

Kentucky Long-Arm Statute

Ky. Rev. Stat. Ann. § 454.210

454.210. Personal jurisdiction of courts over nonresident — Process, how served — Fee — Venue.

(1) As used in this section, “person” includes an individual, his or her executor, administrator, or other personal representative, or a corporation, partnership, association, or any other legal or commercial entity, who is a nonresident of this Commonwealth.

(2) A court may exercise personal jurisdiction over a person who is a party to a civil action on any basis consistent with the Kentucky Constitution and the Constitution of the United States, including but not limited to the person’s:

(a) Transacting any business in this Commonwealth;

(b) Contracting to supply services or goods in this Commonwealth;

(c) Causing tortious injury by an act or omission in this Commonwealth;

(d) Causing tortious injury in this Commonwealth by an act or omission, including but not limited to designing, manufacturing, or marketing products, including product components, outside this Commonwealth, which are used or consumed in this Commonwealth or regularly available for purchase in this Commonwealth if he or she does or solicits business, or engages in any other course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;

(e) Causing injury in this Commonwealth to any person by breach of warranty expressly or impliedly made in the sale of goods outside this Commonwealth when the seller knew such person would use, consume, or be affected by, the goods in this Commonwealth, if he or she also does or solicits business, or engages in any other course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;

(f) Having an interest in, using, or possessing real property in this Commonwealth, providing the claim arises from the interest in, use of, or possession of the real property, provided, however, that such in personam jurisdiction shall not be imposed on a nonresident who did not himself or herself voluntarily institute the relationship, and did not knowingly perform, or fail to perform, the act or acts upon which jurisdiction is predicated;

(g) Contracting to insure any person, property, or risk located within this Commonwealth at the time of contracting;

(h) Committing sexual intercourse in this state which intercourse causes the birth of a child when:

1. The father or mother or both are domiciled in this state;

2. There is a repeated pattern of intercourse between the father and mother in this state; or

3. Said intercourse is a tort or a crime in this state; or

(i) Making a telephone solicitation, as defined in KRS 367.46951, or a charitable solicitation as defined in KRS 367.650 via telecommunication, into the Commonwealth.

(3)

(a) When personal jurisdiction is authorized by this section, service of process may be made:

1. In any manner authorized by the Kentucky Rules of Civil Procedure;
2. On such person, or any agent of such person, in any county in this Commonwealth, where he or she may be found; or
3. On the Secretary of State who, for this purpose, shall be deemed to be the statutory agent of such person.

(b) The clerk of the court in which the action is brought shall issue a summons against the defendant named in the complaint. The clerk shall execute the summons either by:

1. Sending by certified mail two (2) true copies to the Secretary of State and shall also mail with the summons two (2) attested copies of plaintiff's complaint; or
2. Transmitting an electronically attested copy of the complaint and summons to the Secretary of State via the Kentucky Court of Justice electronic filing system.

(c) The Secretary of State shall, within seven (7) days of receipt thereof in his or her office, mail a copy of the summons and complaint to the defendant at the address given in the complaint. The letter shall be posted by certified mail, return receipt requested, and shall bear the return address of the Secretary of State. The clerk 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 or her 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.

(d) The clerk mailing the summons to the Secretary of State shall mail to him or her, at the same time, a fee of ten dollars (\$10), which shall be taxed as costs in the action. The fee for a summons transmitted electronically pursuant to this subsection shall be transmitted to the Secretary of State on a periodic basis.

(4) When the exercise of personal jurisdiction is authorized by this section, any action or suit may be brought in the county wherein the plaintiff resides or where the cause of action or any part thereof arose.

(5) A court of this Commonwealth may exercise jurisdiction on any other basis authorized in the Kentucky Revised Statutes or by the Rules of Civil Procedure, notwithstanding this section.