

LEGISLATIVE BILL 951

Approved by the Governor March 22, 1974

Introduced by Fellman, 4

AN ACT to amend section 25-314, Reissue Revised Statutes of Nebraska, 1943, relating to civil procedure; to clarify provisions for service of process on certain organizations; to require filing statements of change with the Secretary of State; to provide fees; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 25-314, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-314. Process against any such company, firm, or unincorporated association which has its principal place of business or activity in the state shall be served by a copy left at its usual place of doing business or conducting activities within the county with one of the members of such company, firm, or unincorporated association or with a clerk or general agent thereof or by serving a copy of such process on the Secretary of State as hereinafter provided. ~~When~~ Provided; when such company, firm, or unincorporated organization has its principal place of business or activity outside of this state and does not have a usual place of doing business or activity within the state, nor a clerk or general agent within the state, such company, firm, or unincorporated association shall appoint an agent or agents in this state and before it is authorized to engage in any kind of business or activity in this state such company, firm, or unincorporated organization shall file in the office of the Secretary of State a certified statement setting forth that such company, firm, or unincorporated organization is doing business or conducting activities in the State of Nebraska stating the nature of the business or activity, and designating an agent or agents within the State of Nebraska, upon whom process, or other legal notice of the commencement of any legal proceeding, or in the prosecution thereof may be served; and such service of process or any such other legal notice as provided in this section made upon the Secretary of State, or upon any such agent or agents, shall constitute valid service upon such company, firm, or unincorporated organization in all courts of this state, in counties where the cause of action or some part

thereof arose and the doing of business or conducting activities within the State of Nebraska without filing such certified statement and designation of agent or agents shall be deemed an appointment by such company, firm, or unincorporated association of the Secretary of State as its true and lawful attorney upon whom may be served all legal process in any action or proceeding against it growing out of such business or activities. Executions issued on any judgments rendered in such proceedings shall be levied only on property of the company, firm, partnership, or unincorporated association. A fee of five dollars shall be paid for filing the certified statement with the Secretary of State. If there is a change of the agent or agents, or if there is a change of street address, a statement shall be filed with the Secretary of State, stating the name of the new agent or agents or the new street address, or both. A filing fee of three dollars shall be paid for the filing of such statement.

Sec. 2. That original section 25-314, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.