

No. 606

AN ACT

Constituting the Secretary of the Commonwealth as the agent for service of process on nonresident persons and foreign associations, partnerships and corporations, whose products are listed and sold by Pennsylvania Liquor Stores and who sell malt and brewed beverages to distributors and importing distributors licensed and doing business in this Commonwealth.

Service of
process.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Secretary of
Commonwealth
constituted agent
to receive service
of process in cer-
tain cases.

Section 1. Any nonresident person or foreign association, partnership or corporation, whose products are listed and sold through Pennsylvania Liquor Stores or who sells or distributes malt or brewed beverages to any distributor or importing distributor licensed and doing business within this Commonwealth, shall, for the privilege of having such products sold within this Commonwealth, constitute the Secretary of the Commonwealth as his agent in the Commonwealth, upon whom process may be served in the event of any litigation that might arise in Pennsylvania over the sale, use or handling of such products in the manner prescribed by the Pennsylvania Rules of Civil Procedure for service of process upon defendants who are nonresidents or who conceal their whereabouts: Provided, however, That nothing contained herein shall be applicable to or change the requirements of the act of April 12, 1951 (P. L. 90), known as the "Liquor Code," as amended, and the regulation of the Pennsylvania Liquor Control Board adopted under authority conferred by said act with respect to the service of process in proceedings instituted by the said board against nonresident persons, foreign associations, partnerships and corporations, whose products are listed and sold in Pennsylvania Liquor Stores and who sell malt and brewed beverages to importing distributors licensed and doing business in this Commonwealth.

APPROVED—The 16th day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 607

AN ACT

Amending the act of January 5, 1952 (P. L. 1833), entitled, as amended, "An act to provide for the coverage of certain officers and employes of the Commonwealth and its political subdivisions under the old-age and survivor insurance provisions of Title II of the Federal Social Security Act, as amended; creat-

ing the State Agency and conferring powers and imposing duties upon the State Agency; authorizing the State Agency to enter into agreements with the Federal Secretary of Health, Education and Welfare and with political subdivisions or instrumentalities thereof under certain terms and conditions; providing for the Commonwealth's contribution under agreements with the Federal Secretary of Health, Education and Welfare and for the collection and payment of employer and employe contributions; authorizing interstate cooperation in certain cases; creating a Contribution Fund; and making appropriations," removing the limitation on retirement benefits.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: Social security.

Section 1. Sections 6.2 and 6.3, act of January 5, 1952 (P. L. 1833), entitled, as amended, "An act to provide for the coverage of certain officers and employes of the Commonwealth and its political subdivisions under the old-age and survivor insurance provisions of Title II of the Federal Social Security Act, as amended; creating the State Agency and conferring powers and imposing duties upon the State Agency; authorizing the State Agency to enter into agreements with the Federal Secretary of Health, Education and Welfare and with political subdivisions or instrumentalities thereof under certain terms and conditions; providing for the Commonwealth's contribution under agreements with the Federal Secretary of Health, Education and Welfare and for the collection and payment of employer and employe contributions authorizing interstate cooperation in certain cases; creating a Contribution Fund; and making appropriations," reenacted and amended June 1, 1956 (P. L. 1973) and section 6.3, amended July 8, 1957 (P. L. 550), are amended to read:

Sections 6.2 and 6.3, act of January 5, 1952, P. L. 1833, reenacted and amended June 1, 1956, P. L. 1973, and section 6.3, amended July 8, 1957, P. L. 550, further amended.

Section 6.2. Modification of Retirement Systems in Political Subdivisions.—Where services covered by a retirement system established by a political subdivision are included under an agreement under this act and where any laws providing for administration of retirement systems in that class of subdivision do not specifically provide for such cases, the governing body of such subdivision may reduce the basis upon which retirement allowances paid by such retirement system are computed to a proportionate basis which is adjusted for social security benefits. Any such reduction shall apply only to benefits payable after the age at which Federal Social Security benefits are payable and to that portion of such benefits based on wages (as defined in section 2 of this act*): Provided, That the total sum to be received monthly from social security and the retirement system following retirement by an employe who is a member of the system at the time of such change

* parenthesis not in original.

shall not be less than the allowance that would be paid by the retirement system in the absence of such agreement [the limitation provided for in section 6.3 notwithstanding]. Where the employe contributions are actuarially determined as amounts sufficient to provide a specified portion of the benefits such employe contributions may be correspondingly reduced. The provisions of this section shall not be deemed to restrict any city of the first class in modifying any pension and retirement system covering any officers or employes of such city.

[Section 6.3. Limitation on Retirement Benefits; Political Subdivisions.—Where the laws providing for administration of retirement system established by the Commonwealth of a political subdivision in a given class of subdivision do not require the modification of a system upon the extension of social security coverage, the total sum to be received monthly from the retirement system and from social security by each member following retirement shall not be more than eighty percent (80%) of average or final salary as defined by the law governing such system. This limitation shall not apply where it would reduce that portion of the retirement allowance of a member based on credits earned prior to the effective date of an agreement under this act.]

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 16th day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 608

AN ACT

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," making the sale of regrooved tires for motor vehicles or motorcycles without notice thereof a crime.

The Penal Code.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Act of June 24, 1939, P. L. 872, amended by adding a new section 899.1.

Section 1. The act of June 24, 1939 (P. L. 872), known as "The Penal Code," is amended by adding, after section 899, a new section to read:

Section 899.1. Sale of Regrooved Tires.—Whoever sells, offers or exposes for sale, or has in his possession with intent to sell, any motor vehicle tire or motorcycle tire which has had its tread regrooved without that fact being plainly shown by a marking or label in the English language on the shoulder, sidewall or other appropriate