

MOTOR VEHICLE ACCIDENT CLAIMS ACT (EXCERPT)
Act 198 of 1965

257.1105 Service of process; secretary of state as agent; procedure; failure to serve as bar to recovery; intervention; exception; limitation on payment.

Sec. 5.

The secretary is deemed to be an agent of the owner or operator of every uninsured motor vehicle for service of process in an action in this state arising out of the use or operation in this state of the uninsured motor vehicle. Where an action is commenced, summons and complaint shall be served on the secretary by certified or registered mail or by leaving a copy thereof with or at the office of the secretary who shall forward a copy of the summons and complaint forthwith by certified mail to the defendant at his last address as recorded with the secretary. In an action to recover damages arising out of the use or operation of an uninsured motor vehicle, failure to serve summons and complaint upon the secretary shall constitute a bar to recovery from the fund. In actions where summons and complaint have been served upon the secretary, the secretary shall have the right to intervene in the action as a party defendant. This act does not apply to an accident occurring after the effective date of this amendatory act for which benefits are payable in whole or in part under sections 3101 to 3179 of Act No. 218 of the Public Acts of 1956, as amended. A payment shall not be made under this act for an accident occurring after the effective date of this amendatory act to an owner or registrant of a motor vehicle for which security under sections 3101 to 3179 of Act No. 218 of the Public Acts of 1956, as amended, is required.

History: 1965, Act 198, Eff. Nov. 1, 1965 ;-- Am. 1967, Act 274, Imd. Eff. July 20, 1967 ;-- Am. 1974, Act 223, Imd. Eff. July 26, 1974