

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 1084

Short Title: Personal Jurisdiction for Small Claims.

(Public)

Sponsors: Representative G. Miller.

Referred to: Judiciary I.

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT, FOR SMALL CLAIM ACTIONS, A BUSINESS THAT DOES BUSINESS WITHIN THE COUNTY IN WHICH THE ACTION IS COMMENCED IS SUBJECTED TO THE JURISDICTION OF THE COURT EVEN THOUGH PROCESS WAS SERVED ON AN AGENT LOCATED IN A DIFFERENT COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-217 reads as rewritten:

"§ 7A-217. Methods of subjecting person of defendant to jurisdiction.

(a) When by order or rule a small claim action is assigned to a magistrate, the defendant may be subjected to the jurisdiction of the court over his person by the following methods:

(1) By delivering a copy of the summons and of the complaint to him or by leaving copies thereof at the defendant's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. When the defendant is under any legal disability, he may be subject to personal jurisdiction only by personal service of process in the manner provided by law.

(2) ~~When Subject to subsection (b) of this section,~~ when the defendant is not under any legal disability, he may be served by registered or certified mail as provided in G.S. 1A-1, Rule 4(j). Proof of service is as provided in G.S. 1A-1, Rule 4(j2).

1 (3) When the defendant is under no legal disability, he may be subjected
2 to the jurisdiction of the court over his person by his written
3 acceptance of service, or by his voluntary appearance.

4 (4) In summary ejectment cases only, service as provided in G.S. 42-29 is
5 also authorized.

6 **(b)** When the defendant is a domestic or foreign corporation, a partnership, or
7 any other unincorporated association that does business within the county in which the
8 action is commenced, the defendant may be subjected to the personal jurisdiction of the
9 court even though the manner of service of process was, pursuant to G.S. 1A-1, Rule
10 4(j), by delivering a copy of the summons and of the complaint to an agent that is
11 located outside the county in which the action is commenced."

12 Sec. 2. This act is effective upon ratification and applies to all actions
13 commenced on or after that date.