

**§16610. Jurisdiction**

**1. Sales and offers to sell.** The following sections do not apply to a person that sells or offers to sell a security unless the offer to sell or the sale is made in this State or the offer to purchase or the purchase is made and accepted in this State:

- A. Section 16301; [PL 2005, c. 65, Pt. A, §2 (NEW).]
- B. Section 16302; [PL 2005, c. 65, Pt. A, §2 (NEW).]
- C. Section 16401, subsection 1; [PL 2005, c. 65, Pt. A, §2 (NEW).]
- D. Section 16402, subsection 1; [PL 2005, c. 65, Pt. A, §2 (NEW).]
- E. Section 16403, subsection 1; [PL 2005, c. 65, Pt. A, §2 (NEW).]
- F. Section 16404, subsection 1; [PL 2005, c. 65, Pt. A, §2 (NEW).]
- G. Section 16501; [PL 2005, c. 65, Pt. A, §2 (NEW).]
- H. Section 16506; [PL 2005, c. 65, Pt. A, §2 (NEW).]
- I. Section 16509; and [PL 2005, c. 65, Pt. A, §2 (NEW).]
- J. Section 16510. [PL 2005, c. 65, Pt. A, §2 (NEW).]  
[PL 2005, c. 65, Pt. A, §2 (NEW).]

**2. Purchases and offers to purchase.** The following sections do not apply to a person that purchases or offers to purchase a security unless the offer to purchase or the purchase is made in this State or the offer to sell or the sale is made and accepted in this State:

- A. Section 16401, subsection 1; [PL 2005, c. 65, Pt. A, §2 (NEW).]
- B. Section 16402, subsection 1; [PL 2005, c. 65, Pt. A, §2 (NEW).]
- C. Section 16403, subsection 1; [PL 2005, c. 65, Pt. A, §2 (NEW).]
- D. Section 16404, subsection 1; [PL 2005, c. 65, Pt. A, §2 (NEW).]
- E. Section 16501; [PL 2005, c. 65, Pt. A, §2 (NEW).]
- F. Section 16506; [PL 2005, c. 65, Pt. A, §2 (NEW).]
- G. Section 16509; and [PL 2005, c. 65, Pt. A, §2 (NEW).]
- H. Section 16510. [PL 2005, c. 65, Pt. A, §2 (NEW).]  
[PL 2005, c. 65, Pt. A, §2 (NEW).]

**3. Offers in this State.** For the purpose of this section, an offer to sell or to purchase a security is made in this State, whether or not either party is then present in this State, if the offer:

- A. Originates from within this State; or [PL 2005, c. 65, Pt. A, §2 (NEW).]
- B. Is directed by the offeror to a place in this State and received at the place to which it is directed.  
[PL 2005, c. 65, Pt. A, §2 (NEW).]  
[PL 2005, c. 65, Pt. A, §2 (NEW).]

**4. Acceptances in this State.** For the purpose of this section, an offer to purchase or to sell is accepted in this State, whether or not either party is then present in this State, if the acceptance:

- A. Is communicated to the offeror in this State and the offeree reasonably believes the offeror to be present in this State and the acceptance is received at the place in this State to which it is directed; and [PL 2005, c. 65, Pt. A, §2 (NEW).]
- B. Has not previously been communicated to the offeror, orally or in a record, outside this State.  
[PL 2005, c. 65, Pt. A, §2 (NEW).]

[PL 2005, c. 65, Pt. A, §2 (NEW).]

**5. Publications, radio, television or other electronic communications.** An offer to sell or to purchase a security is not made in this State when a publisher circulates or there is circulated on the publisher's behalf in this State a bona fide newspaper or other publication of general, regular and paid circulation that is not published in this State or that is published in this State but has had more than 2/3 of its circulation outside this State during the previous 12 months or when a radio or television program or other electronic communication, except specifically addressed electronic mail or messaging, originating outside this State is received in this State. A radio or television program or other electronic communication is considered as having originated in this State if either the broadcast studio or the originating source of transmission is located in this State, unless:

- A. The program or communication is syndicated and distributed from outside this State for redistribution to the general public in this State; [PL 2005, c. 65, Pt. A, §2 (NEW).]
- B. The program or communication is supplied by a radio, television or other electronic network with the electronic signal originating from outside this State for redistribution to the general public in this State; [PL 2005, c. 65, Pt. A, §2 (NEW).]
- C. The program or communication is an electronic communication that originates outside this State and is captured for redistribution to the general public in this State by a community antenna or cable, radio, cable television or other electronic system; or [PL 2005, c. 65, Pt. A, §2 (NEW).]
- D. The program or communication consists of an electronic communication that originates in this State, but which is not intended for distribution to the general public in this State. [PL 2005, c. 65, Pt. A, §2 (NEW).]

For purposes of this subsection, when a publication is published in editions, each edition is considered a separate publication except for material common to all editions. Radio or television programs, or other electronic communications, with changes, alterations or additions made prior to local redistribution, are considered as originating in this State.

[PL 2005, c. 65, Pt. A, §2 (NEW).]

**6. Investment advice and misrepresentations.** The following sections apply to a person if the person engages in an act, practice or course of business instrumental in effecting prohibited or actionable conduct in this State, whether or not either party is then present in this State:

- A. Section 16403, subsection 1; [PL 2005, c. 65, Pt. A, §2 (NEW).]
- B. Section 16404, subsection 1; [PL 2005, c. 65, Pt. A, §2 (NEW).]
- C. Section 16405, subsection 1; [PL 2005, c. 65, Pt. A, §2 (NEW).]
- D. Section 16502; [PL 2005, c. 65, Pt. A, §2 (NEW).]
- E. Section 16505; and [PL 2005, c. 65, Pt. A, §2 (NEW).]
- F. Section 16506. [PL 2005, c. 65, Pt. A, §2 (NEW).]

[PL 2005, c. 65, Pt. A, §2 (NEW).]

#### SECTION HISTORY

PL 2005, c. 65, §A2 (NEW).

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