

State Long-Arm Statutes

In *Hess v. Pawloski*, the Supreme Court approved a Massachusetts state statute that authorized Massachusetts state courts to exercise personal jurisdiction over persons not present in Massachusetts, but who had driven an automobile within the state, on the fictional theory that by driving within the state, such persons had appointed a local registrar as their agent to receive service of process. Later, in *International Shoe*, the Supreme Court dispensed with this fiction and stated that state courts could exercise personal jurisdiction over persons not present within the state when such persons had such “minimum contacts” with the state that the exercise of personal jurisdiction over them did not offend “traditional notions of fair play and substantial justice.”

Accordingly, states passed statutes directing their courts to exercise personal jurisdiction over persons outside the state in specified circumstances. Such a statute is known as a “long-arm statute.” A sampling of such statutes appears below.

Illinois Code of Civil Procedure

§ 2-209.

. . . (a) Any person, whether or not a citizen or resident of this State, who in person or through an agent does any of the acts hereinafter enumerated, thereby submits such person, and, if an individual, his or her personal representative, to the jurisdiction of the courts of this State as to any cause of action arising from the doing of any of such acts:

- (1) The transaction of any business within this State;
- (2) The commission of a tortious act within this State;
- (3) The ownership, use, or possession of any real estate situated in this State;
- (4) Contracting to insure any person, property or risk located within this State at the time of contracting . . .

North Carolina Gen. Stat. § 1-75.4

§ 1-75.4. Personal jurisdiction, grounds for generally

A court of this State having jurisdiction of the subject matter has jurisdiction over a person . . . under any of the following circumstances:

(1) Local Presence or Status. -- In any action, whether the claim arises within or without this State, in which a claim is asserted against a party who . . .

- a. Is a natural person present within this State; or
- b. Is a natural person domiciled within this State; or
- c. Is a domestic corporation; or

d. Is engaged in substantial activity within this State, whether such activity is wholly interstate, intrastate, or otherwise. . . .

(3) Local Act or Omission. -- In any action claiming injury to person or property or for wrongful death within or without this State arising out of an act or omission within this State by the defendant.

(4) Local Injury; Foreign Act. -- In any action for wrongful death occurring within this State or in any action claiming injury to person or property within this State arising out of an act or omission outside this State by the defendant, provided in addition that at or about the time of the injury either:

a. Solicitation or services activities were carried on within this State by or on behalf of the defendant;

b. Products, materials or thing processed, serviced or manufactured by the defendant were used or consumed, within this State in the ordinary course of trade; or

c. Unsolicited bulk commercial electronic mail was sent into or within this State by the defendant

(5) Local Services, Goods or Contracts. -- In any action which:

a. Arises out of a promise, made anywhere to the plaintiff or to some third party for the plaintiff's benefit, by the defendant to perform services within this State or to pay for services to be performed in this State by the plaintiff; or . . .

c. Arises out of a promise, made anywhere to the plaintiff or to some third party for the plaintiff's benefit, by the defendant to deliver or receive within this State, or to ship from this State goods, documents of title, or other things of value

(6) Local Property. -- In any action which arises out of:

a. A promise, made anywhere to the plaintiff or to some third party for the plaintiff's benefit, by the defendant to create in either party an interest in, or protect, acquire, dispose of, use, rent, own, control or possess by either party real property situated in this State . . .

New York Civil Practice Law

§ 302. Personal jurisdiction by acts of non-domiciliaries

(a) Acts which are the basis of jurisdiction. As to a cause of action arising from any of the acts enumerated in this section, a court may exercise personal jurisdiction over any non-domiciliary, or his executor or administrator, who in person or through an agent:

1. transacts any business within the state or contracts anywhere to supply goods or services

in the state; or

2. commits a tortious act within the state, except as to a cause of action for defamation of character arising from the act; or

3. commits a tortious act without the state causing injury to person or property within the state, except as to a cause of action for defamation of character arising from the act, if he

(i) regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered, in the state, or

(ii) expects or should reasonably expect the act to have consequences in the state and derives substantial revenue from interstate or international commerce; or

4. owns, uses or possesses any real property situated within the state.

Rhode Island General Laws § 9-5-33

Jurisdiction over foreign corporations and over nonresident individuals . . .

(a) Every foreign corporation [and] every individual not a resident of this state . . . that shall have the necessary minimum contacts with the state of Rhode Island, shall be subject to the jurisdiction of the state of Rhode Island . . . in every case not contrary to the provisions of the constitution or laws of the United States. . . .

(b) Service of process may be made on any such foreign corporation [or] nonresident individual . . . within or without the state in the manner provided by any applicable procedural rule or in the manner prescribed by order of the court in which the action is brought.