

## CHAPTER 131.

[ H. B. 58. ]

## CIVIL PROCEDURE.

AN ACT relating to civil procedure; amending section 11, chapter 127, Laws of 1893, as amended by section 3, chapter 86, Laws of 1895, and RCW 4.28.180; and adding a new section to chapter 127, Laws of 1893 and to chapter 4.28 RCW.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Section 11, chapter 127, Laws of 1893, as amended by section 3, chapter 86, Laws of 1895, and RCW 4.28.180 are each amended to read as follows:

RCW 4.28.180 amended.

Personal service of summons or other process may be made upon any party outside the state. If upon a citizen or resident of this state or upon a person who has submitted to the jurisdiction of the courts of this state, it shall have the force and effect of personal service within this state; otherwise it shall have the force and effect of service by publication. The summons upon the party out of the state shall contain the same and be served in like manner as personal summons within the state, except it shall require the party to appear and answer within sixty days after such personal service out of the state.

Personal service out of state.

SEC. 2. There is added to chapter 127, Laws of 1893 and to chapter 4.28 RCW a new section to read as follows:

New section.

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

Jurisdiction acquired from enumerated acts—Service of process.

(a) The transaction of any business within this state;

(b) The commission of a tortious act within this state;

(c) The ownership, use, or possession of any property whether real or personal situated in this state;

(d) Contracting to insure any person, property or risk located within this state at the time of contracting.

Service of process.

(2) Service of process upon any person who is subject to the jurisdiction of the courts of this state, as provided in this section, may be made by personally serving the defendant outside this state, as provided in section 1, with the same force and effect as through personally served within this state.

Causes of action.

(3) Only causes of action arising from acts enumerated herein may be asserted against a defendant in an action in which jurisdiction over him is based upon this section.

Affidavit filed.

(4) Personal service outside the state shall be valid only when an affidavit is made and filed to the effect that service cannot be made within the state.

Attorneys' fees.

(5) In the event the defendant is personally served outside the state on causes of action enumerated in this section, and prevails in the action, there may be taxed and allowed to the defendant as part of the costs of defending the action a reasonable amount to be fixed by the court as attorneys' fees.

Savings clause.

(6) Nothing herein contained limits or affects the right to serve any process in any other manner now or hereafter provided by law.

Passed the House March 6, 1959.

Passed the Senate March 6, 1959.

Approved by the Governor March 16, 1959.