

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 process
7 in civil actions upon nonresident operators
8 or nonresident owners of vehicles operated
9 upon the highways of this state; and pro-
10 viding 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. The operation by a nonresident of a
14 motor vehicle upon a public highway of this state, or the opera-
15 tion on a public highway in this state of a motor vehicle owned
16 by a nonresident if so operated with his consent, express or
17 implied, shall be deemed equivalent to an appointment by such
18 nonresident of the commissioner of revenue to be his true and
19 lawful attorney, upon whom may be served the summons in any action
20 against him, growing out of any accident or collision in which
21 such nonresident may be involved while operating a motor vehicle
22 on such a public highway, or in which such motor vehicle may be
23 involved while being so operated on such a highway. Such operation
24 shall be deemed a signification of his agreement that any such
25 summons against him which is so served shall have the same legal
26 force and validity as if served on him personally within this
27 state. Service of such summons shall be made by leaving a copy
28 thereof with the commissioner of revenue or his designee, who shall
29 keep a record of each such process and the day and hour of service.

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

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

29 Any action or proceeding pending in any court of this state,

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

10 Sec. 3. EFFECTIVE DATE. This Act shall take effect on the
11 day after its passage and approval or on the day it becomes law
12 without approval.

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