

AN ACT

To provide for service of process on the jurisdiction over persons outside of the Republic of Palau, and for other purposes.

THE PEOPLE OF PALAU REPRESENTED IN THE OLBIIL ERA KELULAU DO ENACT AS FOLLOWS:

1           Section 1. Short Title. This Act shall be known and may be  
2           cited as the Long Arm Jurisdiction and Service of Process Act of  
3           1982.

4           Section 2. Jurisdiction over acts of nonresidents. Any per-  
5           sons, corporation or legal entity, whether or not a resident of the  
6           Republic of Palau, who in person or through an agent does any of the  
7           acts enumerated in this Section thereby submits to the jurisdiction  
8           of the courts of the Republic of Palau as to any cause of action  
9           arising from:

- 10           (1) The transaction of any business within the Republic;
- 11           (2) The operation of a motor vehicle within the Republic;
- 12           (3) The operation of a vessel or craft within the territorial  
13           waters or airspace of the Republic;
- 14           (4) The commission of a tortuous act within the Republic;
- 15           (5) Contracting to insure any person, property or risk loca-  
16           ted within the Republic at the time of contracting;
- 17           (6) The ownership, use or possession of any property within  
18           the Republic;

1 (7) Entering into an express or implied contract, by mail or  
2 otherwise, with a resident of the Republic to be performed in whole  
3 or in part by either party in the Republic;

4 (8) Acting within the Republic as director, manager trustee,  
5 or other officer of any corporation organized under the laws of or  
6 having a place of business within the Republic, or as executor or ad-  
7 ministrator of any estate within the Republic;

8 (9) Causing injury to persons or property within the Republic  
9 arising out of an act or omission outside of the Republic by the de-  
10 fendant, provided in addition, that at the time of the injury either;

11 (a) the defendant was engaged in the solicitation or  
12 sales activities within the Republic; or

13 (b) products, materials, or things processed, serviced  
14 or manufactured by the defendant anywhere were used or  
15 consumed within the Republic; and

16 (10) Living in a marital relationship within the Republic  
17 notwithstanding subsequent departure from the Republic, as to all ob-  
18 ligations arising for alimony, child support, or property rights  
19 under the laws of the Republic, if the other party to the marital re-  
20 lationship continues to reside in the Republic.

21 Section 3. Service outside Palau service of process may be  
22 made upon any person subject to the jurisdiction of the courts of the  
23 Republic of Palau under this Act by personally serving the summons

1 upon the defendant outside the Republic, or by certified mail to the  
 2 last known address of such person to be served, or by certified mail  
 3 upon the Registrar of Corporations, Secretary of State, Department of  
 4 Justice or other like governmental body of the nation or state in  
 5 which such person to be served resides. Such service has the same  
 6 force and effect as though service had been personally made within  
 7 the Republic.

8 Section 4. Manner of Service. Service of summons shall be  
 9 under this Act in like manner as service within the Republic of Palau  
 10 by any officer or person authorized to make service of summons in the  
 11 state or jurisdiction where the defendant is served. An affidavit of  
 12 the server shall be filed with the court issuing said summons stating  
 13 the time, manner and place of service. The court may consider the  
 14 affidavit or any other competent proofs in determining whether ser-  
 15 vice has been properly made.

16 Section 5. Default Judgment. No default shall be entered  
 17 against any person served with process pursuant to Section 3 of this  
 18 Act until the expiration of at least thirty days after service. A  
 19 default judgment rendered on service made under this Act may be set  
 20 aside only on a showing which would be timely and sufficient to set  
 21 aside a default judgment entered upon personal service within the Re-  
 22 public of Palau.

1 Section 6. Effect of Jurisdiction Limited Only causes of  
2 action arising from acts or omissions enumerated in this act may be  
3 asserted against a defendant in an action in which jurisdiction over  
4 him is based upon the provisions of this Act.

5 Section 7. Effect of Act on other method of services. Nothing  
6 contained in this Act limits or affects the right to serve process in  
7 any manner now or hereafter provided by law.

8 Section 8. Repeal. Section 41 through 46 inclusive of Sub-  
9 chapter III of Chapter 1 of Title 6 of the Trust Territory Code are  
10 hereby repealed in their entirety.

11 Section 9. Severability. If a provision of this Act or its  
12 application to a particular person or circumstance is held invalid,  
13 such invalidity does not affect other provisions or applications of  
14 this Act.

15 Section 10. Effective Date This Act shall take effect upon  
16 its approval by the President of the Republic of Palau, or upon its  
17 becoming law without such approval, except as otherwise provided by  
18 law.

PASSED: February 5, 1982

Approved this 24 day of February, 1982

NOT SUSPENDED, PER SECRETARIAL /s/  
ORDER 3039  
DATE: MARCH 30, 1982

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Haruo I. Remeliek, President  
Republic of Palau

RPPL NO. \_\_\_\_\_ 1-26 \_\_\_\_\_

SENATE BILL NO. 130, SD1, SD2, HD1, HD2

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