

and assistance in the making of the same as may be reasonably required by the Secretary of Highways.

Section 5. Any person who shall fail to comply with the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than five hundred dollars (\$500.00) or suffer imprisonment for not more than six (6) months, or both, in the discretion of the court. For the purposes of this section the word "person" shall mean the partners or members of any copartnership or association, and shall mean the officers of any corporation. All penalties collected under the provisions of this act and all bail forfeited shall be paid into the State Treasury and credited to the Motor License Fund. Penalty.

Section 6. (a) This act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public safety in the use of State highways, and shall be liberally construed for the accomplishment of this purpose. Police power.

(b) The provisions of this act are severable, and, if any of its provisions shall be held unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein. Constitutional provision.

Section 7. This act shall become effective immediately upon its approval by the Governor. When effective.

APPROVED—The 25th day of June, A. D. 1937.

GEORGE H. EARLE

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No. 439

AN ACT

To amend sections two and three of the act, approved the fourteenth day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand seven hundred twenty-one), entitled "An act providing for the service of process in civil suits on nonresident operators, or nonresident owners, of motor vehicles operated within the Commonwealth of Pennsylvania; and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania, as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit," as amended, by providing further for the return of and fees for service.

Section 1. Be it enacted, &c., That section two of the act, approved the fourteenth day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thou-

Section 2, act of May 14, 1929 (P. L. 1721), as amended by act of May 16, 1935 (P. L. 174), further amended.

sand seven hundred twenty-one), entitled "An act providing for the service of process in civil suits on non-resident operators, or nonresident owners, of motor vehicles operated within the Commonwealth of Pennsylvania; and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania, as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit," as last amended by the act, approved the sixteenth day of May, one thousand nine hundred thirty-five (Pamphlet Laws, one hundred seventy-four), is hereby further amended to read as follows:

Process
procedure.

Section 2. Such process shall be served, by the officer to whom the same shall be directed, upon the Secretary of Revenue of the Commonwealth of Pennsylvania, by sending by registered mail, postage prepaid, at least fifteen (15) days before the return day of such process, a true and attested copy thereof, and by sending to the defendant, by registered mail, postage prepaid, a like true and attested copy, with an endorsement thereon of the service upon said Secretary of Revenue, addressed to such defendant at his last known address. The registered mail return receipts of the Secretary of Revenue and of such defendant shall be attached to and made a part of the return of service of such process: *Provided, That if the defendant refuses to accept the notice mailed, or cannot be found at his last known address, the registered mail return receipt or other evidence of such facts shall be attached to and made a part of the return, and shall constitute sufficient service under the provisions of this section.*

Section 3,
amended.

Section 2. That section three of the said act is hereby amended to read as follows:

Fee.

Section 3. The officer serving such process upon the Secretary of Revenue shall pay to said secretary, at the time of service, a fee of two dollars (\$2.00) *for each process served*, which fee shall be taxed as costs in the case. The Secretary of Revenue shall keep a record of each such process and the day and hour of the service thereof upon him.

Record.

When effective.

Section 3. This act shall become effective immediately upon its final enactment.

APPROVED—The 25th day of June, A. D. 1937.

GEORGE H. EARLE