
A BILL FOR AN ACT

To further amend title 4 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 3-3 and 3-40, by repealing section 204 in its entirety and enacting a new section 204 in lieu thereof for the purpose of establishing provisions 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. Section 204 of title 4 of the Code of the Federated
2 States of Micronesia is hereby repealed in its entirety and a new
3 section 204 is hereby enacted to read as follows:

4 "Section 204. Service of process outside the territorial
5 jurisdiction of the Supreme Court.

6 (1) Any person, corporation, or legal entity, whether
7 or not a citizen or resident of the Federated States of
8 Micronesia, who in person or through an agent does any of
9 the acts enumerated in this section, thereby submits
10 himself or its personal representative to the personal
11 jurisdiction of the Supreme Court of the Federated States
12 of Micronesia as to any cause of action arising from:

13 (a) The transaction of any business within the
14 Federated States of Micronesia;

15 (b) The operation of a motor vehicle within the
16 Federated States of Micronesia;

17 (c) The operation of a vessel or craft within
18 the territorial waters or airspace of the Federated States
19 of Micronesia;

20 (d) Fishing or otherwise harvesting resources
21 within the extended fishery zone of the Federated States of
22 Micronesia;

23 (e) The commission of a tortious act within the
24 Federated States of Micronesia;

25 (f) Contracting to insure any person, property,

1 or risk located within the Federated States of Micronesia at
2 the time of contracting;

3 (g) The ownership, use, or possession of any real
4 estate within the Federated States of Micronesia;

5 (h) Entering into an express or implied contract,
6 by mail or otherwise, with a resident of the Federated
7 States of Micronesia to be performed in whole or in part by
8 either party in the Federated States of Micronesia;

9 (i) Acting within the Federated States of
10 Micronesia as director, manager, trustee, or other officer
11 of any corporation organized under the laws of or having a
12 place of business within the Federated States of Micro-
13 nesia, or as executor or administrator of any estate within
14 the Federated States of Micronesia;

15 (j) Causing injury to persons or property within
16 the Federated States of Micronesia arising out of an act or
17 omission outside of the Federated States of Micronesia by
18 the defendant, provided in addition, that at the time of
19 the injury either:

20 (i) The defendant was engaged in the
21 solicitation or sales activities within the Federated
22 States of Micronesia; or

23 (ii) Products, materials, or things
24 processed, serviced, or manufactured by the defendant
25 anywhere were used or consumed within the Federated States

1 of Micronesia; and

2 (k) Living in the marital relationship within
3 the Federated States of Micronesia notwithstanding
4 subsequent departure from the Federated States of
5 Micronesia, as to all obligations arising for alimony,
6 child support or property rights under chapter 16 of this
7 title, if the other party to the marital relationship
8 continues to reside in the Federated States of Micronesia.

9 (2) Service of process may be made upon any person
10 subject to the jurisdiction of the Supreme Court under this
11 section by personally serving the summons upon the
12 defendant outside the Federated States of Micronesia. Such
13 service has the same force and effect as though service had
14 been personally made within the Federated States of
15 Micronesia.

16 (3) Service of summons shall be made under this
17 section in like manner as service within the Federated
18 States of Micronesia by any officer or person authorized to
19 make service of summons in the State or jurisdiction where
20 the defendant is served. An affidavit of the server shall
21 be filed with the court issuing said summons stating the
22 time, manner, and place of service. The court may consider
23 the affidavit or any other competent proofs in determining
24 whether service has been properly made. No default shall
25 be entered until the expiration of at least 30 days

1 after service. A default judgment rendered on service made
2 under this section may be set aside only on a showing which
3 would be timely and sufficient to set aside a default
4 judgment entered upon personal service within the Federated
5 States of Micronesia.

6 (4) Nothing contained in this section limits or
7 affects the right to serve any process in any other manner
8 now or hereafter provided by law."

9 Section 2. Nothing in this act shall be construed to expand the
10 existing subject matter jurisdiction of the Supreme Court of the
11 Federated States of Micronesia.

12 Section 3. This act shall become law upon approval by the
13 President of the Federated States of Micronesia or upon its becoming
14 law without such approval.

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16 Date: 5/28/87

Introduced by: Claude H. Phillip
Claude H. Phillip
(by request)

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