

454.270 Appointment of Secretary of State as agent for service of process -- Service of process -- Return -- Applicability.

- (1) Any nonresident operator or owner of any watercraft who accepts the privilege extended by the laws of this state to nonresidents to operate watercraft or have them operated within state shall, by such acceptance and by the operation of such watercraft within this state, make the Secretary of State the agent of himself or his personal representative for the service of process in any civil action instituted in the courts of this state against the operator or owner, or the personal representative of the operator or owner, arising out of or by reason of any accident or collision or damage occurring within this state in which the watercraft is involved.
- (2) The clerk of the court in which the action is brought shall issue a summons against the defendant named in the complaint and direct it to the sheriff of Franklin County. The sheriff shall execute the summons by delivering two (2) true copies to the Secretary of State and shall also deliver with each summons an attested copy of plaintiff's complaint. The Secretary of State shall immediately mail a copy of the summons and complaint to the defendant at the address given in the complaint. The letter shall be posted by prepaid certified mail, return receipt requested, and shall bear the return address of the Secretary of State. The sheriff shall make the usual return to the court, and in addition the Secretary of State shall make a return to the court showing that the acts contemplated by this statute have been performed, and shall attach to his return the registry receipt, if any. Summons shall be deemed to be served on the return of the Secretary of State and the action shall proceed as provided in the Rules of Civil Procedure.
- (3) The sheriff serving the summons upon the Secretary of State shall pay to him, at the time of service, a fee of ten dollars (\$10), which shall be taxed as costs in the action. The Secretary shall keep a record of each summons, including the day and hour of service upon him.
- (4) The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to appear and defend the action.
- (5) This chapter extends the right of service of process upon nonresidents, and does not limit any other provisions for the service of process.
- (6) The provisions of this chapter shall apply to any operator or owner of any watercraft who is a resident of this state at the time any accident or collision or damage occurs and who thereafter becomes a nonresident.

Effective: July 15, 1988

History: Amended 1988 Ky. Acts ch. 185, sec. 4, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 204, sec. 14, effective July 15, 1986. -- Amended 1980 Ky. Acts ch. 114, sec. 108, effective July 15, 1980. -- Amended 1974 Ky. Acts ch. 315, sec. 88. -- Amended 1972 Ky. Acts ch. 307, sec. 2. -- Created 1966 Ky. Acts ch. 183, sec. 4.