

No. 345

AN ACT

Amending the act of May fourteen, one thousand nine hundred twenty-nine (Pamphlet Laws 1721), entitled "An act providing for the service of process in civil suits on nonresident operators, or nonresident owners, of motor vehicles operated within the Commonwealth of Pennsylvania; and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit," making the consent deemed to have been given by a nonresident operator, or owner, of a motor vehicle involved in an accident, or collision, within this Commonwealth, for appointment of the Secretary of the Commonwealth as his agent for service of process, irrevocable and binding upon his personal representative; providing for service of process when the nonresident operator or owner has died prior to the commencement of an action, and making changes to conform with existing law.

Motor Vehicles.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Title of act of
May 14, 1929,
P. L. 1721,
amended.

Section 1. The title of the act of May fourteen, one thousand nine hundred twenty-nine (Pamphlet Laws 1721), entitled "An act providing for the service of process in civil suits on nonresident operators, or nonresident owners, of motor vehicles operated within the Commonwealth of Pennsylvania; and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit," is amended to read:

AN ACT

Providing for the service of process in civil suits on nonresident operators, or nonresident owners, of motor vehicles operated within the Commonwealth of Pennsylvania; and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of [Revenue] *the Commonwealth* of the Commonwealth of Pennsylvania as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit.

Section 2. Section one of the act, amended May twenty-three, one thousand nine hundred forty-nine (Pamphlet Laws 1651), is amended to read:

Section 1. Be it enacted, &c., (a) That from and after the passage of this act, any nonresident of this Commonwealth, being the operator or owner of any motor vehicle, who shall accept the privilege extended by the laws of this Commonwealth to nonresident operators and owners of operating a motor vehicle, or of having the same operated, within the Commonwealth of Pennsylvania, or any resident of this Commonwealth, being the licensed operator or owner of any motor vehicle under the laws of this Commonwealth, who shall subsequently become a nonresident or shall conceal his whereabouts, shall, by such acceptance or licensure, as the case may be, and by the operation of such motor vehicle within the Commonwealth of Pennsylvania, make and constitute the Secretary of [Revenue] *the Commonwealth* of the Commonwealth of Pennsylvania his, her, or their agent for the service of process in any civil suit or proceeding instituted in the courts of the Commonwealth of Pennsylvania or in the United States District Courts of Pennsylvania against such operator or owner of such motor vehicle, arising out of, or by reason of, any accident or collision occurring within the Commonwealth in which such motor vehicle is involved.

(b) *A nonresident operator, or owner, of a motor vehicle which is involved in an accident or collision within this Commonwealth, shall be deemed to have consented that the appointment of the Secretary of the Commonwealth as his agent for the service of process, pursuant to the provisions of this section, shall be irrevocable and binding upon his personal representative, executor or administrator. Where the nonresident motorist has died, prior to the commencement of an action brought pursuant to this section, service of process shall be made on the personal representative, executor or administrator of such nonresident motorist in the same manner and on the same notice as is provided in the case of a nonresident motorist. Where an action has been duly commenced, under the provisions of this section, by service upon a defendant who dies thereafter, if the personal representative, executor or administrator of such defendant does not voluntarily become a party, he may be substituted as a party under the applicable Rules of Civil Procedure, and service of process shall be*

Section 1, act of May 14, 1929, P. L. 1721, amended May 23, 1949, P. L. 1651, further amended.

Suits against nonresident operators or owners.

Secretary of the Commonwealth constituted agent for service of process.

Presumption binding on personal representative of deceased nonresident owner or operator.

made in the same manner and on the same notice as is provided in the case of a nonresident motorist.

Sections 2 and 3.
act of May 14,
1929, P. L. 1721,
amended June
25, 1937, P. L.
2277, further
amended.

Process
procedure.

Section 3. Sections two and three of the act, amended June twenty-five, one thousand nine hundred thirty-seven (Pamphlet Laws 2277), are amended to read:

Section 2. Such process shall be served, by the officer to whom the same shall be directed, upon the Secretary of [Revenue] *the Commonwealth* of the Commonwealth of Pennsylvania, by sending by registered mail, postage prepaid, at least fifteen (15) days before the return day of such process, a true and attested copy thereof, and by sending to the defendant, by registered mail, postage prepaid, a like true and attested copy, with an endorsement thereon of the service upon said Secretary of [Revenue] *the Commonwealth*, addressed to such defendant at his last known address. The registered mail return receipts of the Secretary of [Revenue] *the Commonwealth* and of such defendant shall be attached to and made a part of the return of service of such process: Provided, That if the defendant refuses to accept the notice mailed, or cannot be found at his last known address, the registered mail return receipt or other evidence of such facts shall be attached to and made a part of the return, and shall constitute sufficient service under the provisions of this section.

Fee.

Section 3. The officer serving such process upon the Secretary of [Revenue] *the Commonwealth* shall pay to said secretary, at the time of service, a fee of [two dollars (\$2.00)] *five dollars (\$5.00)* for each process served, which fee shall be taxed as costs in the case. The Secretary of [Revenue] *the Commonwealth* shall keep a record of each such process and the day and hour of the service thereof upon him.

Record.

APPROVED—The 17th day of February, A. D. 1956.

GEORGE M. LEADER

No. 346

AN ACT

Amending the act of April twenty-four, one thousand nine hundred forty-seven (Pamphlet Laws 89), entitled "An act relating to the form, execution, revocation, operation, and interpretation of wills; to nuncupative wills; to the appointment of testamentary guardians; to elections to take under or against wills and the procedure in reference thereto," revising and changing provisions relating to foreign wills, divorce, testamentary conveyances affecting right of spouse taking against a will, rights of