



Senate

General Assembly

File No. 610

February Session, 2018

Substitute Senate Bill No. 468

Senate, April 19, 2018

The Committee on Judiciary reported through SEN. DOYLE of the 9th Dist. and SEN. KISSEL of the 7th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING SERVICE OF CIVIL PROCESS ON A MOTOR VEHICLE OPERATOR OR THE OWNER OF A MOTOR VEHICLE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-63 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

3 (a) Any [operator or owner of] person whose last-known address is
4 located in this state and who owns or operates a motor vehicle, at the
5 time of issuance of [his] such person's license or registration shall be
6 deemed to have appointed the Commissioner of Motor Vehicles as his
7 or her attorney and to have agreed that any process in any civil action
8 against [him] such person on account of any claim for damages
9 resulting from his or her alleged negligence or the alleged negligence
10 of his or her servant or agent in the operation of any motor vehicle in
11 this state may be served upon the commissioner as provided in this
12 section and shall have the same validity as if served upon the owner or
13 operator personally, even though the person sought to be served has

14 left the state prior to commencement of the action or his or her present
15 whereabouts is unknown.

16 (b) Service of civil process may be made on a motor vehicle operator
17 who (1) is licensed under the provisions of chapter 246, or (2) is
18 unlicensed and has a last-known address in this state by leaving a true
19 and attested copy of the writ, summons and complaint at the office of
20 the Commissioner of Motor Vehicles at least twelve days before the
21 return day and by sending such a true and attested copy at least
22 twelve days before the return day, by registered or certified mail,
23 postage prepaid and return receipt requested, to the defendant at his
24 or her last address on file in the Department of Motor Vehicles if [(1)]
25 (A) it is impossible to make service of process at the operator's last
26 address on file in the Department of Motor Vehicles, and [(2)] (B) the
27 operator has caused injury to the person or property of another.

28 (c) Service of civil process may be made on the owner of a motor
29 vehicle [registered under the provisions of chapter 246] who (1) has
30 registered such motor vehicle in this state under the provisions of
31 chapter 246, or (2) has not registered such motor vehicle in this state
32 and whose last-known address is located in this state by leaving a true
33 and attested copy of the writ, summons and complaint at the office of
34 the Commissioner of Motor Vehicles at least twelve days before the
35 return day and by sending such a true and attested copy at least
36 twelve days before the return day, by registered or certified mail,
37 postage prepaid and return receipt requested, to the defendant at his
38 or her last address on file in the Department of Motor Vehicles if [(1)]
39 (A) it is impossible to make service of process at the owner's last
40 address on file in the Department of Motor Vehicles, [(2)] (B) the
41 owner has loaned or permitted his motor vehicle to be driven by
42 another, and [(3)] (C) the motor vehicle has caused injury to the person
43 or property of another.

44 (d) If service of process is made at the office of the Commissioner of
45 Motor Vehicles pursuant to subsection (b) or subsection (c) of this
46 section, the officer making such service shall certify on the process that

47 [he] such officer has made a diligent effort to obtain service at the
48 address of the owner or operator on file in the Department of Motor
49 Vehicles and has been unable to make such service.

50 (e) Service of process pursuant to this section shall be sufficient to
51 confer jurisdiction of any such action upon the court to which the
52 process is returnable. The court may proceed to determine the issues in
53 the action and render final judgment but the court may, in its
54 discretion, require further order of notice to the operator or owner.

55 (f) The officer serving such process upon the Commissioner of
56 Motor Vehicles shall leave with the commissioner, at the time of
57 service, a fee of fifty dollars, which fee shall be taxed in favor of the
58 plaintiff in his or her costs if [he] the plaintiff prevails in the action. The
59 Commissioner of Motor Vehicles shall keep a record of each such
60 process and the day and hour of service.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	52-63

Statement of Legislative Commissioners:

In Section 1(c), "under the provisions of chapter 246" was added for consistency with the provisions of Section 1(b).

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill does not result in a fiscal impact as it expands the type of service of process on the Department of Motor Vehicles.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 468*****AN ACT CONCERNING SERVICE OF CIVIL PROCESS ON A MOTOR VEHICLE OPERATOR OR THE OWNER OF A MOTOR VEHICLE.*****SUMMARY**

The law allows for service of process (i.e., the initiation of a civil action) on the Department of Motor Vehicles (DMV) commissioner under certain circumstances in cases involving licensed drivers or owners of registered vehicles who cannot be located for in-person service, regardless of their last known address. This bill additionally allows such service for cases involving unlicensed drivers or owners of unregistered vehicles, provided the driver or owner had a last known address in Connecticut.

Any service under the bill may be made using the process under existing law for cases involving licensed drivers or owners of registered vehicles who allegedly caused injury to another person or his or her property and cannot be served at the driver's or owner's last address on file with the DMV. By law, service may be made at least 12 days before the return date by:

1. leaving a true and attested copy of the writ, summons, and complaint at the commissioner's office and
2. sending such a copy by registered or certified mail to the defendant's last address on file with the DMV.

The bill also specifies that, when the DMV issues a driver's license or motor vehicle registration to a driver or owner whose last known address is in Connecticut, the driver or owner must be deemed to have:

1. appointed the DMV commissioner as his or her attorney and
2. agreed that process related to civil damages for his or her alleged negligence or the alleged negligence of his or her servant or agent relating to any motor vehicle operation may be served on the commissioner, in which case it has the same validity as service to the owner or operator, even though he or she has left the state or his or her whereabouts is unknown.

By law, the following individuals may serve civil process: a state marshal; a constable; other proper officer authorized by statute; or, under limited circumstances, an indifferent person (i.e., a person not involved in the case)(CGS § 52-50).

The bill also makes a technical change.

EFFECTIVE DATE: October 1, 2018

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 0 (04/02/2018)