

RULE **[80] 451**. SERVICE.

**[(a)] (A)** Citations, summonses, and trial notices in summary cases may be served either personally upon the defendant or by mail to the defendant's last known address.

**[(b)] (B)** (b) When service of a summons has been made by first class mail and the defendant fails to respond or appear within the time specified by these rules, the issuing authority shall cause service to be made upon the defendant personally or by certified mail, return receipt requested. Thereafter, the case shall proceed as provided in these rules.

COMMENT: **[This rule is derived, in part, from the service provisions of previous Rules 51A.(1)(b), 55.2(b), and 57(a).]**

This rule provides the procedures for service in summary cases. These procedures are different from those provided by Rule **[9023] 577** for motions and documents in court cases. See *also* Rule **[9024] 113**, which sets forth the procedures for providing notice to a defendant of court proceedings requiring the defendant's presence in court cases and in summary cases on appeal for a trial *de novo*.

A citation is served personally upon the defendant within the meaning of this rule when the citation is issued to the defendant as provided in Rule **[51(a)] 400(A)** and the rules of **Chapter 4** Part **[IIA] (B1)**.

Paragraph **[(b)] (B)** makes it clear that the issuing authority must only provide additional notice to a defendant by personal service or certified mail when a defendant fails to respond to a summons. It is intended that, when a defendant fails to appear for trial pursuant to a trial notice served by first class mail, the issuing authority need provide no further notice, but should proceed to conduct the trial in the defendant's absence pursuant to Rule **[84] 455**.

NOTE: **Rule 80 [A]** adopted July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; amended February 1, 1989, effective July 1, 1989; *Comment* revised June 2, 1994, effective September 1, 1994 [.]; **renumbered Rule 451 and amended March 1, 2000, effective April 1, 2001.**

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**COMMITTEE EXPLANATORY REPORTS:**

**Report explaining the June 2, 1994 *Comment* revision published at 23 Pa.B. 5008 (October 23, 1993).**

**Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at Pa.B. \_\_\_\_\_, 2000).**