

CHAPTER 75.

[S. B. 34.]

SERVICE OF PROCESS IN ACTIONS INVOLVING
MOTOR VEHICLE ACCIDENTS.

AN ACT relating to the service of summons and process in actions involving motor vehicle accidents; and amending section 129, chapter 189, Laws of 1937 and RCW 46.64.040.

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

RCW 46.64.040 amended.

SECTION 1. Section 129, chapter 189, Laws of 1937 and RCW 46.64.040 are each amended to read as follows:

Nonresident's use of highways as assent to summons and process.

The acceptance by a nonresident of the rights and privileges conferred by law in the use of the public highways of this state, as evidenced by his operation of a vehicle thereon, or the operation thereon of his vehicle with his consent, express or implied, shall be deemed equivalent to and construed to be an appointment by such nonresident of the the secretary of state of the state of Washington to be his true and lawful attorney upon whom may be served all lawful summons and processes against him growing out of any accident, collision, or liability in which such nonresident may be involved while operating a vehicle upon the public highways, or while his vehicle is being operated thereon with his consent, express or implied, and such operation and acceptance shall be a signification of his agreement that any summons or process against him which is so served shall be of the same legal force and validity as if served on him personally within the state of Washington. Likewise each resident of this state who, while operating a motor vehicle on the public highways of this state, is involved in any accident, collision or liability and thereafter within three years departs from this state appoints the secretary of state of the state of Washington as his lawful attorney for service of summons as provided in this

Secretary of state as attorney in fact.

section for nonresidents. Service of such summons or process shall be made by leaving two copies thereof with a fee of two dollars with the secretary of state of the state of Washington, or at his office, and such service shall be sufficient and valid personal service upon said resident or nonresident: *Provided*, That notice of such service and a copy of the summons or process is forthwith sent by registered mail, requiring personal delivery, by plaintiff to the defendant and the defendant's return receipt and the plaintiff's affidavit of compliance herewith are appended to the process and entered as a part of the return thereof: *Provided further*, That personal service outside of this state in accordance with the provisions of law relating to personal service of summons outside of this state shall relieve the plaintiff from mailing a copy of the summons or process by registered mail as hereinbefore provided. The secretary of state shall forthwith send one of such copies by mail, postage prepaid, addressed to the defendant at his address, if known to the secretary of state. The court in which the action is brought may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action. The fee of two dollars paid by the plaintiff to the secretary of state shall be taxed as part of his costs if he prevails in the action. The secretary of state shall keep a record of all such summons and processes, which shall show the day of service.

Service of process.

Proviso.

Proviso.

Passed the Senate February 25, 1957.

Passed the House March 6, 1957.

Approved by the Governor March 13, 1957.