

No. 500

## 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 vessels operated in the Commonwealth of Pennsylvania; and making the operation of such vessels in the Commonwealth of Pennsylvania, the equivalent of the appointment of the Secretary of the Commonwealth 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.

Service of  
process.

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

Nonresident  
owners and  
operators of  
vessels make the  
Secretary of the  
Commonwealth  
their agent for  
service of  
process.

Section 1. Any nonresident of this Commonwealth, being the owner or operator of any vessel, who shall accept the privilege, extended by the laws of this Commonwealth to nonresident operators and owners, of operating a vessel in the waters of this Commonwealth or of using its port facilities or ports, or both, or any resident of this Commonwealth who shall subsequently become a nonresident of this Commonwealth, being the operator or owner of any vessel in the waters of this Commonwealth, shall, by the operation of a vessel in the waters of the Commonwealth or of using its port facilities or ports, make and constitute the Secretary of the Commonwealth his 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 vessel arising out of, or by reason of, any accident or collision, occurring within the waters of the Commonwealth in which such vessel is involved.

Force and effect  
of agency.

Section 2. A nonresident operator, or owner, of a vessel which is involved in an accident or collision within the waters of 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 act, shall be irrevocable and binding upon his personal representative, executor or administrator. Where the nonresident operator or owner of vessels has died prior to the commencement of an action brought pursuant to this act, service of process shall be made on the personal representative, executor or administrator of such nonresident operator or owner of vessels in the same manner and on the same notice as is provided in the case of a nonresident operator or owner of vessels. Where an action has been duly commenced, under the provisions of this act 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 vessels.

APPROVED—The 10th day of November, A. D. 1959.

DAVID L. LAWRENCE

No. 501

AN ACT

Amending the act of May 9, 1949 (P. L. 919), entitled "An act designating certain clerks of courts agents of the Commonwealth in the collection and transmission of fines, forfeited recognizances and other forfeitures imposed, lost or forfeited into any court for the use of the Commonwealth; prescribing their powers and duties; fixing their compensation; and providing procedures for transmission and settlement of certain moneys," changing the day for rendering certain returns to the Department of Revenue.

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

Section 1. Section 3, act of May 9, 1949 (P. L. 919), entitled "An act designating certain clerks of courts agents of the Commonwealth in the collection and transmission of fines, forfeited recognizances and other forfeitures imposed, lost or forfeited into any court for the use of the Commonwealth; prescribing their powers and duties; fixing their compensation; and providing procedures for transmission and settlement of certain moneys," is amended to read: Section 3, act of  
May 9, 1949,  
P. L. 919,  
amended.

Section 3. On the first Monday *after the first Tuesday* of each month it shall be the duty of every clerk of court to render to the Department of Revenue, under oath or affirmation, return of all fines received during the preceding month for the use of the Commonwealth, under the provisions of this act, and to pay the same into the State Treasury through the Department of Revenue, less any compensation herein allowable. Monthly return  
of fines to be  
made.

APPROVED—The 10th day of November, A. D. 1959.

DAVID L. LAWRENCE