

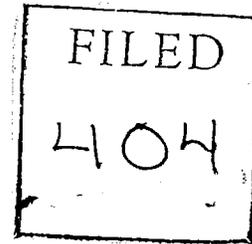
JURISDICTION:  
MAGISTRATE COURTS:  
NONRESIDENTS:

Magistrate courts may obtain personal jurisdiction over nonresidents in those situations enumerated in §506.500, RSMo Supp. 1967, where magistrate courts have jurisdiction over the subject-matter pursuant to other statutory provisions.

OPINION NO. 404

October 7, 1969

Honorable Donald L. Manford  
State Senator, District 8  
State Capitol Building  
Jefferson City, Missouri 65101



Dear Senator Manford:

This official opinion is issued in response to your request for an opinion on whether §506.500, RSMo Supp. 1967, permits magistrate courts to obtain jurisdiction over nonresidents.

That section reads as follows:

"1. Any person or firm, whether or not a citizen or resident of this state, or any corporation, who in person or through an agent does any of the acts enumerated in this section, thereby submits such person, firms, or corporation, and, if an individual, his personal representative, to the jurisdiction of the courts of this state as to any cause of action arising from the doing of any of such acts:

"(1) The transaction of any business within this state;

"(2) The making of any contract within this state;

"(3) The commission of a tortious act within this state;

"(4) The ownership, use, or possession of any real estate situated in this state;

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"(5) The contracting to insure any person, property or risk located within this state at the time of contracting.

"2. Only causes of action arising from acts enumerated in this section may be asserted against a defendant in an action in which jurisdiction over him is based upon this section."

Your question hinges on whether the phrase "the courts of the state" as used in the above section encompasses magistrate courts.

We are of the opinion that it does. Article V, §1 of the Constitution of Missouri, vests judicial power of the state in various courts including magistrate courts. By statute, §476.010, RSMo 1959, magistrate courts are courts of record. Section 517.010, RSMo 1959, designates the particular county or counties in which an action may be brought when a defendant or defendants are nonresidents. From these provisions and other similar statutory provisions, we see that magistrate courts are an integral part of the judicial system of Missouri. There are no statutes which restrict the jurisdiction of magistrate courts to residents. We find no authority that would dictate a reading of the phrase "courts of the state" so narrowly as to exclude magistrate courts from the operation of §506.500, RSMo Supp. 1967.

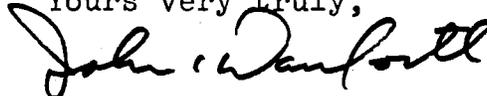
We note magistrate courts have jurisdiction over only such subject-matter as is expressly conferred by statute. Section 506.500, RSMo Supp. 1967, in no way expands on the subject-matter jurisdiction of the magistrate courts, but it does permit magistrate courts to have jurisdiction over the person in some situations where it would have been difficult to obtain jurisdiction over the person in magistrate courts prior to adoption of that section.

#### CONCLUSION

It is the opinion of this office that magistrate courts may obtain personal jurisdiction over nonresidents in those situations enumerated in §506.500, RSMo Supp. 1967, where magistrate courts have jurisdiction over the subject-matter pursuant to other statutory provisions.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Charles A. Blackmar.

Yours very truly,



JOHN C. DANFORTH  
Attorney General