

CHAPTER 76

UNEMPLOYMENT COMPENSATION

S. F. 47

AN ACT to correct the reference in the unemployment compensation act as to the method of obtaining service of notice in civil action on nonresident employing units; to provide the form and manner of service of the original notice, and the proof of service thereof; to provide optional method of service of original notice; to provide for venue of actions and continuances; and to define the duty of the secretary of state.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Amend section fifteen hundred fifty-one and twenty
2 hundredths (1551.20, Code of 1939, by striking therefrom subsection
3 F, and inserting in lieu thereof the following:

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

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

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

20 a. By filing a copy of said original notice of suit with said secretary
21 of state, together with a fee of two dollars, and

22 b. By mailing to the defendant, and to each of the defendants if
23 more than one, within ten days after said filing with the secretary of
24 state, by restricted registered mail addressed to the defendant at his
25 last known residence or place of abode, a notification of the said filing
26 with the secretary of state.

27 3. **Notification to nonresident - form.** The notification, provided
28 for in section three (3), shall be in substantially the following form,
29 to-wit:

30 "To (Here insert the name of each defendant and
31 his residence or last known place of abode as definitely as known.)

32 "You will take notice that an original notice of suit against you, a
33 copy of which is hereto attached, was duly served upon you at Des
34 Moines, Iowa, by filing a copy of said notice of the day of
35, 19....., with the secretary of state of the
36 state of Iowa.

37 "Dated at, Iowa, this day of
38, 19.....

39
40 Plaintiff.

41 By
42 Attorney for Plaintiff."

43 4. "Restricted registered mail" defined. The term "restricted
44 registered mail" means mail which carries on the face thereof, in a
45 conspicuous place where it will not be obliterated, the indorsement,
46 "Deliver to addressee only", and which also requires a return receipt.

47 5. Optional notification. In lieu of mailing said notification to the
48 defendant in a foreign state, plaintiff may cause said notification to be
49 personally served in the foreign state on the defendant by any adult
50 person not a party to the suit, by delivering said notification to the
51 defendant or by offering to make such delivery in case defendant
52 refuses to accept delivery.

53 6. Proof of service. Proof of the filing of a copy of said original
54 notice of suit with the secretary of state, and proof of the mailing or
55 personal delivery of said notification to said nonresident shall be made
56 by affidavit of the party doing said acts. All affidavits of service shall
57 be indorsed upon or attached to the originals of the papers to which
58 they relate. All proofs of service, including the return registry receipt,
59 shall be forthwith filed with the clerk of the district court.

60 7. Actual service within this state. The foregoing provisions rela-
61 tive to service of original notice of suit on nonresidents shall not be
62 deemed to prevent actual personal service in this state upon the non-
63 resident in the time, manner, form and under the conditions provided
64 for service on residents.

65 8. Venue of actions. Actions against nonresidents as contem-
66 plated by this law may be brought in Polk county, or in the county in
67 which such services were performed.

68 9. Continuances. The court in which such action is pending shall
69 grant such continuances to a nonresident defendant as may be neces-
70 sary to afford him reasonable opportunity to defend said action.

71 10. Duty of secretary of state. The secretary of state shall keep
72 a record of all notices of suit filed with him, shall not permit said filed
73 notices to be taken from his office except on an order of court, and
74 shall, on request, and without fee, furnish any defendant with a certi-
75 fied copy of the notice in which he is defendant.

Approved April 5, 1943.

CHAPTER 77

AGRICULTURAL LABOR DEFINED AS USED IN UNEMPLOYMENT COMPENSATION

S. F. 292

AN ACT to amend section one thousand five hundred and fifty-one and twenty-five one hundredths, (1551.25-G(7)(d). of the 1939 code of Iowa, defining the meaning of the words "agricultural labor".

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section one thousand five hundred and fifty-one and
2 twenty-five one hundredths (1551.25) is hereby amended by adding
3 thereto immediately following the words "Agricultural Labor" under
4 subsections G(7) (d) of said section the following:

5 The term "Agricultural labor", as used in this chapter includes all
6 services performed: