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A BILL FOR AN ACT

To provide for service of process outside the territorial jurisdiction of the Supreme Court of the Federated States of Micronesia, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Short title. This act is known as and may be cited as
2 the "Long-Arm Statute of the Federated States of Micronesia."

3 Section 2. Supreme Court jurisdiction. Any person, corporation, or
4 legal entity, whether or not a citizen or resident of the Federated States
5 of Micronesia, who in person or through an agent commits any of the
6 following acts subjects himself or his personal representative to the juris-
7 diction of the Supreme Court as to any National cause of action arising
8 therefrom:

9 (1) The transaction of any business within the Federated States
10 of Micronesia;

11 (2) The operation of a motor vehicle within the Federated
12 States of Micronesia;

13 (3) The operation of a vessel or craft within the territorial
14 waters or airspace of the Federated States of Micronesia;

15 (4) The harvesting of resources within territorial waters,
16 exclusive fishery zone, or extended fishery zone of the Federated States of
17 Micronesia;

18 (5) The commission of a tortious act within the Federated States
19 of Micronesia;

20 (6) Contracting to insure any person, property, or risk located
21 within the Federated States of Micronesia at the time of contracting;

22 (7) The ownership, use, or possession of any real estate within
23 the Federated States of Micronesia;

24 (8) Entering into an expressed or implied contract, by mail or
25 otherwise, with a resident of the Federated States of Micronesia;

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1 (9) Acting within the Federated States of Micronesia as director,
2 manager, trustee, or other officer of any corporation organized under the
3 laws of or having a place of business within the Federated States of Micro-
4 nesia, or acting as executor or administrator of any estate within the
5 Federated States of Micronesia;

6 (10) Causing injury to persons or property within the Federated
7 States of Micronesia arising out of an act or omission outside of the
8 Federated States of Micronesia by the defendant, provided in addition, that
9 at the time of the injury either:

10 (a) The defendant was engaged in solicitation or sales
11 activities within the Federated States of Micronesia; or

12 (b) Products, materials, or things processed, serviced, or
13 manufactured by the defendant anywhere were used or consumed within the
14 Federated States of Micronesia; and

15 (11) Living in a marital relationship within the Federated States
16 of Micronesia notwithstanding subsequent departure from the Federated States
17 of Micronesia, as to all obligations arising from alimony, child support, or
18 property rights under applicable laws, if the other party to the marital
19 relationship continues to reside in the Federated States of Micronesia.

20 Section 3. Service of process; proof of service; default judgment.

21 (1) Service of process outside the Federated States of Micronesia
22 may be made upon any person, corporation, legal entity, or agent thereof,
23 subject to the jurisdiction of the Supreme Court under this act, in the
24 following manner: Plaintiff shall mail either by certified or registered
25 mail, addressee only, return receipt requested, a copy of the summons and

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1 complaint to the last known address of the defendant. Such mailing shall
2 have the same force and effect as though service had been personally made upon
3 the defendant within the Federated States of Micronesia.

4 (2) If a defendant who is subject to the jurisdiction of the
5 Supreme Court pursuant to this act cannot be found to serve by mail or to
6 otherwise lawfully serve, and these facts are shown by affidavit or otherwise
7 to the satisfaction of the Court, the Court may order that service of process
8 be made by publication in a newspaper having general circulation reasonably
9 calculated to give the defendant notice, in such manner and for such time as the
10 Court may order. Such publication shall have the same force and effect as
11 though service had been personally made upon the defendant within the
12 Federated States of Micronesia.

13 (3) Proof of service shall be made by affidavit filed with the
14 Supreme Court attesting to the time, manner, and place of service together
15 with the return receipt bearing the signature of the defendant or his representative
16 or other evidence of notice to the defendant satisfactory to the Court.

17 (4) In the event of service of process pursuant to this section,
18 no default judgment may be entered until 45 days after receipt by the
19 defendant or perfection of other notice to the defendant as determined by the
20 Court.

21 Section 4. Proper cause of action. Only causes of action arising from
22 acts or omissions enumerated in this act may be asserted against a defendant
23 in an action in which jurisdiction over him is based upon this act.

24 Section 5. Other laws or rules. This act shall not be construed as
25 repealing or amending any other provision of law or Supreme Court rules

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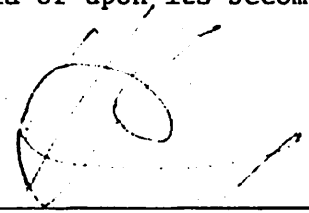
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1 relating to service of process, nor as establishing an exclusive method
2 of service of process in cases to which this section may apply.

3 Section 6. Effective date. This act shall become law upon approval
4 by the President of the Federated States of Micronesia or upon its becoming
5 law without such approval.

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7 Date: 11-5-81

Introduced by: 

Hiroshi Ismael.

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