

No. 167

AN ACT

HB 1572

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 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," providing for a method of service in certain actions.

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

Section 1. Subsection (b) of 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 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," amended June 4, 1969 (Act No. 19), is amended to read:

Section 1. Be it enacted, &c., * * *

(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, *or subsequent to the commencement of an action but prior to service*, 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 17th day of December, A. D. 1969.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 167.



Joseph P. Kelly, Jr.
Secretary of the Commonwealth.