

AN ACT

Bill 19-752
Act 19-563
effective
December 7,
2012

Codification
District of
Columbia
Official Code
2001 Edition

Alternative
Service of
Process
Amendment
Act of 2012

Amend
§ 50-1301.07

To amend the Motor Vehicle Safety Responsibility Act of the District of Columbia to allow a plaintiff to use an alternative method of service of process when serving defendants in motor vehicle cases who do not reside in the District of Columbia and to reduce the amount of service of process related litigation in the Superior Court of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Alternative Service of Process Amendment Act of 2012”.

Sec. 2. Section 7(a) of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 123; D.C. Official Code § 50-1301.07(a)), is amended to read as follows:

“(a) The operation by a nonresident or by his agent of a motor vehicle on any public highway of the District of Columbia shall be deemed equivalent to an appointment by such nonresident of the Mayor or his successor in office to be his true and lawful attorney upon whom may be served all lawful processes in any action or proceedings against such nonresident growing out of any accident or collision in which said nonresident or his agent may be involved while operating a motor vehicle on any such public highway, and said operation shall be a signification of his agreement that any such process against him, which is so served, shall be of the same legal force and validity as if served upon him personally in the District of Columbia. Service of such process shall be made by leaving a copy of the process with a fee of \$2 in the hands of the Mayor or in his office, and such service shall be sufficient service upon the said nonresident; provided, that notice of such service and a copy of the summons and complaint are forthwith sent by certified mail without return receipt requested by the plaintiff, or his attorney, to the defendant at his last known address. The plaintiff has a duty to exercise due diligence in the investigation of the last known address of the defendant. The court in which the action is pending may order such continuances as may be necessary to afford the defendant a reasonable opportunity to defend the action, and no judgment by default in any such action shall be granted until at least 20 days shall have elapsed after attempted service upon the defendant, as hereinabove provided, of a copy of the process and notice of service of said process upon the Mayor.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.