

CHAPTER 16

AN ACT

To provide for the service of process in civil actions upon nonresident operators or nonresident owners of vehicles operated upon the highways of this state; and providing for an effective date.

(H.B. 205)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Service of Process Upon Nonresident Owner or Operator of Motor Vehicle.

The operation by a nonresident of a motor vehicle upon a public highway of this state, or the operation on a public highway in this state of a motor vehicle owned by a nonresident if so operated with his consent, express or implied, shall be deemed equivalent to an appointment by such nonresident of the commissioner of revenue to be his true and lawful attorney, upon whom may be served the summons in any action against him, growing out of any accident or collision in which such nonresident may be involved while operating a motor vehicle on such a public highway, or in which such motor vehicle may be involved while being so operated on such a highway. Such operation shall be deemed a signification of his agreement that any such summons against him which is so served shall have the same legal force and validity as if served on him personally within this state. Service of such summons shall be made by leaving a copy thereof with the commissioner of revenue or his designee, who shall keep a record of each such process and the day and hour of service, and such service shall be sufficient service upon such nonresident; provided, that notice of such service and a copy of the summons shall within ten days after the date of service be sent by registered mail by the plaintiff or his attorney to the defendant. The plaintiff or his attorney shall make an affidavit showing that he has made service of the notice and summons upon the defendant by registered mail as herein provided and the affiant shall attach thereto a true copy of the summons and notice so served and the registry receipt of the defendant and shall file the affidavit and attached papers with the court having jurisdiction of said cause. The court in which the

action is pending may order such extension of time as may be necessary to afford the defendant reasonable opportunity to defend the action.

Sec. 2. Service Upon Personal Representative of Deceased Nonresident. The death of such nonresident shall not operate to revoke the appointment by such nonresident of the commissioner of revenue as his true and lawful attorney upon whom may be served the summons in an action against him growing out of any such accident or collision; and in event of his death, any action growing out of such accident or collision may be commenced or prosecuted against his executor or administrator duly appointed by the state, territory, or district of the United States or foreign country in which said nonresident was domiciled at the time of his death, and service of the summons shall be made upon the commissioner of revenue and notice of such service and the copy of the process be given to his executor or administrator, as the case may be, in like manner, with the same force and effect as service upon such nonresident during his lifetime.

Any action or proceeding pending in any court of this state, in which the court shall have obtained jurisdiction of such nonresident pursuant to the provisions of this statute, shall not abate by reason of the death of such nonresident, but his executor or administrator duly appointed in the state, territory or district of the United States or foreign country in which he was domiciled at the time of his death, shall, upon the application of the plaintiff in the action, and upon such notice as the court may prescribe, be brought in and substituted in the place of the decedent, and the action or proceeding shall continue.

Sec. 3. Effective Date. This Act shall take effect on the day after its passage and approval or on the day it becomes law without approval.

Approved March 2, 1960