

the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," \*as last amended by the act, \*\*approved the third day of June, one thousand nine hundred forty-three (Pamphlet Laws 833), is hereby further amended by adding, at the end thereof, a new paragraph to read as follows:

Section 2407. Automobiles.—

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*Subject to the approval of the Board of Commissioners of Public Grounds and Buildings, the Department of Property and Supplies may sell automobiles, owned by the Commonwealth, when it deems it is in the public interest to do so. The proceeds of such sales shall be paid into the State Treasury, shall be credited to the appropriation to the department for the purchase of automobiles, or to any department, board or commission having authority to purchase automobiles with money appropriated to it, and are hereby appropriated to the respective department, board or commission for the purchase of automobiles.*

APPROVED—The 23rd day of February, A. D. 1956.

GEORGE M. LEADER

No. 351  
AN ACT

Amending the act of May seven, one thousand nine hundred thirty-five (Pamphlet Laws 130), entitled "An Act providing for the service of process in civil suits on nonresident operators or nonresident owners, or a resident who becomes a nonresident and conceals his whereabouts, of aircraft operated within or above the Commonwealth of Pennsylvania; and making the operation of such an aircraft within or above 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 an aircraft 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 laws.

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

Section 1. The title and sections one, two and three, act of May seven, one thousand nine hundred thirty-five (Pamphlet Laws 130), entitled "An act providing

The title and sections 1, 2 and 3, act of May 7, 1935, P. L. 130, amended.

\* "at" in original.

\*\* "approved," in original.

for the service of process in civil suits on nonresident operators or nonresident owners, or a resident who becomes a nonresident and conceals his whereabouts, of aircraft operated within or above the Commonwealth of Pennsylvania; and making the operation of such an aircraft within or above 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," are amended to read:

### AN ACT

Providing for the service of process in civil suits on nonresident operators or nonresident owners, or a resident who becomes a nonresident and conceals his whereabouts, of aircraft operated within or above the Commonwealth of Pennsylvania; and making the operation of such an aircraft within or above 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.

Aircraft owner or operator by non-residents.

Section 1. (a) Be it enacted, &c., That from and after the passage of this act any nonresident of this Commonwealth, being the operator or owner of any aircraft, who shall accept the privilege, extended by the laws of this Commonwealth to nonresident operators and owners, of operating an aircraft, or of having the same operated over or above the lands and waters of the Commonwealth of Pennsylvania, or of using its aviation facilities, or both, or any resident of this Commonwealth, who shall subsequently become a nonresident or shall conceal his whereabouts, shall, by the operation of an aircraft over or above the lands and waters of 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 Courts in Pennsylvania against such operator or owner of such aircraft arising out of, or by reason of, any accident or collision, occurring within or above the Commonwealth, in which such aircraft is involved.

Secretary of the Commonwealth to act as agent for service of process.

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

(b) *A nonresident operator, or owner, of an aircraft which is involved in an accident or collision within or above 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 operator or owner of aircraft 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 operator or owner of aircraft in the same manner and on the same notice as is provided in the case of a nonresident operator or owner of aircraft. 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 made in the same manner and on the same notice as is provided in the case of a nonresident operator or owner of aircraft.*

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.

Procedure to be followed for valid service.

Section 3. The officers, 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)*, 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.

Fee.

APPROVED—The 23d day of February, A. D. 1956.

GEORGE M. LEADER