

# HOUSE . . . . No. 1929

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By Mr. Ward of Fitchburg, petition of Charles Merrill Kelley and Joseph D. Ward relative to service of process in certain cases under the motor vehicle law. The Judiciary.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Fifty-Three.

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### AN ACT RELATIVE TO SERVICE OF PROCESS IN CERTAIN CASES UNDER THE MOTOR VEHICLE LAW.

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

1 SECTION 1. Chapter 90 of the General Laws is  
2 hereby amended by striking out section 3A, as ap-  
3 pearing in the Tercentenary Edition, and inserting in  
4 place thereof the following: —

5 *Section 3A.* The acceptance by a person who is a  
6 resident of any other state or country of the rights and  
7 privileges conferred by section three, as evidenced by  
8 the operation, by himself or agent, of a motor vehicle  
9 thereunder, or the operation by such a person, by  
10 himself or his agent, of a motor vehicle on a public  
11 way, or private way if entrance thereto was made  
12 from a public way, in this commonwealth otherwise  
13 than under said section, shall be deemed equivalent  
14 to an appointment by him of the registrar, or his  
15 successor in office, to be his true and lawful attorney

16 upon whom may be served all lawful processes in any  
17 action or proceeding against him, or his executor or  
18 administrator, growing out of any accident or colli-  
19 sion in which such person or his agent may be involved  
20 while operating a motor vehicle on such a way, and  
21 said acceptance or operation shall be a signification of  
22 his agreement that any such process against him, or  
23 his executor or administrator, which is so served shall  
24 be of the same legal force and validity as if served on  
25 him personally. This section shall not authorize the  
26 service of process upon any person who has executed  
27 a power of attorney under section three D.

1 SECTION 2. Chapter 90 of the General Laws is  
2 hereby amended by striking out section 3B, as ap-  
3 pearing in the Tercentenary Edition, and inserting in  
4 place thereof the following:—

5 *Section 3B.* The operation by any person, by  
6 himself or his agent, of any motor vehicle, whether  
7 registered or unregistered, and with or without a  
8 license to operate, on any public way, or private way  
9 if entrance thereto was made from a public way, in  
10 this commonwealth, shall be deemed equivalent to an  
11 appointment by such person of the registrar, or his  
12 successor in office, to be his true and lawful attorney  
13 upon whom may be served all lawful processes in any  
14 action or proceeding against him, or his executor or  
15 administrator, growing out of any accident or collision  
16 in which he or his agent may be involved while oper-  
17 ating a motor vehicle on any public way, or private  
18 way if entrance thereto was made from a public way,  
19 in this commonwealth, and such operation shall be a  
20 signification of an agreement by such person that any  
21 such process against him, or his executor or admin-

22 istrator, which is served upon the registrar or his  
23 successor in office shall be of the same force and  
24 validity as if served upon him personally. This sec-  
25 tion shall not apply in case of any cause of action,  
26 for the service of process in which provision is made  
27 by section three A, nor shall it authorize service of  
28 process upon any person who has executed a power  
29 of attorney under section three D.

