or their representatives are deemed to accept the Secretary as their agent for service of process arising from any accident or collision that occurs while operating a vehicle in Kansas and requires a notice to be delivered to the defendant by registered mail or personally outside of the state by a sheriff or deputy sheriff in such state.

The bill provides that a plaintiff may serve a defendant by paying a fee to the Secretary and providing to the Secretary a copy of the summons, petition, and order, and the last known address, residence, or place of abode for each defendant. The Secretary is directed to immediately mail a notice of service and copy of the summons, petition, and order to each defendant by return receipt delivery. The bill requires the notice of service to be signed, dated, and using language substantially in the form specified by the bill.

The bill allows a plaintiff, upon written notification to the Secretary, to personally serve a defendant in a foreign state by an adult person not party to the suit or an officer duly qualified to serve legal process in the state or jurisdiction where the defendant is found, by delivering the appropriate documents, or offering to make such delivery, in the case of refused delivery, on a defendant. The plaintiff is required to provide the Secretary with a copy of the notice of service, summons, petition, and order provided to the defendant. The process server is required to file an affidavit, declaration, or any other competent proof, stating the time, manner, and place of service on or before the return day of process or within a further time the court may allow.

The Secretary is required to keep a record of all process served upon the office pursuant to the bill, showing the day of service of each process.

Compliance with these provisions constitutes sufficient service on the defendant.

Service of Process on Limited Liability Partnerships

The bill clarifies a domestic limited liability partnership or foreign limited liability partnership authorizes the Secretary, as each entity's agent, to accept service of process on the entity's behalf.