

actuarial bureau, failing to comply with, or guilty of a violation of any of the provisions of sections 203.32 to 203.495, or of any order of the commissioner made hereunder, shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars. In addition thereto, the license of any insurer, actuarial bureau, or agent, guilty of such violation, may be revoked or suspended, by the commissioner.

203.49 EXEMPTIONS. The provisions of sections 203.32 to 203.495, shall not apply to town mutual companies, nor to domestic mutual cyclone insurance companies operating on the assessment plan, nor to contracts for automobile insurance, nor to the rolling stock of railroads or property in transit while in the possession of railroad companies or other common carriers, nor on the property of such common carriers used or employed by them in their business of carrying freight, merchandise or passengers.

203.495 SEPARABILITY OF PROVISIONS. If any provision of sections 203.32 to 203.495, or the application thereof to any person or circumstance, is held invalid, the remainder of the chapter, and the application of such provision to other persons, or circumstances, shall not be affected thereby. Should section 203.37, be held unconstitutional, section 203.39 of the statutes of 1929, shall remain in effect as though not repealed, and if section 203.39 be held unconstitutional, section 203.42, of the statutes of 1929, shall remain in effect as though not repealed.

SECTION 3. This act shall take effect on July 1, 1931.

Approved June 30, 1931.

No. 947, A.]

[Published July 7, 1931.

CHAPTER 438.

AN ACT to amend subsection (1) of section 289.16 and subsection (1) of section 289.53 of the statutes, relating to liens for insurance premiums.

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

SECTION 1. Subsection (1) of section 289.16 and subsection (1) of section 289.53 of the statutes are amended to read: (289.16) (1) All contracts involving one hundred dollars or more hereafter made or let for the performance of any work or labor

or furnishing any materials when the same pertains to or is for or in or about any public building, public improvement, public road, alley or highway, or any other public work of whatsoever kind of the state, or of any county, city, village, town, school district, or of any public board or body, shall contain a provision for the payment by the contractor of all claims for such work and labor performed and materials furnished, *including the premiums for workmen's compensation insurance*, and no such contract shall hereafter be made or let unless the contractor shall give a good and sufficient bond, the penalty of which shall not be less than the contract price, conditioned for the faithful performance of the contract, and the payment to each and every person or party entitled thereto of all the claims for work or labor performed, and materials furnished for or in or about or under such contract, *including all premiums for workmen's compensation insurance*, such bond in the case of the state to be approved by the governor, of a county by its district attorney, of a city or village by its attorney, if it has one, and if not, then by the mayor or president, respectively, thereof, of a town by its chairman, of a school district by the director or president of the school board, and in case of any other public board or body by the presiding officer thereof. No assignment, modification or change of the contract, or change in the work covered thereby, nor any extension of time for completion of the contract shall release the sureties on said bond.

(289.53) (1) Any person, firm or corporation furnishing any material, apparatus, fixtures, machinery or labor, *including the premiums for workmen's compensation insurance*, to any contractor for public improvements in this state, except in cities of the first class, however organized, shall have a lien on the money, or bonds, or warrants due or to become due such contractor for such improvements; providing, such person, firm or corporation shall, before the payment is made to such contractor, notify the officials of the state, county, township, city, or municipality, whose duty it is to pay such contractor, of his claim by written notice. It shall be the duty of such officer so notified to withhold a sufficient amount to pay such claim until it is admitted or established as provided in subsection (3) of this section and thereupon to pay the amount thereof to such person and such payment shall be a credit on the contract price to be paid such contractor. Any officer violating the duty hereby imposed upon him shall be liable on his official bond

to the person serving such notice for the damages, resulting from such violation which may be recovered in an action at law in any court of competent jurisdiction. There shall be no preference between the persons serving such notice, but all shall be paid pro rata in proportion to the amount under their respective contracts.

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

Approved June 30, 1931.

No. 979, A.]

[Published July 7, 1931.

CHAPTER 439.

AN ACT to amend section 14.41 of the statutes, relating to the bonding of employes of the state treasurer.

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

SECTION 1. Section 14.41 of the statutes is amended to read: 14.41 The treasurer may appoint, in writing, an assistant state treasurer who may perform and execute any of the duties of the treasurer, except as commissioner of the public lands. The assistant treasurer shall take and subscribe the oath of office prescribed by the constitution and shall give bond to the treasurer, in such sum and with such conditions as the treasurer prescribes, conditioned for the faithful discharge of his duties. The oath of the assistant treasurer and the certificate of his appointment shall be filed and preserved in the office of the secretary of state. The chief accountant *and such other employes as the treasurer may require* shall give bond to the state of Wisconsin in such sum and with such conditions as the treasurer prescribes, conditioned for the faithful discharge of his duty; the cost thereof to be charged to the appropriations made by section 20.05.

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

Approved June 30, 1931.