

No. 152

AN ACT

HB 270

Providing for jurisdiction of the courts of the Commonwealth of Pennsylvania over nonresidents and those who were resident but become nonresident of the Commonwealth, where a tortious act has been committed within the Commonwealth, or the nonresident shall have done business within the Commonwealth or, through conduct outside of the Commonwealth, harm shall have been caused within the Commonwealth, and providing for a definition of what shall constitute "doing business," and providing for the service of process on such nonresidents through the Secretary of the Commonwealth.

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

Section 1. From and after the passage of this act, any nonresident of this Commonwealth who, acting individually, under or through a fictitious business name, or through an agent, servant or employe, shall have committed a tortious act within this Commonwealth, or any such individual who at the time of the commission of the tortious act within the Commonwealth was a resident of this Commonwealth who shall subsequently become a nonresident or shall conceal his whereabouts, shall be conclusively presumed to have designated and constituted the Secretary of the Commonwealth of Pennsylvania as his agent for the service of process in any civil action or proceedings instituted in the courts of the Commonwealth of Pennsylvania against such individual.

Section 2. From and after the passage of this act, any nonresident of this Commonwealth who, acting individually under or through a fictitious business name, or through an agent, servant or employe, shall have done any business in this Commonwealth, or a resident of this Commonwealth who shall have done business and thereafter shall have become nonresident of this Commonwealth or shall conceal his whereabouts, shall be conclusively presumed to have designated the Secretary of the Commonwealth of Pennsylvania as his agent for the service of process in any civil action or proceedings instituted in the courts of the Commonwealth of Pennsylvania, if and only if at the time the cause of action accrued or the harm or financial loss occurred, the nonresident or the resident who shall thereafter have become nonresident, shall have been doing any business within this Commonwealth as heretofore provided.

Section 3. From and after the passage of this act, any nonresident of this Commonwealth who, acting outside of the Commonwealth, individually, under or through a fictitious business name, or through an agent, servant or employe, shall have caused any harm within this Commonwealth, shall be subject to service of process in any civil action or proceedings instituted in the courts of the Commonwealth of

Pennsylvania, arising out of or by reason of any such conduct; service of process in any such civil action or proceeding shall be effected through the Secretary of the Commonwealth as herein provided.

Section 4. For the purpose of determining the jurisdiction of the courts within this Commonwealth, the doing by any individual within this Commonwealth of a series of similar acts for the purpose of thereby realizing pecuniary benefit or otherwise accomplishing an object, or the doing of a single act in this Commonwealth for such purpose with the intention of initiating a series of such acts, or the shipping of merchandise directly or indirectly into or through this Commonwealth, or the engaging in any business or profession within this Commonwealth whether or not such business or profession requires licensure or approval by the Commonwealth or any of its agencies, or the ownership, use or possession of any real property situate within the Commonwealth, shall constitute "doing business."

Section 5. Where, prior to the commencement of an action pursuant to any of the aforementioned provisions of this act, or subsequent to the commencement of an action but prior to service, the nonresident of this Commonwealth or the resident who shall thereafter have become nonresident of this Commonwealth, had died, service of process shall be made on the personal representative, executor or administrator of such nonresident in the same manner as is provided in the case of a nonresident. 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 constituted as a party under the applicable Rules of Civil Procedure, and service of process shall be made in the same manner as provided hereunder upon the Secretary of the Commonwealth of Pennsylvania.

Section 6. Such process shall be served, by the officer to whom the same shall be directed, upon the Secretary of the Commonwealth of the Commonwealth of Pennsylvania, by sending by registered mail, postage prepaid, at least fifteen 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 the Commonwealth, addressed to such defendant at his last known address. The registered mail return receipts of the Secretary of 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.

APPROVED—The 1st day of July, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly
No. 152.



Louis L. Kelly
Secretary of the Commonwealth.