

moneys is authorized for the contemplated construction, improvement or repair.

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

APPROVED—The 29th day of May, A. D. 1935.

GEORGE H. EARLE

No. 107

AN ACT

Prohibiting collection agencies, as herein defined, from representing creditors or taking an assignment for the purpose of representing creditors in any action or proceeding, or in settlement or adjustment of the affairs of a debtor; from soliciting business for attorneys at law; and from threatening the debtor with legal proceedings; and providing penalties.

Section 1. Be it enacted, &c., That, Definitions—The following words and terms as used in this act shall be construed as defined in this section:

Collection agencies.
Definitions.

(a) The term "collection agency" shall mean a person, other than an attorney at law duly admitted to practice in any court of record in this Commonwealth, who as a business enforces, collects, settles, adjusts, or compromises claims, or holds himself out or offers as a business to enforce, collect, settle, adjust, or compromise claims.

(b) The word "person" means and includes an individual, partnership, association, or corporation, and any employe, agent, director, or officer thereof.

(c) The word "claim" means and includes any claim, demand, account, note, or any other chose in action or liability of any kind whatsoever.

(d) The word "debtor" means and includes any person against whom a claim is asserted; and

(e) The word "creditor" means and includes a person having or asserting such a claim.

Section 2. Representing Creditor in Proceeding.—It shall be unlawful for a collection agency to appear for or represent a creditor or other person in any proceeding, or in any action or proceeding for or growing out of the appointment of a receiver or trustee, or in connection with an assignment for the benefit of creditors, or to present any claim or to vote on behalf of a creditor, whether an assignee or transferee of such claim or by virtue of a proxy or otherwise, or to represent any creditor in any action or proceeding in any court or before any alderman or justice of the peace in this Commonwealth, or to solicit from any creditor any claim for any of the purposes forbidden by this section.

Unlawful for an agency to represent a creditor in any proceeding

Section 3. Taking an Assignment From a Creditor.—It shall be unlawful for a collection agency, for the pur-

Unlawful to take an assignment.

pose of collecting or enforcing the payment thereof, directly or indirectly, to buy, take an assignment of, or to become in any manner interested in the buying or taking of an assignment of, any such claim.

Section 4. **Furnishing or Offering to Furnish Legal Services.**—It shall be unlawful for a collection agency to furnish, or offer to furnish, legal services, directly or indirectly, or to offer to render or furnish such services within or without this Commonwealth: Provided, however, That the forwarding of a claim by a collection agency to an attorney or attorneys at law, for the purpose of collection, shall not be construed as furnishing legal service.

Proviso.

Unlawful to receive a fee from a debtor.

Section 5. **Services in Connection with Settlement or Adjustment of a Debtor's Affairs.**—It shall be unlawful for a collection agency to act for, represent or undertake to render services for any debtor with regard to the proposed settlement or adjustment of the affairs of such debtor, whether such compromise, settlement, or adjustment be made through legal proceedings or otherwise, or to demand, ask for, or receive any compensation for services in connection with the settlement or collection of any claim except from the creditor for whom it has rendered lawful services.

Section 6. **Soliciting Employment for Attorneys at Law.**—It shall be unlawful for a collection agency to solicit employment for any attorney at law or firm or group of attorneys at law, whether practicing in this Commonwealth or elsewhere, or to receive from or divide with such attorney or attorneys at law any portion of any fee received by such attorney or attorneys at law; but the established custom of sharing commissions at a commonly accepted rate upon collection of claims between a collection agency and an attorney or attorneys at law is not prohibited hereby.

Unlawful to use papers simulating a summons, etc.

Section 7. **Threatening Legal Proceedings.**—It shall be unlawful for a collection agency to coerce or intimidate any debtor by delivering or mailing any paper or document simulating, or intending to simulate, a summons, warrant, writ, or court process as a means for the collection of a claim, or to threaten legal proceedings against any debtor: Provided, however, That nothing contained herein shall prohibit a collection agency from informing a debtor that, if a claim is not paid, it will be referred to an attorney or attorneys-at-law for such action as he or they may deem necessary, without naming a specific attorney or attorneys: Provided further, That nothing herein contained shall be construed to prohibit an alderman or justice of the peace from sending out notices to debtors before the institution of suit.

Proviso.

Proviso.

Section 8. **Penalties.**—Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be sen-

tenced to pay a fine of not more than five hundred dollars (\$500) or to undergo an imprisonment of not more than one year, or both, at the discretion of the court.

Section 9. Constitutionality.—The provisions of this act shall be severable, and if any of the provisions shall be held to be unconstitutional, such decision shall not affect the validity of any of the remaining provisions of this act.

Section 10. Effective Date.—The provisions of this act shall become effective immediately upon final enactment. When effective.

APPROVED—The 29th day of May, A. D. 1935.

GEORGE H. EARLE

No. 108

AN ACT

To amend section one of the act, approved the twenty-ninth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, three hundred twenty-two), entitled "An act to give protection, and to regulate the catching or taking or having in possession, within this Commonwealth, of any bullfrogs, tadpoles, and terrapin; and providing penalties and punishments for violation of any of the provisions of this act, and the manner of proceeding to enforce compliance therewith; and providing for the disposition of the penalties and fines recovered and received; and how, and by whom, the costs in such cases shall be paid," providing penalties for catching or killing bullfrogs, tadpoles, or terrapin out of season.

Section 1. Be it enacted, &c., That section one of the act, approved the twenty-ninth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, three hundred twenty-two), entitled "An act to give protection, and to regulate the catching or taking or having in possession, within this Commonwealth, of any bullfrogs, tadpoles, and terrapin; and providing penalties and punishments for violation of any of the provisions of this act, and the manner of proceeding to enforce compliance therewith; and providing for the disposition of the penalties and fines recovered and received; and how, and by whom, the costs in such cases shall be paid," is hereby amended to read as follows:

Section 1. Be it enacted, &c., That from and after the passage of this act it shall be unlawful for any person to catch, take, or kill any bullfrogs or tadpoles, from the first day of November to the first day of July, both dates inclusive, and terrapin from the fifteenth day of March to the first day of November, both dates inclusive, in each year, in any of the waters within this Commonwealth or in the boundary waters thereof. *Any person violating any of the provisions of this section shall, on conviction*

Section 1, act of
May 29, 1917
(P. L. 322),
amended.

Bullfrogs,
tadpoles and
terrapin.

Close season.

Penalty for
the violation of
this section.