

CHAPTER 46—S. F. No. 105

[Coded as Section 360.0215]

An act authorizing service of process upon the Commissioner of Aeronautics of the State of Minnesota in behalf of any non-resident owner or operator of an aircraft, or upon a resident owner or operator of an aircraft, who has remained without the state where aircraft is used or operated within the State of Minnesota, which use or operation results in damage or loss to person or property.

Be it enacted by the Legislature of the State of Minnesota:

[360.0215] Section 1. **Commissioner by construction made attorney to accept process; extension of time to answer.** The use and operation of an aircraft by a non-resident or his agent in the State of Minnesota or by a resident owner or his agent who has remained without the state continuously for thirty days prior to the commencement of an action against him, shall be deemed an appointment by such non-resident or absentee of the Commissioner of Aeronautics, to be his true and lawful attorney upon whom may be served all legal processes in any action or proceeding against him growing out of such use or operation of an aircraft in the State of Minnesota, resulting in damages or loss to person or property, and said use or operation shall be a signification of his agreement that any such process in any action against him which is so served shall be of the same legal force and validity as if served upon him personally. Service of such process shall be made by serving a copy thereof upon the Commissioner or by filing a copy in his office, together with the payment of a fee of \$2.00, and such service shall be sufficient service upon said non-resident or absentee, provided that notice of such service and a copy of the process are within ten days thereafter sent by mail by the plaintiff to the defendant at his last known address, and that the plaintiff's affidavit of compliance with the provisions of this act are attached to the summons.

The court in which the action is pending may order such continuance as may be necessary to afford the defendant reasonable opportunity to defend any such action, not exceeding ninety days from the day of the filing of the action in such court. The fee of \$2.00 paid by the plaintiff to the Commissioner at the time of service of such proceeding shall be taxed in his costs if he prevails in the suit. The said Commissioner shall keep a record of all such processes so served which shall show the day and hour of such service.

Approved February 28, 1947.