

304.3-230 Service of process on insurers -- Secretary of State as attorney for service of process.

- (1) Upon issuance of a certificate of authority to do business in this state, the following shall be deemed to have appointed the Secretary of State as their attorney to receive service of lawful process issued against them in this state:
 - (a) Foreign or alien insurers;
 - (b) Domestic reciprocal insurers;
 - (c) Domestic Lloyd's insurers;
 - (d) Qualified self-insurers.
- (2) Such appointment shall be irrevocable, shall bind any successor in interest or to the assets or liabilities of the insurer, and shall remain in effect as long as there is in force in this state or elsewhere a contract that would give rise to a cause of action in this state, made by the insurer, or liabilities or duties arising therefrom.
- (3) Service of lawful process against unauthorized insurers, except in contracts issued by insurers or underwriters to those insureds specified in KRS 304.11-020, shall be made upon the Secretary of State, as provided in KRS 304.11-040.
- (4) Service of lawful process against authorized domestic insurers shall be had pursuant to KRS 14A.4-040.
- (5) If the Secretary of State is by law the lawful attorney for service of process, the clerk of the court in which action is brought shall issue a summons against the defendant named in the complaint and shall serve by certified mail, return receipt requested, two (2) true copies of the summons with two (2) attested copies of plaintiff's complaint to the Secretary of State. The Secretary of State shall immediately mail a copy of the summons and complaint to the defendant; if an authorized insurer, to the person designated pursuant to subsection (7) of KRS 304.3-150, and if an unauthorized insurer to the last known principal place of business. The letter shall be posted by prepaid certified mail, return receipt requested, and shall bear the return address of the Secretary of State. The Secretary of State shall make a return to the court showing that the acts contemplated by this statute have been performed, and shall attach to his return the registry receipt, if any. Summons shall be deemed to be served on the return of the Secretary of State and the action shall proceed as provided in the Kentucky Rules of Civil Procedure.
- (6) The Secretary of State shall keep a record of the date and hour of receipt of such lawful process, as well as the date it is forwarded to the defendant.
- (7) For the purpose of this section, "lawful process" shall include only the summons which initiates and commences a cause of action, and such other initial notices, rules, or orders which would be required by the Kentucky Rules of Civil Procedure to be by personal service.
- (8) The sheriff serving the summons upon the Secretary of State shall pay to him at the time of service a fee in the amount set forth in KRS 454.210, which shall be taxed as costs in the action.

Effective: January 1, 2011

History: Amended 2010 Ky. Acts ch. 151, sec. 133, effective January 1, 2011. -- Amended 2000 Ky. Acts ch. 145, sec. 3, effective July 14, 2000. -- Repealed and reenacted Ky. Acts ch. 1990 Ky. Acts ch. 425, sec. 2, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 185, sec. 2, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 319, sec. 1, effective July 15, 1982. -- Amended 1972 Ky. Acts ch. 274, sec. 160, effective July 1, 1972. -- Created 1970 Ky. Acts ch. 301, subtit. 3, sec. 23, effective June 18, 1970.