

1 SEC. 8. This act being deemed of immediate importance shall take
2 effect and be in force from and after its publication in the Shelby
3 News, a newspaper published in Shelby, Iowa, and the Treynor Rec-
4 ord, a newspaper published in Treynor, Iowa.

Senate File No. 77. Approved March 16, 1931.

I hereby certify that the foregoing act was published in the Shelby News March 20,
1931, and the Treynor Record March 19, 1931.

G. C. GREENWALT, *Secretary of State.*

CHAPTER 122

LIMITING DRIVERS' HOURS

AN ACT to regulate the number of hours that drivers of commercial motor vehicles for hire shall be on duty in each twenty-four (24) hours, and to prescribe penalties for violation thereof.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. No person shall operate a commercial motor vehicle for
2 hire for more than a period of sixteen (16) hours out of any period of
3 twenty-four (24) hours upon the public highways of this state.

1 SEC. 2. No person, firm, partnership, association or corporation
2 shall require or permit any employee or person to drive or operate any
3 commercial motor vehicle upon the public highways of this state for
4 a period in excess of sixteen (16) hours out of any period of twenty-
5 four (24) hours.

1 SEC. 3. Any person, firm, partnership, association or corporation
2 violating any of the provisions of this act shall be guilty of a misde-
3 meanor and, upon conviction, may be fined not less than twenty-five
4 dollars (\$25.00) nor more than one hundred dollars (\$100.00).

House File No. 463. Approved April 25, 1931.

CHAPTER 123

OPERATION OF MOTOR VEHICLES BY NONRESIDENTS

AN ACT to regulate the use and operation of motor vehicles in this state on the public highways thereof by nonresidents of this state; to fix and declare the legal effect of such use and operation; and to prescribe the procedure for serving original notices of suit on nonresidents for damages arising out of the use and operation in this state of such vehicles by nonresidents.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. **Legal effect of use and operation.** The use and opera-
2 tion of a motor vehicle in this state on the public highways thereof
3 by a person who is a nonresident of this state shall be deemed:

4 1. An agreement by him that he shall be subject to the jurisdic-
5 tion of the district court of this state over all civil actions and pro-

6 ceedings against him for damages to person or property growing or
7 arising out of such use and operation, and

8 2. An appointment by such nonresident of the secretary of state
9 of this state as his lawful attorney upon whom may be served all
10 original notices of suit pertaining to such actions and proceedings, and

11 3. An agreement by such nonresident that any original notice of
12 suit so served shall be of the same legal force and validity as if per-
13 sonally served on him in this state.

1 **SEC. 2. Scope of law.** The term "person", as used in the preceding
2 section, shall mean:

3 1. The owner of the vehicle whether it is being used and operated
4 personally by said owner, or by his agent.

5 2. An agent using and operating the vehicle for his principal.

6 3. Any person who is in charge of the vehicle and of the use and
7 operation thereof with the express or implied consent of the owner.

1 **SEC. 3. Original notice—form.** The original notice of suit filed
2 with the secretary of state shall be in form and substance the same
3 as now provided in suits against residents of this state, except that
4 that part of said notice pertaining to the return day shall be in sub-
5 stantially the following form, to wit:

6 "and unless you appear thereto and defend in the district court of
7 Iowa in and for county at the courthouse in
8 Iowa before noon of the sixtieth day following the filing of this
9 notice with the secretary of state of this state, default will be entered
10 and judgment rendered against you by the court if then in session in
11 said county, and if the court is not then in session said default will
12 be entered and judgment rendered by the court on the first day of the
13 first succeeding term or as soon thereafter as the same may be
14 reached.

1 **SEC. 4. Manner of service.** Plaintiff in any such action shall cause
2 the original notice of suit to be served as follows:

3 1. By filing a copy of said original notice of suit with said secre-
4 tary of state, together with a fee of two dollars (\$2.00), and

5 2. By mailing to the defendant, and to each of the defendants if
6 more than one, within ten days after said filing with the secretary of
7 state, by restricted registered mail addressed to the defendant at his
8 last known residence or place of abode, a notification of the said filing
9 with the secretary of state.

1 **SEC. 5. Notification to nonresident—form.** The notification, pro-
2 vided for in the preceding section, shall be in substantially the fol-
3 lowing form, to wit:

4 "To. (Here insert the name of each defendant and his res-
5 idence or last known place of abode as definitely as known.) You
6 will take notice that an original notice of suit against you, a copy
7 of which is hereto attached, was duly served upon you at Des Moines,

8 Iowa, by filing a copy of said notice on the..... day of.....,
 9 19..., with the secretary of state of the state of Iowa.
 10 Dated at, Iowa, this day of.....,
 11 19....
 12
 13 Plaintiff.
 14 By....."
 15 Attorney for plaintiff.

1 **SEC. 6. "Restricted registered mail" defined.** The term "restricted
 2 registered mail" means mail which carries on the face thereof, in a
 3 conspicuous place where it will not be obliterated, the indorsement,
 4 "Deliver to addressee only", and which also requires a return receipt.

1 **SEC. 7. Optional notification.** In lieu of mailing said notification
 2 to the defendant in a foreign state, plaintiff may cause said notifica-
 3 tion to be personally served in the foreign state on the defendant by
 4 any adult person not a party to the suit, by delivering said notification
 5 to the defendant or by offering to make such delivery in case defend-
 6 ant refuses to accept delivery.

1 **SEC. 8. Proof of service.** Proof of the filing of a copy of said
 2 original notice of suit with the secretary of state, and proof of the
 3 mailing or personal delivery of said notification to said non-resident
 4 shall be made by affidavit of the party doing said acts. All affidavits
 5 of service shall be indorsed upon or attached to the originals of the
 6 papers to which they relate. All proofs of service, including the re-
 7 turn registry receipt, shall be forthwith filed with the clerk of the
 8 district court.

1 **SEC. 9. Actual service within this state.** The foregoing provisions
 2 relative to service of original notice of suit on nonresidents shall not
 3 be deemed to prevent actual personal service in this state upon the
 4 nonresident in the time, manner, form and under the conditions pro-
 5 vided for service on residents.

1 **SEC. 10. Venue of actions.** Actions against nonresidents as con-
 2 templated by this law may be brought in the county of which plaintiff
 3 is a resident, or in the county in which the injury was received, or
 4 damage done.

1 **SEC. 11. Continuances.** The court in which such action is pending
 2 shall grant such continuances to a nonresident defendant as may be
 3 necessary to afford him reasonable opportunity to defend said action.

1 **SEC. 12. Duty of secretary of state.** The secretary of state shall
 2 keep a record of all notices of suit filed with him, shall not permit said
 3 filed notices to be taken from his office except on an order of court,
 4 and shall, on request, and without fee, furnish any defendant with a
 5 certified copy of the notice in which he is defendant.

1 **SEC. 13. Expenses and attorney fees.** If judgment is rendered
 2 against the plaintiff, upon the trial of said action, said judgment shall
 3 include the reasonable expenses incurred by the defendant and his
 4 attorney in appearing to and defending against said action, provided

5 that in the judgment of the trial court said action was commenced
6 maliciously or without probable cause.

1 SEC. 14. Dismissal—effect. The dismissal of an action after the
2 nonresident has appeared under the substituted service herein
3 authorized, shall bar the recommencement of the same action against
4 the same defendant unless said recommenced action is accompanied
5 by actual personal service of the original notice of suit on said de-
6 fendant in this state.

House File No. 372. Approved April 25, 1931.

CHAPTER 124

GASOLINE TAX REFUND

AN ACT to amend section five thousand ninety-three-a eight (5093-a8), code, 1927, relating to the refunding of the tax on gasoline.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section five thousand ninety-three-a eight (5093-a8),
2 code, 1927, is amended by striking from lines twenty-seven (27),
3 twenty-eight (28), and twenty-nine (29) of said section the following
4 words, to wit:

5 "operated by the license fee collected on the use of gasoline as
6 herein provided",

7 and by inserting in lieu thereof the following words, to-wit:

8 "collected hereunder".

House File No. 334. Approved April 25, 1931.

CHAPTER 125

EXPENSES OF GAS TAX DEPARTMENT

AN ACT to amend the law as it appears in section fifty hundred ninety-three a eleven (5093-a11) of the code, 1927, so as to provide for the payment of postage, equipment, supplies and printing, used by the gasoline license tax department, out of the gasoline fees.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. That the law as it appears in section fifty hundred
2 ninety-three a eleven (5093-a11) of the code, 1927, be and the same
3 is hereby amended by changing the period (.) at the end thereof to
4 a comma (,) and by adding immediately thereafter the following:

5 "and to pay the cost of postage, equipment, supplies and printing,
6 used by the department."

Senate File No. 412. Approved April 25, 1931.