

1 IN THE HOUSE

BY THE COMMITTEE ON JUDICIARY

2 HOUSE BILL NO. 205

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to provide for the service of pro-  
7 cess in civil actions upon nonresident  
8 operators or nonresident owners of vehicles  
9 operated upon the highways of this state;  
10 and providing for an effective date."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 Section 1. SERVICE OF PROCESS UPON NONRESIDENT OWNER OR  
13 OPERATOR OF MOTOR VEHICLE. From and after the effective date of  
14 this Act, the operation by a nonresident of a motor vehicle upon  
15 a public highway of this state, or the operation on a public high-  
16 way in this state of a motor vehicle owned by a nonresident if so  
17 operated with his consent, express or implied, shall be deemed  
18 equivalent to an appointment by such nonresident of the superin-  
19 tendent of state police to be his true and lawful attorney, upon  
20 whom may be served the summons in any action against him, growing  
21 out of any accident or collision in which such nonresident may be  
22 involved while operating a motor vehicle on such a public highway,  
23 or in which such motor vehicle may be involved while being so  
24 operated on such a highway. Such operation shall be deemed a  
25 signification of his agreement that any such summons against him  
26 which is so served shall have the same legal force and validity  
27 as if served on him personally within this state. Service of such  
28 summons shall be made by leaving a copy thereof with the superin-  
29 tendent of state police or his deputy, who shall keep a record of

1 Each such process and the day and hour of service, and such  
2 service shall be sufficient service upon such nonresident; pro-  
3 vided, that notice of such service and a copy of the summons shall  
4 within ten days after the date of service be sent by registered  
5 mail by the plaintiff or his attorney to the defendant at the  
6 defendant's last known address. The plaintiff or his attorney  
7 shall make an affidavit showing that he has made service of the  
8 notice and summons upon the defendant by registered mail as here-  
9 in provided and the affiant shall attach thereto a true copy of  
10 the summons and notice so served and the registry receipt of the  
11 defendant and shall file the affidavit and attached papers with  
12 the court having jurisdiction of said cause. The court in which  
13 the action is pending may order such extension of time as may be  
14 necessary to afford the defendant reasonable opportunity to  
15 defend the action.

16 Sec. 2. SERVICE UPON PERSONAL REPRESENTATIVE OF DECEASED  
17 NONRESIDENT. The death of such nonresident shall not operate to  
18 revoke the appointment by such nonresident of the superintendent  
19 of state police as his true and lawful attorney upon whom may be  
20 served the summons in an action against him growing out of any  
21 such accident or collision; and in event of his death, any action  
22 growing out of such accident or collision may be commenced or  
23 prosecuted against his executor or administrator duly appointed  
24 by the state, territory, or district of the United States or  
25 foreign country in which said nonresident was domiciled at the  
26 time of his death, and service of the summons shall be made upon  
27 the superintendent of state police and notice of such service  
28 and the copy of the process be given to his executor or adminis-  
29 trator, as the case may be, in like manner, with the same force

1 and effect as service upon such nonresident during his lifetime.

2 Any action or proceeding pending in any court of this state,  
3 in which the court shall have obtained jurisdiction of such non-  
4 resident pursuant to the provisions of this statute, shall not  
5 abate by reason of the death of such nonresident, but his executor  
6 or administrator duly appointed in the state, territory or dis-  
7 trict of the United States or foreign country in which he was  
8 domiciled at the time of his death, shall, upon the application  
9 of the plaintiff in the action, and upon such notice as the court  
10 may prescribe, be brought in and substituted in the place of the  
11 decedent, and the action or proceeding shall continue.

12 Sec. 3. EFFECTIVE DATE. This Act shall take effect imme-  
13 diately upon its passage and approval or upon its becoming law  
14 without such approval.  
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