

SENATE No. 456

[Senate, No. 456. — Substituted by amendment (Curtis) for the engrossed Bill, see Senate, No. 407.]

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Seven.

An Act relative to Service of Process on Certain Defendants in Motor Vehicle Accident Cases.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter ninety of the General Laws is hereby
2 amended by striking out section three C, as appear-
3 ing in the Tercentenary Edition, and inserting in
4 place thereof the following:—

5 *Section 3C.* Service of process under section three
6 A or three B shall be made by leaving a copy of the
7 process with a fee of two dollars in the hands of the
8 registrar, or in his office, and by giving the defendant
9 notice in either the manner provided in paragraph
10 (1) or in that provided in paragraph (2) hereof, and
11 such service shall be sufficient service upon a de-
12 fendant who has under either of said sections ap-
13 pointed the registrar or his successor his true and
14 lawful attorney therefor.

15 (1) If the defendant is known by the plaintiff to
16 be the holder of a motor vehicle registration or opera-

17 tor's license issued by another state or country,
18 notice of such service upon the registrar as attorney
19 for the defendant and a copy of the process shall
20 forthwith be sent by registered mail, with return
21 receipt requested, by the plaintiff to the defendant
22 at his address of record in the office from which such
23 registration or license was issued. The plaintiff's
24 affidavit of compliance herewith, and the defendant's
25 return receipt, if received by the plaintiff, shall be
26 filed in the case on or before the return day of the
27 process or within such further time as the court may
28 allow. If the defendant has no motor vehicle regis-
29 tration or license known to the plaintiff, such notice
30 and copy shall be sent in the same manner to the last
31 address of the defendant known to the plaintiff, and
32 affidavit of compliance herewith, and the defendant's
33 return receipt or other proof of actual notice, shall be
34 filed in the case within the time above provided.

35 (2) Notice of such service upon the registrar and
36 a copy of the process shall be served upon the de-
37 fendant, if found within the commonwealth, by a
38 sheriff or deputy sheriff of any county of this common-
39 wealth, or, if found without the commonwealth, by
40 any duly constituted public officer qualified to serve
41 like process in the state or jurisdiction where the
42 defendant is found, and the officer's return showing
43 such service to have been made shall be filed in the
44 case on or before the return day of the process or
45 within such further time as the court may allow.

46 (3) The court in which the action is pending may
47 order such continuances as may be necessary to afford
48 the defendant reasonable opportunity to defend the
49 action.