

No. 46, A.]

[Published March 27, 1931.]

**CHAPTER 21.**

AN ACT to amend section 340.75 of the statutes, relating to refusal to sell automobile insurance, and providing a penalty.  
*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 340.75 of the statutes is amended to read: 340.75 Any person who shall deny to any other person, in whole or in part, the full and equal enjoyment of the accommodations, advantages, facilities and privileges of inns, restaurants, saloons, barber shops, eating houses, public conveyances on land or water or any other place of public accommodation or amusement, except for reasons applicable alike to all persons of every race or color, or who shall aid or incite such denial, or require any person to pay a larger sum than the regular rate charged other persons for such accommodations, advantages, facilities and privileges or any of them, *or shall refuse to sell or furnish any type of automobile insurance or charge a higher rate for such insurance because of race or color*, shall be liable to the person aggrieved thereby in damages not less than five dollars with costs, and shall also be punished for every such offense by fine of not more than one hundred dollars or be imprisoned in the county jail not exceeding six months, or by both such fine and imprisonment; provided, that a judgment in favor of the party aggrieved or the imposition of a fine or imprisonment shall bar any other proceeding.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 26, 1931.

No. 29, S.]

[Published March 31, 1931.]

**CHAPTER 22.**

AN ACT to repeal subsections (2) and (4) of section 20.49, section 20.206, subsection (12) of section 70.30, paragraph (a) of subsection (6) and paragraph (c) of subsection (7) of section 84.02, sections 84.03, 84.04, 84.07 and 84.09, paragraph (a) of subsection (2) of section 84.10 and subsections (1), (3), (4), (6), (7), (8), and (9) of section 85.02; to amend subsec-

tions (5), (6), (8), (9), and (10) of section 20.49, sections 78.01, 78.05, 78.06 and 78.07, subsection (2) of section 83.08, paragraphs (a) and (b) of subsection (1) of section 84.10 and paragraphs (a) and (c) of subsection (4) of section 85.01; and to create new subsections (2) and (4) of section 20.49, subsection (16) of section 82.02, subsection (4) of section 84.01, and new sections 84.03, 84.04, 84.07 and 84.09, new subsections (1), (3), (4) and (6) of section 85.02, and section 85.045, relating to emergency relief for unemployment, financing the construction and maintenance of highways, providing a penalty, and making appropriations.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Subsections (2) and (4) of section 20.49, section 20.206, subsection (12) of section 70.30, paragraph (a) of subsection (6) and paragraph (c) of subsection (7) of section 84.02, sections 84.03, 84.04, 84.07 and 84.09, paragraph (a) of subsection (2) of section 84.10 and subsections (1), (3), (4), (6), (7), (8) and (9) of section 85.02 of the statutes are repealed, but such repeals shall not affect the appropriations made by any of said sections or subsections or paragraphs thereof for the fiscal year ending June 30, 1931, or any prior year, except as may be otherwise specifically provided; and all balances in any of such appropriations shall remain available and may be expended for the purposes for which originally made. Certificates of registration issued under section 85.02 shall remain effective until July 1, 1931, as to motor trucks, tractor trucks, trailers, and semitrailers and until January 1, 1932, as to other vehicles.

SECTION 2. Subsections (5), (6), (8), (9) and (10) of section 20.49, sections 78.01, 78.05, 78.06 and 78.07, subsection (2) of section 83.08, and paragraphs (a) and (b) of subsection (1) of section 84.10, and paragraphs (a) and (c) of subsection (4) of section 85.01 of the statutes are amended to read: (20.49) (5)

\* \* \*

\* \* \* On July 1, \* \* \* 1931, and annually thereafter, not to exceed \* \* \* nine hundred thousand dollars to pay the state's portion of the cost of bridges under sections 87.02 and 87.03 \* \* \*

(6) On October 1, 1929, and annually thereafter, \* \* \*

*two hundred \* \* \* thousand dollars for the construction and maintenance of roads, including fire roads, in the state parks and state forests and other public lands as defined in chapter 24, and for highways or fire roads leading from the most convenient state or federal trunk highways to such lands. All work done under this subsection shall be determined \* \* \* by the state conservation commission for state park and forest lands, and by the land commission for other classes of public lands \* \* \* and the county board of the county wherein the lands affected are situated \* \* \* . All work shall be done by or under the authority or with the approval of the state highway commission.* Outside the limits of the said park, state forest and public land areas, not more than two direct connections to the most convenient state trunk highway may be built or maintained under the provisions of this section.

(8) On January 1, \* \* \* 1932, and annually thereafter, to the towns, villages and cities of the state, for the improvement of public roads and streets within their respective limits which are open and used for travel, and which are not portions of the state or county trunk highway systems, and which are not direct connections through cities between state trunk highways, the following sums: Each town and village shall receive for each mile of such road or street, the sum of \* \* \* *fifty* dollars; each city with a population not more than ten thousand by the last federal census shall receive for each mile of such road or street, the sum of \* \* \* *one hundred* dollars; each city with a population more than ten thousand and not more than \* \* \* *thirty-six* thousand shall receive for each mile of such road or street, the sum of \* \* \* *two hundred* dollars; each city with a population more than \* \* \* *thirty-six* thousand and not more than one hundred and fifty thousand shall receive for each mile of such road or street, the sum of \* \* \* *three hundred* \* \* \* dollars; and each city with a population more than one hundred and fifty thousand shall receive for each mile of such road or street, the sum of \* \* \* *four hundred* dollars. The amounts allotted to cities under this subsection shall be paid into their respective treasuries; the amounts allotted to the towns and villages shall be paid into the treasuries of the counties in which such towns and villages are located. The amounts allotted to the

towns and villages shall be expended by the town and village officers, subject to the supervision and approval of the county highway committee, but the town and village boards may authorize the work to be done by the county. A report of the work done shall be made each year by the town or village board, if the town or village does the work, and by the county highway commissioner if the work is done by the county. Copies shall be filed with the clerk of the town or village, the county clerk and the highway commission. The board of every town and village, and the council of every city, shall, not later than September 1, 1925, file with the commission and with the county clerk, a correct plat of their respective towns, villages and cities showing the mileage of roads and streets open and used for travel. In computing the mileage, the lengths included in road and street intersections shall not be included more than once. One-half of the mileage of roads or streets on boundary lines shall be considered as lying in each town, village or city.

(9) On July 1, \* \* \* 1931, and annually thereafter, for the improvement of the state trunk highway system, \* \* \* the amount remaining after the amounts appropriated under subsections (1) to (8) and subsections (11) and (16) have been set aside. This amount shall be allotted in the manner provided by subsection (9) of section 84.03.

(10) Payments from the appropriations made by subsections (1), (2), (3), (4), (5), (8) and (9) hereof, shall be made only on the order of the state highway commission from which order the secretary of state shall draw his warrant upon the general fund of the state in favor of the payee and charge the same to the proper appropriation. At the end of any quarter of the fiscal year, the appropriations under subsections \* \* \* (4) and (9) may be anticipated, by the highway commission, and used for the purposes of the respective subsections, to such extent as shall, in their judgment, approved by the governor, be justified by the receipts during that fiscal year. Any balance remaining at the end of the fiscal year for which the appropriation is made shall go forward and be available for the same purpose in succeeding years.

78.01 It is the intent of this chapter to impose a tax upon the owners and operators of motor vehicles propelled by an engine or engines driven directly or indirectly by the combustion of motor vehicle fuel, over and upon the public streets, roads and highways,

by requiring them to pay for the privilege thereof, in addition to the registration fee, at the rate of \* \* \* *four cents per gallon* for all motor vehicle fuel so used, which tax is to be collected as hereinafter provided. The provisions of this chapter are declared to be severable. If any section or part of a section shall be held unconstitutional for any reason, it is hereby declared that the remaining provisions of the chapter would have been enacted without such section or part of section, held to be unconstitutional, having been included therein.

78.05 Every dealer shall collect from the purchaser, in the first sale in commerce wholly within the state, and pay to the state treasurer, \* \* \* *the license tax* \* \* \* per gallon *imposed by section 78.01* on all motor vehicle fuel sold, used or distributed by him in this state, other than such fuel sold by him in the original packages as above specified, unless the tax has already been paid, and shall have the option of paying said tax \* \* \* on all motor vehicle fuel sold by him in the state in the original packages in which the same was imported. Whenever any sale is made by a dealer in the original packages in which the same was imported, such dealer shall deliver to the purchaser thereof an invoice of such motor vehicle fuel, stating the name and address of the purchaser, the quantity and kind of fuel sold, and whether or not said dealer assumes and agrees to pay the license tax on the said fuel, and such dealer shall transmit to the state treasurer at the same time he shall render the statement required in section 78.04 duplicate copies of all such invoices delivered by him during the period covered by such statement.

78.06 The license tax upon motor vehicle fuel sold or used in any calendar month shall be paid at the same time the statement required by section 78.04 is rendered to the state treasurer, who shall receipt the dealer therefor. If such tax is not paid at the time specified by law, interest shall be charged and collected thereon at the rate of ten per cent per annum from the time the tax accrued. Every dealer paying such tax or being liable for the payment thereof shall be entitled to charge and collect \* \* \* *an amount per gallon equal to the tax imposed by section 78.01* on such motor vehicle fuel sold by him, as part of the selling price thereof, and in the case of compounds or when the tax shall have been paid on motor vehicle fuel or the ingredients entering into such motor vehicle fuel, under the provisions of this chapter or

any other statute of this state, credit shall be allowed for such sum previously paid in computing the tax thereon, so that such motor vehicle fuel shall not be taxed twice.

78.07 It shall be unlawful for any person or persons, firm or corporation to purchase, receive or accept any motor vehicle fuel from any dealer in the original package as the same was imported into the state as specified in section 78.04, or to pay for the same or to sell or offer same for sale unless the invoice required by section 78.05 was by said dealer delivered to him at the time of the purchase or receipt of said motor vehicle fuel. Any person, firm or corporation who shall purchase or receive any motor vehicle fuel from any dealer in this state in the original packages in which the same shall have been imported, and upon which fuel the said dealer shall not have assumed to pay the tax as required by this chapter, shall on the fifteenth day of each month render to the state treasurer the same statement required of the dealer by section 78.04, and at the same time shall remit and pay to the state treasurer a license tax \* \* \* per gallon *equal to the tax imposed by section 78.01* on such motor vehicle fuel upon which the dealer has not assumed to pay the tax.

(83.08) (2) If for any reason the needed lands cannot be acquired by contract for a reasonable price, the county highway committee shall acquire the same either by condemnation proceedings in the manner provided by chapter 32 of the statutes or by section 83.07, or shall make and sign an award of damages to the landowner and, when approved by the state highway commission, shall file the same with the county clerk; and thereupon the amount so awarded shall be payable the same as when the land is acquired by contract; and the landowner may receive the same without prejudice to his right to claim and to contest for a greater sum. When such award shall have been made, approved and filed, the highway authorities and their contractors and employes may take possession of the premises and proceed with the contemplated highway improvement and construction. A copy of the award shall be promptly delivered or mailed to the owner if his address be known and if not known then to the occupant of the land. *If the land is unoccupied and the address of the owner is unknown, the award shall promptly be published for three successive weeks in a newspaper having general circulation in the county.* The landowner may at any time after \* \* \* the date that the

highway authorities take possession of the land in question, proceed as provided in chapter 32 to have his damages appraised, or may apply to the county judge on five days' written notice to any member of the county committee, to appraise the owner's damages and thereafter the proceedings shall be as provided in section 83.07 and the provisions of said section shall apply.

(84.10) (1) (a) There shall be allotted \* \* \* for the maintenance of the state trunk highway system within \* \* \* *each county such sum as the state highway commission shall deem to be reasonably necessary to meet the requirements. Such estimates may be revised by the commission if deemed necessary.*

(b) There shall be allotted to each city *and village* for the maintenance of streets within its limits selected by the state highway commission, not a part of the state trunk highway system, but forming connections through said city between portions thereof, or between such system and the highway systems of adjoining states, the \* \* \* *following amounts per mile of street corresponding to the classification of highways stated: Primary federal aid, five hundred dollars; secondary federal aid, four hundred dollars; other state trunk highways, three hundred dollars.*

(85.01) (4) (a) There shall be paid annually to the secretary of state for the registration of each automobile, a fee of ten dollars if said automobile shall weigh sixteen hundred pounds or less; a fee of eleven dollars if said automobile shall weigh more than sixteen hundred pounds and less than eighteen hundred pounds; a fee of twelve dollars, if said automobile shall weigh eighteen hundred pounds or more and less than two thousand pounds; a fee of thirteen dollars if said automobile shall weigh two thousand pounds or more and less than twenty-four hundred pounds; a fee of fourteen dollars if said automobile shall weigh twenty-four hundred pounds or more and less than twenty-eight hundred pounds; a fee of sixteen dollars if said automobile shall weigh twenty-eight hundred pounds or more and less than thirty-two hundred pounds; a fee of eighteen dollars if said automobile shall weigh thirty-two hundred pounds or more and less than thirty-six hundred pounds; a fee of twenty dollars if said automobile shall weigh thirty-six hundred pounds or more and less than four thousand pounds; a fee of twenty- \* \* \* *four dollars*, if said automobile shall weigh four thousand pounds or more and less than forty-five hundred pounds; a fee of \* \* \* *thirty-six dol-*

lars if said automobile shall weigh forty-five hundred pounds or more and less than five thousand pounds; a fee of \* \* \* *forty-eight* dollars if said automobile shall weigh five thousand pounds or more. If the car is five or more years old, the secretary of state shall register said automobile upon payment of seventy-five per centum of the fee specified for a car of like weight, which has not been so operated. Provided, that no automobile shall be registered before July first for a fee of less than ten dollars.

(c) For the registration of each motor truck or motor delivery wagon having a gross weight of one and one-half tons or less, a fee of ten dollars, *except that the fee for a truck owned and operated by a farmer for farm use and not for commercial purposes shall be five dollars*; having a gross weight of more than one and one-half tons and less than two and one-quarter tons, a fee of fifteen dollars; having a gross weight of two and one-quarter tons, or more, and less than three tons, a fee of twenty dollars; having a gross weight of three tons or more and less than four tons, a fee of *thirty-five* dollars; having a gross weight of four tons or more and less than five tons, a fee of \* \* \* *sixty* dollars; if the gross weight is five tons, or more, a fee of \* \* \* *sixty* dollars, plus a fee of *twenty-five* dollars for each \* \* \* ton or fraction thereof in excess of five tons. The gross weight in tons shall be in every case arrived at by adding together the weight in pounds of the motor truck or motor delivery wagon when equipped ready to carry a load and the maximum load carried by the vehicle in pounds, and then dividing the sum of the two by two thousand. \* \* \* This section, however, shall not be construed to mean that any such vehicle may be licensed to operate in violation of any other provision of this chapter.

SECTION 3. Two new subsections are added to section 20.49, a new subsection is added respectively to sections 82.02 and 84.01 and four new sections are added to the statutes, four new subsections are added to section 85.02, and a new section is added to the statutes to be numbered and to read:

(20.49) (2) (a) On February 1, 1932, and annually thereafter, to each town, village, and city, a privilege highway tax in an amount as herein set forth in lieu of the general property tax heretofore assessed on motor vehicles. On February 1, 1932, each town, village, and city shall receive approximately the same

amount as it collected from the property tax on motor vehicles levied in the year, 1930, such amount to be ascertained as provided in section 85.045. Annually thereafter, each town, village, and city shall receive an amount equal to twenty per cent of the net registration fees derived from motor vehicles customarily kept in such town, village, or city in the fiscal year ended the previous thirtieth day of June, but in no case less than the amount paid it in 1932.

(b) From the allotment received by each city of the first class on February 1, 1932, under paragraph (a) of this subsection, the city treasurer shall set aside for the respective city school funds established by law, amounts approximately the same as the amounts provided for such school funds from the collection of the property tax on motor vehicles in such city levied in the year 1930. The amount of such tax so collected shall be arrived at in the manner provided in subsection (1) of section 85.045 and shall be computed by the city comptroller who shall certify his computation to the city treasurer. From the allotment received by each such city on February 1, 1933, and annually thereafter, the city treasurer shall annually set aside for each such school fund an amount which bears the same proportion to the amount set aside for such fund in the previous year as the total allotment received bears to the total allotment received in the previous year, but in no case shall the amount set aside for any such fund be less than the amount set aside in 1932.

(4) On July 1, 1932, and annually thereafter, to meet the provisions of subsections (2) and (3) of section 84.03, eleven million dollars.

(82.02) (16) To acquire any lands or rights in lands that the commission may deem necessary to carry out any highway improvement made by the state, in the manner provided for town boards and county highway committees in section 81.08, section 83.07 and section 83.08. Lands permanently acquired shall be held in the name of the state.

(84.01) (4) The legislature of the state of Wisconsin hereby declares that the purpose and intent of the act of which this subsection is a part, is to give the necessary assent to all federal highway acts and to make provision that will insure the receipt by the state of any federal aid that heretofore has been, or may hereafter be allotted to the state, including all increased and ad-

vanced appropriations, to continue highway improvement on a scale commensurate with the needs of the state, to provide emergency relief for unemployment; to make possible a reduction in property taxes for highway purposes; and to meet obligations on county bonds as provided by law. The purpose of the increase in motor vehicle fuel taxes by the said act, is to make financial provision to this end, and especially to provide emergency relief for unemployment. To insure such emergency relief, the governor, upon recommendation of the emergency committee for unemployment relief, is authorized to extend the period for which such increased motor vehicle fuel taxes are specifically made available for such emergency relief, as he may deem necessary. All allotments of state aid for state trunk highways under this act, to counties which have outstanding bonds, issued and expended for construction on the state trunk highway system, shall be used to meet the obligations of such outstanding bonds. No allotments of state aid for state or county trunk highways, except special bridges, shall be contingent on provision by any county or subdivision thereof, of any funds to match state aid. The state highway commission is directed to select projects, having regard to the necessities of traffic and the existing condition of the highways, to the end that improvements may be made where most needed and thus be of the greatest benefit to the state. In view of the present crushing tax burden on farms, homes and other forms of real estate, the commission is further directed to utilize the moneys available for highway improvement under its stewardship in such manner consistent with the law that the reduction of property taxes contemplated by this act may be realized to the maximum degree. If the governing body of any town, village, city, or county shall fail or neglect to use any and all increased allotments from the appropriation under section 20.49 for the reduction of highway taxes, the highway commission, on petitions of taxpayers residing in said town, village, city, or county, numbering five per cent or more of the vote cast for governor at the last election, alleging such failure or neglect, shall investigate the matter. Not less than fifteen days' notice of the investigation shall be given by notice in writing filed with the clerk of the governing body of the town, city, village or county. If the commission, after such investigation, shall find such failure or neglect has occurred, the commission may withhold further aid from such town, village,

city, or county for not more than one year. It is declared the sense of the legislature that the amounts made available for rural highway improvement in 1930, through the state and its counties, exclusive of amounts provided by subdivisions of counties for local improvements, is a sum sufficient to meet reasonable requirements of traffic, being efficiently administered, and is the maximum that a decent regard for the interests of the taxpayers of the state will permit. It is further declared that the intent of the legislature in changing sections 84.07 and 84.10 to provide for state maintenance of highways is to comply with the requirements of federal aid highway laws and not intended to terminate the actual performance of the work by county forces.

84.03 (1) All moneys granted or allotted to the state of Wisconsin as federal aid for highways and moneys appropriated by the legislature to meet such grants or allotments of federal highway aid shall be used exclusively for the improvement of the federal aid highway system as required by such federal highway acts. All moneys allotted as state aid shall be expended under the provisions of chapter 83.

(2) From the appropriation under subsection (4) of section 20.49 there shall be allotted, by the state highway commission, to the several counties of the state as state aid for the respective county trunk highway systems, the sum of three million dollars. Such sum shall be allotted to the several counties forty per cent in the ratio that the number of motor vehicles registered from each county bears to the total number registered in the state and sixty per cent in the ratio that the mileage of highways in each county exclusive of highways and streets in cities and villages bears to the total mileage of highways in the state. Such allotments shall be used for constructing, repairing and maintaining such county trunk highway systems and the bridges thereon, including snow removal and snowdrift prevention, under the direction of the county highway committees.

(3) The remainder of the appropriation under subsection (4) of section 20.49 shall be allotted by the state highway commission to the several counties of the state as state aid for the construction of the state trunk highway system in such counties, under the provisions of chapter 83, or for the retirement of bonds issued under sections 67.13 or 67.14. Not more than two per cent of such state aid shall be used to pay the cost of supervision by the

state highway commission. The amount to be allotted under this subsection shall be allotted, forty per cent in the ratio that the number of motor vehicles registered from each county bears to the total number registered in the state and sixty per cent in the ratio that the mileage of highways in each county, exclusive of highways and streets in cities and villages, bears to the total mileage of highways in the state. Provided, that in counties where more than sixty per cent of the state trunk highway system is constructed and surfaced with a surfacing of high type, satisfactory to the state highway commission, and where there is no necessity to meet obligations on account of outstanding bonds, such portion of the allotment under this subsection as the state highway commission shall approve may be used for the improvement of the county trunk highway system.

(4) No county shall be allotted less than forty thousand dollars under subsection (3) of this section nor shall any county that has constructed portions of its state trunk highway system with the proceeds of bonds issued and expended with the approval of the state highway commission, be allotted a lesser amount as state aid for state trunk highways in any year than the amount necessary to meet its obligations on account of such bonds until the total amount to which such allotments may lawfully be applied, is paid. If the allotment to any county shall be less than the minimum amounts hereinbefore stated, such allotment shall be increased to the minimum amount with money from the amount available under subsection (9) of this section. All allotments under subsection (3) of this section to counties having bonds outstanding which have been issued under sections 67.13 or 67.14, and expended for construction on the state trunk highway system, shall be used exclusively to retire such bonds to such extent as shall be necessary each year.

(5) Allotments of state aid for the construction of the state trunk highway system need not be expended in each county every year, but the allotments made to any county shall stand to its credit until expended as provided by law. If the commission shall determine that the public welfare and the best interests of travel make it necessary to complete any portion of the system in a single project, the commission and the county board of the county in which such project is located may agree that more than one year's allotment to the county may be used for such project. The cost

of construction shall be advanced by the state from any funds available and unexpended under section 20.49, and the amounts so advanced shall be deducted from succeeding allotments to the county in the amount agreed upon by the commission and the county board.

(6) The county board of any county having a population of five hundred thousand or more may appropriate any portion of the moneys received by such county under the provisions of section 20.49 to the cities and villages within such county for street construction or for the payment of the principal or interest on bonds issued by any town, city or village within such county for the construction of bridges carrying a traffic in excess of twenty-five hundred vehicles per day, according to a determination made by the state highway commission.

(9) The appropriation made by subsection (9) of section 20.49 shall be used by the state highway commission for the improvement of the state trunk highway system. Such appropriation shall be expended by the commission on such projects, of such nature and executed in such manner, as the commission shall from time to time determine will best meet the needs of travel and tend to promote the general welfare in the most effective manner. Such appropriation may be used for improvements independent of, or in conjunction with, any other funds that may have been or may be made available for the improvement of the state trunk highway system. Any requirements of any federal highway act, or regulations of the United States Bureau of public roads thereunder, may be met from such appropriation. All maintenance, snow removal and drift prevention work on the state trunk highway system shall be carried out with such appropriation. Construction to match federal aid allotments may be carried out under such appropriation, or with state aid as provided in subsection (3) of this section.

84.04 (1) Annually, not later than November first, the commission shall notify each county clerk of the allotments of state aid to the county under subsections (2) and (3) of section 84.03.

(2) The commission shall annually determine, as far as possible, what improvements will be made during the succeeding year, and notify the county clerks prior to the first of November, as to the improvements in their respective counties.

(3) Each county may acquire any lands needed to relocate

or widen any highway to be improved. Such lands and any other needed lands may be acquired by the county in the manner provided by section 83.07 or section 83.08 or by chapter 32.

84.07 (1) The state trunk highway system shall be maintained by the state and all the expense of such maintenance shall be borne by the state. The state highway commission shall prescribe regulations and specifications for such maintenance. The commission may arrange with the county highway committee of any county to have the state trunk highways within such county maintained by the county forces. Such maintenance shall include such measures as shall be deemed necessary to keep the state trunk highways open for travel at all seasons, including the removal of snow from the highways and the prevention of snow drifts upon the highways.

(2) When any county shall maintain the state trunk highways within such county, in compliance with the regulations of the state highway commission, the said commission shall pay the actual cost of such maintenance, including such reasonable allowance for the use of county machinery and overhead expense as shall be agreed upon in advance. Such payments shall be made upon presentation by the county clerk of a properly itemized and verified account by the county highway committee.

84.09 (1) Except in case of emergency, no city or village shall obstruct any street over which any United States or state trunk highway is marked unless it first makes arrangements with the state highway commission for the marking of a temporary route.

(85.02) (1) Every dealer, distributor and manufacturer of motor vehicles in this state shall file a duly acknowledged application for registration with the secretary of state, which shall contain the name under which such dealer, distributor or manufacturer is transacting business within this state, the names and addresses of the several persons constituting the firm or partnership and if a corporation the corporate name under which it is authorized to transact business, the names and addresses of its principal officers, resident general agent and attorney in fact and the place or places of business of such dealer, distributor or manufacturer, and whenever a new place of business is opened such place of business shall promptly be reported to the secretary of state. On receipt of such statement the secretary of state shall issue a certificate of registration to such dealer, distributor or manufacturer which shall be assigned a number.

(3) Beginning July 1, 1931, as to motor trucks, tractor trucks, trailers and semitrailers, and January 1, 1932, as to other vehicles, every vehicle owned by any dealer, distributor or manufacturer of vehicles required to be registered by this chapter shall be registered in the same manner as other similar vehicles, except new vehicles displayed for retail sale or used for demonstration purposes by a dealer. When any such vehicle is displayed for retail sale or used for demonstration purposes, there shall be affixed to the inner side of the windshield of such vehicle, or in other conspicuous positions if there is no windshield, a "displayed for sale and demonstration" sticker, bearing the words "displayed for sale and demonstration", the name and registration number of the dealer, the make and style of the vehicle, the date received from the distributor or manufacturer and the license fee for the vehicle, plainly stamped or stenciled thereon.

(4) "Displayed for sale and demonstration" stickers shall be supplied by the secretary of state on application by the dealer, accompanied by the fee which shall be ten per cent of the registration fee. Application for such stickers shall be made in the same manner as application for registration, and the stickers issued in the same manner as license plates. No new vehicle shall be displayed for sale or demonstrated on the highways unless a sticker is attached as provided in this section. No such vehicle shall be operated on the highways except by an authorized representative of the dealer, and for demonstration purposes exclusively. When the vehicle is sold, the sticker shall remain on the vehicle until the number plates are attached and then be destroyed. Provided, that any buyer of such vehicle having made application for the registration thereof and having paid the fee therefor may operate such car on the highways.

(6) No person other than a dealer registered as provided in this section shall obtain or use such sticker, and no dealer shall use any such stickers except on one vehicle only, and only for the purposes stated in this section. Use of such sticker for any other purpose shall be punishable by forfeiture of the sticker and by a fine of not less than twenty-five or more than one hundred dollars.

85.045 (1) The tax commission shall compute and not later than November 15, 1931, certify to the highway commission the approximate amount which was collected in each town, village,

and city from the property tax on motor vehicles levied in the year 1930. Such amount shall be arrived at by assuming that the tax collected on motor vehicles bears the same ratio to the total personal property tax collected up to the time when the delinquent tax roll is delivered to the county treasurer as the assessed value of motor vehicles bears to the assessed value of all personal property.

(2) Not later than December fifteenth of each year, beginning with the year, 1932, the secretary of state shall compute the amount of the net registration fees derived from motor vehicles customarily kept in each town, village, and city in the state for the fiscal year ending the previous June thirtieth and certify such amounts for each town, village, and city to the highway commission.

SECTION 4. (1) As soon as is practicable after this act becomes effective, the governor shall appoint, by and with the advice and consent of the senate, an emergency commission for unemployment relief, of five persons, and designate its officers. The members of such commission shall receive no compensation for their services but shall be reimbursed for expenses actually incurred in the performance of their duties. Such commission shall terminate when the governor deems that necessity for emergency relief for unemployment no longer exists.

(2) It is the purpose and intent of this section to provide emergency relief for unemployment by carrying out a program of railroad grade crossing elimination at the earliest date practicable. Such program contemplates carrying out the amount of work that normally would be accomplished in three years, not to exceed ninety-one projects. It is the intent that the crossings eliminated shall be those which by reason of being located on heavily traveled highways or over heavily traveled railways, or both, are especially necessary to eliminate. It is the intent that the general principles of the working agreement for the elimination of railroad grade crossings, whereby the railroads pay not more than forty per cent of the cost of the improvement with grades separated, in excess of the cost of an improvement conforming to like standards but at grade, as heretofore observed by the highway commission and various railroad companies, shall apply to agreements for the elimination of railroad grade crossings under this section. It is the further intent that the total number of

grade crossing elimination projects carried out in course of the state highway program during the period prior to January 1, 1934, shall not exceed the number which normally would have been carried out in such program during such period.

(3) Subject to the approval of the governor, the unemployment relief commission shall have authority to make all arrangements deemed necessary and expedient to carry out the purpose of this section. The commission may engage such employees as it shall deem necessary to carry out the intent of this section and fix their remuneration. The commission shall have exclusive authority over the work done under this section, and all other construction by the state which may be carried out so as to afford emergency relief for unemployment, subject to the approval of the governor. Chapter 195 of the statutes shall not apply to such work. Such commission shall negotiate with the authorized officers of each railroad company as to each grade crossing to be eliminated, the respective proportions of the cost to be borne in each case, and shall make such arrangements and agreements as may be deemed necessary and advisable.

(4) In order that emergency relief for unemployment may be provided and dangerous railroad grade crossings be eliminated, with a minimum of delay, the unemployment relief commission is expressly authorized to make arrangements for any contracts, and for the purchase of any materials deemed necessary to carry out the purposes of this section, with or without advertising for bids. In cases where the railroad companies request, the state shall advance the entire cost of the project, but in such cases the contract shall provide that the railroad companies' shares shall be paid, without interest, one-half in 1932 and one-half in 1933. The reasonable actual cost of any services rendered by any railroad company shall be charged as a portion of the cost of the project.

(5) All contracts for any of the work to be done under this section shall provide that no laborers, workmen, or mechanics shall be employed in or on such work who have not been bona fide residents of this state for at least five years immediately preceding their employment. It shall be the duty of the highway commission and of the unemployment relief commission to enforce compliance with the provisions of this subsection by all contractors and subcontractors doing any of the work herein contemplated.

(6) All boards, commissions, officers and other agencies of the state, and especially the highway commission and the director of purchases, shall cooperate with the unemployment relief commission as it shall request, and render such assistance and do such portions of the work as it shall direct. All necessary engineering work shall be done by the highway commission, under the direction of the unemployment relief commission. All contracts and purchases to carry out the purposes of this section shall be made by the highway commission in the name of the state, and for the unemployment relief commission. If any work under chapters 84 or 87 can be so conducted as to carry out the purposes of this section, the unemployment relief commission may assume direction thereof. If any project be eligible to receive federal aid the highway commission shall participate, if the unemployment relief commission shall direct, in such manner that such federal aid shall apply to such project.

SECTION 5. An amount equal to the increase in the motor vehicle fuel taxes, on account of the increase in the tax from two cents to four cents per gallon, collected on account of motor vehicle fuel used or sold prior to July 1, 1931, and for such extended period as the governor may direct under subsection (4) of section 84.01, is hereby appropriated and shall be used as follows:

(1) There shall first be paid the amount fairly chargeable to such increase on account of cost of administration and refunds under section 78.09 as determined by the state treasurer.

(2) The amount remaining is appropriated to the state highway commission, and shall be set aside and used for the following purposes:

(a) Such amount as may be necessary to meet the necessary expenses of the members of the unemployment relief commission and the expenses incidental to its work.

(b) A sum sufficient to reimburse the counties of the state for the cost of snow removal and snow drift prevention incurred on the state trunk highways during the fiscal year ending June 30, 1931. All such costs incurred during the said fiscal year shall be paid by the state on presentation by the county clerk of properly itemized and verified statements approved by the state highway commission. Such statements may include fair charges for machinery used.

(c) The remainder shall be used to pay the state's portion of

the cost of unemployment emergency railroad grade crossing elimination work as carried out in accordance with SECTION 4 of this act.

(d) The director of the budget shall estimate the amount that will become available under this subsection from time to time, as the governor shall direct. Subject to the approval of the governor, the amount so estimated shall immediately be available for the purposes of this section.

SECTION 6. On February 1, 1931, an amount equal to the sum of the allotment to this state from the federal highway aid appropriation effective April 4, 1930, amounting approximately to one million two hundred thirty-two thousand seven hundred eighty dollars, and the allotment from the "emergency advance fund" appropriation effective December 20, 1930, amounting approximately to one million nine hundred ninety-two thousand dollars, is hereby appropriated to the state highway commission to be expended by the commission during 1931 on construction projects designed to carry out the purposes of the federal aid highway acts under which such allotments have been made. Such projects shall be carried out in such order and in such places on the federal aid system as the commission shall deem will be most advantageous to the state and may be used in conjunction with or independent of any other funds that may be made available for the federal aid system. Any amounts remaining shall be used to increase the appropriation under section 20.49 for the fiscal year ending June 30, 1932.

SECTION 7. The changes in the motor vehicle registration fees made in the amendments to paragraphs (a) and (c) of subsection (4) of section 85.01 included in SECTION 2 of this act shall take effect as to motor trucks, tractor trucks, trailers, and semitrailers with the registration year beginning July 1, 1931, and as to other vehicles with the registration year 1932.

SECTION 8. The provisions of this act are declared severable. It is hereby declared that if any section of this act, or any section, subsection, paragraph or subdivision of the statutes amended or created in this act, shall be held unconstitutional for any reason, as so amended or created, the remaining portions of this act would have been enacted without any such sections, subsections, paragraphs or subdivisions, held to be unconstitutional being included therein.

SECTION 9. This act shall take effect upon passage and publication.

Approved March 31, 1931.

No. 18, A.]

[Published April 1, 1931.

### CHAPTER 23.

AN ACT to amend subsection (1) of section 59.63 of the statutes, relating to relocation of section corners and division lines.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Subsection (1) of section 59.63 of the statutes is amended to read: (59.63) (1) Whenever a majority of all the resident landowners in any section of land within this state desire to establish, relocate or perpetuate any sectional or other corner thereof, or in the same section a division line thereof, they may make a formal application in writing to the \* \* \* *town clerk* of the \* \* \* *town* in which the land is situated. Such \* \* \* *clerk* shall file such application in his office and shall within a reasonable time give at least ten days' notice in writing to the owner or owners of all adjoining lands, if such owner or owners reside in the county where said land is situated and if not, by publication once each week for three weeks successively in a newspaper published nearest to such land, stating the day and hour when \* \* \* *the town board will meet to consider and pass upon such application, and said town board shall, at such meeting, hear all interested parties and shall approve or reject such application; if such application is approved the town clerk shall notify the county surveyor who shall within a reasonable time proceed to make the required survey and location. If a corner is to be perpetuated, he shall deposit in the proper place a stone or other equally durable material of the dimensions and in the manner and with the markings set forth in section 60.37, and shall also enter in his field notes one or more bearing trees if there be such, the species and size, direction and distance thereof, and if there be no trees he shall deposit one or more suitable stones at a sufficient depth as witness to said corner, all of which proceedings shall be accurately entered by said surveyor or his deputy in a suitable book to be kept for that purpose, carefully preserved and which shall together with all applications on file be turned over by such*