

**131.614 Appointment of agent by nonresident nonparticipating tobacco product manufacturer and each of its importers for service of process.**

- (1) Any nonresident or foreign nonparticipating manufacturer that has not registered to do business in the state as a foreign corporation or business entity shall, as a condition precedent to having its brand families included or retained in the directory:
  - (a) Appoint and continually engage without interruption the services of an agent in this state to act as agent for the service of process on whom all process, and any action or proceeding against it concerning or arising out of the enforcement of KRS 131.600 to 131.630, may be served in any manner authorized by law. The service shall constitute legal and valid service of process on the nonparticipating manufacturer. The nonparticipating manufacturer shall provide the name, address, phone number, and proof of the appointment and availability of the agent to the Attorney General; and
  - (b) Cause each of its importers of each of its brand families to be sold in the state to appoint and continually engage without interruption the services of an agent in this state for the purposes outlined in paragraph (a) of this subsection.
- (2) The nonparticipating manufacturer and each of its importers shall provide notice to the Attorney General thirty (30) calendar days prior to termination of the authority of an agent and shall further provide proof of the appointment of a new agent no less than five (5) calendar days prior to the termination of an existing agent appointment. If an agent terminates an agency appointment, the nonparticipating manufacturer and each of its importers shall notify the Secretary of State and the Attorney General of the termination within five (5) calendar days and shall include proof of the appointment of a new agent.
- (3) If a nonparticipating manufacturer or any of its importers do not appoint or designate an agent as required by this section, the Secretary of State shall serve as its agent and the nonparticipating manufacturer or its importers, as the case may be, may be proceeded against in courts of this state by service of process upon the Secretary of State. The appointment of the Secretary of State as its agent shall not satisfy the condition precedent to having the nonparticipating manufacturer's brand families listed or retained in the directory.
- (4) The Attorney General may by administrative regulation establish criteria for validating the appointment of an agent for the purposes of this section.

**Effective:** July 1, 2015

**History:** Amended 2015 Ky. Acts ch. 55, sec. 6, effective July 1, 2015. -- Created 2003 Ky. Acts ch. 194, sec. 6, effective April 6, 2003.