

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

257.403 Nonresident vehicle operators; service of process, manner, record; service upon defendant, certification; taxable costs; application of section.

Sec. 403. (a) Service of summons in any action against a person, who at the time of such service is a nonresident of this state, growing out of any accident or collision in which such person may have been involved while operating a motor vehicle upon a public highway of this state or in which a motor vehicle owned by him may have been involved while being operated with his consent, express or implied, on such public highway, may be made upon the secretary of state as the true and lawful attorney of such person with the same legal force as if served on him personally within this state. Service of such summons shall be made by leaving a copy thereof with the secretary of state, or his deputy, 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 are forthwith either served upon the defendant personally by the sheriff or constable of the county in which he resides or sent by registered mail by the plaintiff or his attorney to the defendant. If personal service of such notice and copy of summons is had upon the defendant the officer making the service shall so certify in his return which shall be filed with the court having jurisdiction of said cause, or if service be made by registered mail then the plaintiff or his attorney shall make an affidavit showing that he has made service of the notice of 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 the 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.

The death of the nonresident shall not operate to revoke the appointment by the nonresident of the secretary of state 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 the nonresident was domiciled at the time of his death, and service of the summons shall be made upon the secretary of state, and personal service of such notice and the copy of the summons be had upon his executor or administrator 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 provision 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.

(b) The court shall include as taxable costs, in addition to other legal costs, against the plaintiff in case the defendant shall prevail in such suit, the actual traveling expenses of the defendant from his residence to the place of trial and return not to exceed the sum of \$100.00.

(c) The provisions of this section shall apply to actions commenced in all courts of this state having civil jurisdiction, including justice courts.

(d) Any service of process made on the secretary of state under this section shall be accompanied by an affidavit by the plaintiff or his attorney setting forth that the defendant is a nonresident of this state, and if known, the last known nonresident address of the defendant.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1954, Act 16, Eff. Aug. 13, 1954;—Am. 1967, Act 79, Eff. Nov. 2, 1967.