

1 AN ACT relating to civil procedure.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 413 IS CREATED TO
4 READ AS FOLLOWS:

5 *The following actions shall be commenced within three (3) years after the cause of*
6 *action accrued:*

7 *(1) An action against an employer for wrongful discharge in violation of public*
8 *policy; and*

9 *(2) An action for a violation of KRS 344.030 to 344.110 or 344.372.*

10 ➔Section 2. KRS 337.385 is amended to read as follows:

11 (1) Except as provided in subsection (3) of this section, any employer who pays any
12 employee less than wages and overtime compensation to which such employee is
13 entitled under or by virtue of KRS 337.020 to 337.285 shall be liable to such
14 employee affected for the full amount of such wages and overtime compensation,
15 less any amount actually paid to such employee by the employer, for an additional
16 equal amount as liquidated damages, and for costs and such reasonable attorney's
17 fees as may be allowed by the court.

18 (2) If, in any action commenced to recover such unpaid wages or liquidated damages,
19 the employer shows to the satisfaction of the court that the act or omission giving
20 rise to such action was in good faith and that he or she had reasonable grounds for
21 believing that his or her act or omission was not a violation of KRS 337.020 to
22 337.285, the court may, in its sound discretion, award no liquidated damages, or
23 award any amount thereof not to exceed the amount specified in this section. Any
24 agreement between such employee and the employer to work for less than the
25 applicable wage rate shall be no defense to such action. Such action may be
26 maintained in any court of competent jurisdiction by any one (1) or more
27 employees for and in behalf of himself, herself, or themselves.

1 (3) If the court finds that the employer has subjected the employee to forced labor or
 2 services as defined in KRS 529.010, the court shall award the employee punitive
 3 damages not less than three (3) times the full amount of the wages and overtime
 4 compensation due, less any amount actually paid to such employee by the
 5 employer, and for costs and such reasonable attorney's fees as may be allowed by
 6 the court, including interest thereon.

7 (4) At the written request of any employee paid less than the amount to which he or she
 8 is entitled under the provisions of KRS 337.020 to 337.285, the commissioner may
 9 take an assignment of such wage claim in trust for the assigning employee and may
 10 bring any legal action necessary to collect such claim, and the employer shall be
 11 required to pay the costs and such reasonable attorney's fees as may be allowed by
 12 the court. The commissioner in case of suit shall have power to join various
 13 claimants against the same employer in one (1) action.

14 **(5) Any court or administrative action under any provision of this chapter, not**
 15 **otherwise subject to an express period of limitations, shall be commenced within**
 16 **three (3) years after the cause of action accrued.**

17 ➔Section 3. KRS 454.210 is amended to read as follows:

18 (1) As used in this section, "person" includes an individual, his **or her** executor,
 19 administrator, or other personal representative, or a corporation, partnership,
 20 association, or any other legal or commercial entity, who is a nonresident of this
 21 Commonwealth.

22 (2) ~~[(a)]~~A court may exercise personal jurisdiction over a person who **is a party to a**
 23 **civil action on any basis consistent with the Kentucky Constitution and the**
 24 **Constitution of the United States, including but not limited to**~~facts directly or by~~
 25 ~~an agent, as to a claim arising from~~ the person's:

26 **(a)**~~[(1)]~~ Transacting any business in this Commonwealth;

27 **(b)**~~[(2)]~~ Contracting to supply services or goods in this Commonwealth;

1 ~~(c)~~^[3-] Causing tortious injury by an act or omission in this Commonwealth;

2 ~~(d)~~^[4-] Causing tortious injury in this Commonwealth by an act or omission,
3 including but not limited to designing, manufacturing, or marketing
4 products, including product components, outside this Commonwealth,
5 which are used or consumed in this Commonwealth or regularly available
6 for purchase in this Commonwealth~~[- outside this Commonwealth]~~ if he or
7 she~~[regularly]~~ does or solicits business, or engages in any other~~[- persistent]~~
8 course of conduct, or derives substantial revenue from goods used or
9 consumed or services rendered in this Commonwealth~~[- provided that the~~
10 ~~tortious injury occurring in this Commonwealth arises out of the doing or~~
11 ~~soliciting of business or a persistent course of conduct or derivation of~~
12 ~~substantial revenue within the Commonwealth];~~

13 ~~(e)~~^[5-] Causing injury in this Commonwealth to any person by breach of
14 warranty expressly or impliedly made in the sale of goods outside this
15 Commonwealth when the seller knew such person would use, consume, or be
16 affected by, the goods in this Commonwealth, if he or she also~~[- regularly]~~
17 does or solicits business, or engages in any other~~[- persistent]~~ course of
18 conduct, or derives substantial revenue from goods used or consumed or
19 services rendered in this Commonwealth;

20 ~~(f)~~^[6-] Having an interest in, using, or possessing real property in this
21 Commonwealth, providing the claim arises from the interest in, use of, or
22 possession of the real property, provided, however, that such in personam
23 jurisdiction shall not be imposed on a nonresident who did not himself or
24 herself voluntarily institute the relationship, and did not knowingly perform,
25 or fail to perform, the act or acts upon which jurisdiction is predicated;

26 ~~(g)~~^[7-] Contracting to insure any person, property, or risk located within this
27 Commonwealth at the time of contracting;

1 ~~(h)~~^{8.} Committing sexual intercourse in this state which intercourse causes the
2 birth of a child when:

3 ~~1.~~^{fa.} The father or mother or both are domiciled in this state;

4 ~~2.~~^{fb.} There is a repeated pattern of intercourse between the father and mother
5 in this state; or

6 ~~3.~~^{fc.} Said intercourse is a tort or a crime in this state; or

7 ~~(i)~~^{9.} Making a telephone solicitation, as defined in KRS 367.46951, or a
8 charitable solicitation as defined in KRS 367.650 via telecommunication, into
9 the Commonwealth.

10 ~~[(b) When jurisdiction over a person is based solely upon this section, only a claim~~
11 ~~arising from acts enumerated in this section may be asserted against him.]~~

12 (3) (a) When personal jurisdiction is authorized by this section, service of process
13 may be made:

14 1. In any manner authorized by the Kentucky Rules of Civil Procedure;

15 2. On such person, or any agent of such person, in any county in this
16 Commonwealth, where he *or she* may be found; or

17 3. On the Secretary of State who, for this purpose, shall be deemed to be
18 the statutory agent of such person.

19 (b) The clerk of the court in which the action is brought shall issue a summons
20 against the defendant named in the complaint. The clerk shall execute the
21 summons either by:

22 1. Sending by certified mail two (2) true copies to the Secretary of State
23 and shall also mail with the summons two (2) attested copies of
24 plaintiff's complaint; or

25 2. Transmitting an electronically attested copy of the complaint and
26 summons to the Secretary of State via the Kentucky Court of Justice
27 electronic filing system.

- 1 (c) The Secretary of State shall, within seven (7) days of receipt thereof in his or
2 her office, mail a copy of the summons and complaint to the defendant at the
3 address given in the complaint. The letter shall be posted by certified mail,
4 return receipt requested, and shall bear the return address of the Secretary of
5 State. The clerk shall make the usual return to the court, and in addition the
6 Secretary of State shall make a return to the court showing that the acts
7 contemplated by this statute have been performed, and shall attach to his or
8 her return the registry receipt, if any. Summons shall be deemed to be served
9 on the return of the Secretary of State and the action shall proceed as provided
10 in the Rules of Civil Procedure.
- 11 (d) The clerk mailing the summons to the Secretary of State shall mail to him or
12 her, at the same time, a fee of ten dollars (\$10), which shall be taxed as costs
13 in the action. The fee for a summons transmitted electronically pursuant to
14 this subsection shall be transmitted to the Secretary of State on a periodic
15 basis.
- 16 (4) When the exercise of personal jurisdiction is authorized by this section, any action
17 or suit may be brought in the county wherein the plaintiff resides or where the cause
18 of action or any part thereof arose.
- 19 (5) A court of this Commonwealth may exercise jurisdiction on any other basis
20 authorized in the Kentucky Revised Statutes or by the Rules of Civil Procedure,
21 notwithstanding this section.