

**Proposal 04-21 (P.R. 0134)**  
**Amends Rule 103(b)**  
**Offered by the Supreme Court Rules Committee**

**Rule 103. Alias Summons; Dismissal for Lack of Diligence**

**(a) Alias Summonses.** On request of any party, the clerk shall issue successive alias summonses, regardless of the disposition of any summons or alias summons previously issued.

**(b) Dismissal for Lack of Diligence.** If the plaintiff fails to exercise reasonable diligence to obtain service on a defendant prior to the expiration of the applicable statute of limitations, the action as to that defendant may be dismissed without prejudice, ~~with the right to refile if the statute of limitation has not run.~~ If the failure to exercise reasonable diligence to obtain service on a defendant occurs after the expiration of the applicable statute of limitations, the dismissal shall be with prejudice as to that defendant only and shall not bar any claim against any other party based on vicarious liability for that dismissed defendant's conduct. The dismissal may be made on the application of any defendant party or on the court's own motion. In considering whether reasonable diligence has been exercised by the plaintiff in obtaining service on a defendant, the court shall consider any case previously filed by plaintiff against the defendant which was voluntarily dismissed or dismissed for want of prosecution.

**(c) Summonses for Additional Parties.** On request, the clerk shall issue summonses for third-party defendants and for parties added as defendants by order of court or otherwise.