

1977 Senate Bill 140

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## CHAPTER 60, Laws of 1977

AN ACT to amend 194.10, 344.15 (3) and 345.09 (2) of the statutes, relating to service of process on the administrator of the division of motor vehicles as agent or attorney for others.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 194.10 of the statutes is amended to read:

**194.10 Nonresident carriers; appointment of agent.** If any common motor carrier of property or of passengers, any contract motor carrier, or any private motor carrier, subject to this chapter, is a nonresident of this state, ~~he~~ the carrier shall, prior to operating under this chapter, appoint an agent in this state upon whom process and notices in any or all legal proceedings, arising out of its operation within this state or under this chapter, may be served and shall forthwith notify the division of motor vehicles of such appointment and of the name and address of such agent, and such nonresident carrier shall, so long as ~~he~~ the carrier continues to operate in this state, maintain such an agent. Unless such an agent is appointed by the time the certificate, license or permit is issued, authorizing such nonresident carrier to operate in this state under this chapter, or if at any time thereafter, so long as ~~he~~ the carrier continues to operate in this state under this chapter, ~~he~~ the carrier does not maintain such an agent in this state, ~~he shall be the carrier is~~ deemed to have authorized the administrator of the division of motor vehicles to act as ~~his~~ the carrier's agent for the service of process in the legal proceedings above set forth. The administrator, while ~~he is acting as~~ such agent, shall, upon being served with process as the agent of such nonresident carrier, forthwith mail ~~to him by registered mail a copy of the papers so served to the nonresident carrier. Such service on the administrator shall be effected by serving upon him the original, one copy for the administrator's record of service~~ In all cases of service under this section there shall be served 2 authenticated copies for the administrator and such additional number of authenticated copies as there are defendants so served in the action, the original one of the administrator's copies to be retained for the administrator's record of service and the other copy to be returned with proper certificate of service attached for filing in court as proof of service of the copies by having mailed them by registered mail to the defendants named therein. The service fee is \$2 \$4 for each defendant so served.

SECTION 2. 344.15 (3) of the statutes is amended to read:

344.15 (3) Where service of process is made on the administrator under a power of attorney filed in accordance with sub. (2), the administrator shall forthwith mail by registered mail a copy of the process papers to the company at the address given in the filed power of attorney. In all cases of such service, there shall be served ~~the original, one copy for the administrator's record of service~~ 2 authenticated copies for the administrator and such additional number of authenticated copies as there are defendants so served in the action. ~~The original~~ One of the administrator's copies shall be retained for the administrator's record of service and the other copy shall be returned with proper certificate of service attached for filing in court as proof of service of the copies by having mailed them by registered mail to the defendants named therein. The service fee shall be \$2 \$4 for each defendant so served.

SECTION 3. 345.09 (2) of the statutes is amended to read:

345.09 (2) The administrator as attorney upon whom processes and notices may be served under this section shall, upon being served with such process or notice, forthwith mail by registered mail a copy thereof to such nonresident at the out-of-state nonresident address given in the papers so served. It is the duty of the party or ~~his~~ the party's attorney to certify in the papers so served that the address given therein is the ~~last known~~ last-known out-of-state nonresident address of the party to be served. In all cases of service under this section there shall be served ~~the original, one copy for the administrator's record of service~~ 2 authenticated copies for the administrator and such additional number of authenticated copies as there are defendants so served in the action. ~~The original~~ One of the administrator's copies shall be retained for the administrator's record of service and the other copy shall be returned with proper certificate of service attached for filing in court as proof of service of the copies by having mailed them by registered mail to the defendants named therein. The service fee shall be \$4 for each defendant so served. The administrator shall keep a record of all such processes and notices, which record shall show the day and hour of service.

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