

No. 19

AN ACT

HB 324

Amending the act of May 14, 1929 (P. L. 1721), entitled, as amended, "An act providing for the service of process in civil suits on nonresident operators, nonresident owners or nonresident persons in whose behalf a motor vehicle is being operated or 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 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," extending the provisions of the act to owners and operators of motor boats and to operation of motor boats within or on inland or tidal waters of the Commonwealth.

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

Section 1. The title and section 1, act of May 14, 1929 (P. L. 1721), entitled, as amended, "An act providing for the service of process in civil suits on nonresident operators, nonresident owners or nonresident persons in whose behalf a motor vehicle is being operated or 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 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," amended November 10, 1959 (P. L. 1459), are amended to read:

AN ACT

Providing for the service of process in civil suits on nonresident operators, nonresident owners or nonresident persons in whose behalf a motor vehicle *or motor boat* is being operated or motor vehicles *or motor boats* operated within the Commonwealth of Pennsylvania; and making the operation of such a motor vehicle *or motor boat* on the public highways *or on inland or tidal waters* of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of 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 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 *or motor boat*, or being a person in whose behalf a motor vehicle *or motor boat* is being operated whether or not such person is the operator or owner, who shall accept the privilege

extended by the laws of this Commonwealth to nonresident operators and owners of operating a motor vehicle *or motor boat*, or of having the same operated, within *or on inland or tidal waters of* the Commonwealth of Pennsylvania, or any resident of this Commonwealth, being the licensed operator or owner of any motor vehicle *or motor boat* under the laws of this Commonwealth, or being a person in whose behalf a motor vehicle *or motor boat* is being operated whether or not such person is the operator or owner, 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 *or motor boat* within the Commonwealth of Pennsylvania, make and constitute the Secretary of 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 *or motor boat* or person in whose behalf such motor vehicle *or motor boat* is being operated whether or not such person is the operator or owner, arising out of, or by reason of, any accident or collision occurring within *or on inland or tidal waters of* the Commonwealth in which such motor vehicle is involved.

(b) A nonresident operator, owner, or person in whose behalf such motor vehicle *or motor boat* is being operated whether or not such person is the operator or owner, of a motor vehicle *or motor boat* which is involved in an accident or collision within *or on inland or tidal 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 section, shall be irrevocable and binding upon his personal representative, executor or administrator. Where the nonresident motorist, *owner or operator* 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, *owner or operator* in the same manner and on the same notice as is provided in the case of a nonresident motorist, *owner or operator*. 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 motorist, *owner or operator*.

Section 2. This act shall take effect immediately.

APPROVED—The 4th day of June, A. D. 1969.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly
No. 19.



Robert J. Kelly
Secretary of the Commonwealth.