

1969 Senate Bill 353

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CHAPTER 336, LAWS OF 1969

AN ACT to repeal 101.31 (3) (a), (b) and (c), (4) and (5) (a) and (d), 101.315 (1) (d), 110.10 (1) (c), 110.16 (2) and (3) (a) and (c), 125.03, 125.06 (3), 125.08 (4), chapter 129 (title), 129.01 (2a), chapter 135 (title), 135.01 (1), (1m), (2), (3), (5), (7) and (8), chapter 136 (title), 136.03, 136.04 (1), (3), (4) and (5), 136.13 (1), chapter 147, chapter 149 (title), 149.01 (1) and (2), 149.015, 149.03, 149.09 (1), chapter 150 (title), 150.01, 150.03, 150.04 (intro.), (1), (2), (3) and (5), chapter 151 (title), 151.01 (1), 151.015 (1) and (4), chapter 152 (title), 152.01 (1), (3), (4), (5) and (7), chapter 153 (title), 153.03 (1), (2), (3) and (5), chapter 154, chapter 169 (title), 169.01, 169.02, 169.03, 169.04, 169.06 and 175.13 (1) (e); to renumber 101.31, 101.315, 110.10, 110.16 (3) (b) and (4), 125.02, 125.06 (1), (2) and (4), 125.08 (1), (2) and (3), 125.15, 129.01 to 129.18, 135.02, 135.03, 135.04, 135.05, 135.06, 135.09, 135.10, 135.11, 135.12, 135.13, 136.01, 136.011, 136.02, 136.05, 136.06, 136.065, 136.07, 136.075, 136.08, 136.09, 136.10, 136.11, 136.12, 136.14, 136.15, 136.16, 136.17, 136.18, 149.01 (3), (4), (5) and (6), 149.02, 149.06, 149.09 (2), (3) and (4), 149.10, 149.11, 149.12, 150.02, 150.05, 150.06, 150.08, 150.10, 151.02, 151.04, 151.05, 151.06, 151.07, 151.10, 151.11, 151.15, 151.16, 151.17, 152.02, 152.05, 152.06, 152.07, 152.08, 152.09, 152.10, 152.51, 152.52, 152.53, 153.01, 153.02, 153.06, 153.08, 153.10, 153.11, 153.12, 153.14, 153.15, 169.05, 169.09, 169.11, 169.12, 169.13, 169.15, 169.16, 169.17, 169.18, 169.21, 169.22, 169.24, 175.07 and 175.13; to renumber and amend 125.01, 125.04, 125.05, 125.07, 125.09, 135.01 (4) and (6), 135.07, 135.08, 135.14, 136.04 (2), 136.13 (2) and (3), 149.04, 149.05, 149.07, 149.081, 150.04 (4), 150.07, 151.01 (2), (3) and (4), 151.015 (2) and (3), 151.03, 151.12, 152.01 (2) and (6), 152.03, 152.04, 153.03 (4) and (6), 153.04, 153.05, 153.07, 153.09, 169.07, 169.08, 169.10, 169.19, 169.20 and 175.08; to amend 15.01 (5) (b), 15.401, 20.923 (3) (q), 25.40 (1) (a), 39.30 (1) (d), 39.31 (1), 110.06 (4), 110.07 (3), 161.19 (1); 440.26 (1), (2) and (4) to (7), 440.41 (5), (6) and (9), 440.61 (2) (d) and (3) (a) and (c), 440.82 (1), 440.83 (1), 440.87, 440.88, 440.89, 440.91, 440.96 (1) and (2) (a), 441.01 (3), 441.02 (1) (intro.), (2) and (3), 441.06 (2) and (3), 441.10 (2) and (3) (a) and (b), 441.12 (1), 442.04 (1), (2) and (5), 442.05 (intro.), 442.06 (1) (intro.) and (c), (2), (3) (intro.) and (b) and (4), 442.09 (1), 442.11 (2), (3), (4), (5), (6) and (10), 442.12 (3), (4), (5) and (6), 443.01 (2) (e) and (f), (3) (d), (5) (b), (c) and (e), (6) (k), (7) (c) 1 and 2, (8), (11), (12) (a), (h), (i), (j) and (k) and (13) (c), (e) and (g), 443.02 (1) (c), (2), (3) (a) (intro.), 1 and 5, (4), (6) (a), (b) and (d), (8), (10) and (11), 444.17 (3), 447.02 (1) (intro.) and (2), 447.05 (1) and (4), 447.06 (intro.), 447.07 (3) (intro.), (c) and (d), 447.08 (1), (3) and (5), 447.09 (2) and (3), 447.12 (2), 447.13 (2), 449.02 (1), 449.06 (1), 449.15 (3), 450.02 (1), (2) (intro.) and (a), (3),

(5), (8) and (9), 450.04 (5), 450.05 (1), 450.07 (5), 450.11 (4), 450.13 (3), 452.01 (1), 452.05 (1) (intro.), 452.06 (4), (5) and (6), 452.08 (1) (intro.), (4) and (5), 452.10 (1) (1a) and (4), 452.11 (2), 452.14 (3) and (4), 452.20 (1), 453.02 (1) and (4), 453.06 (1), 454.06 (1) and 454.08 (2) and (3), all as renumbered; and to create 15.405 (2) (d), Title XLA (title), chapter 440, chapter 441 (title), 441.01 (1) and (2), chapter 442 (title), 442.01 (1), chapter 443 (title), chapter 444 (title) and 444.01, chapter 445, chapter 446, chapter 447 (title), chapter 448, chapter 449 (title), 449.01 (4), chapter 450 (title), 450.01 (1), chapter 451 (title), chapter 452 (title), chapter 453 (title) and chapter 454 (title) of the statutes, relating to the statutory implementation of changes made by the 1967 executive reorganization that affect the department of regulation and licensing.

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

SECTION 1. 15.01 (5) (b) of the statutes is amended to read:

15.01 (5) (b) "Examining board" means a part-time body which sets standards of professional competence and conduct for the profession under its supervision, prepares, *conducts* and grades the examinations of prospective new practitioners, ~~issues~~ *grants* licenses, investigates complaints of alleged unprofessional conduct and performs other functions assigned to it by law.

SECTION 2. 15.401 of the statutes is amended to read:

15.401 The department of regulation and licensing shall have the program responsibilities specified for the department under ~~ch. 120 and ss. 110.10, 110.16, 175.07, 175.08, and 175.13~~ *TITLE XLA*. In addition:

(1) The division of nurses shall have the program responsibilities specified for the division under ~~ch. 140~~ *441*. In addition:

(a) The examining council on registered nurses shall have the program responsibilities specified for the examining council under ~~ss. 140.03 and 140.05~~ *s. 441.05*.

(b) The examining council on licensed practical nurses shall have the program responsibilities specified for the examining council under ~~s. 140.09~~ *441.10*.

(2) The accounting examining board shall have the program responsibilities specified for the examining board under ~~ch. 135~~ *442*.

(3) The examining board of architects and professional engineers shall have the program responsibilities specified for the examining board under ~~ss. 101.31 and 101.315~~ *ch. 443*.

(4) The athletic examining board shall have the program responsibilities specified for the examining board under ~~ch. 160~~ *444*.

(5) The basic sciences examining board shall have the program responsibilities specified for the examining board under ~~ss. 147.01, 147.02, 147.03, 147.05, 147.06, 147.07, 148.08, 147.11, 147.12 and 147.14~~ *ch. 445*.

(6) The chiropractic examining board shall have the program responsibilities specified for the examining board under ~~ss. 147.23 to 147.26~~ *ch. 446*.

(7) The dentistry examining board shall have the program responsibilities specified for the examining board under ~~ch. 152~~ *447*.

(8) The medical examining board shall have the program responsibilities specified for the examining board under ~~ch. 154 and ss. 147.13 to 147.19, 147.195, 147.20, 147.205 and 147.206~~ *448*.

(9) The optometry examining board shall have the program responsibilities specified for the examining board under ~~ch. 153~~ *449*.

(10) The pharmacy examining board shall have the program responsibilities specified for the examining board under ~~ch. 151~~ *450* and *s. 161.19*.

(11) The pharmacy internship board shall have the program responsi-

bilities specified for the board under ~~s. 151.015~~ *ch. 451*.

(12) The real estate examining board shall have the program responsibilities specified for the examining board under ~~ch. 136~~ 452.

(13) The veterinary examining board shall have the program responsibilities specified for the examining board under ~~ch. 150~~ 453.

(14) The watchmaking examining board shall have the program responsibilities specified for the examining board under ~~ch. 125~~ 454.

SECTION 3. 15.405 (2) (d) of the statutes is created to read:

15.405 (2) (d) The examining board shall determine the qualifications of and appoint an executive secretary. The executive secretary shall serve as nonvoting secretary to the examining board.

SECTION 3a. 20.923 (3) (q) of the statutes is amended to read:

20.923 (3) (q) Each examining board, except the medical examining board: a secretary or an executive secretary.

SECTION 4. 25.40 (1) (a) of the statutes is amended to read:

25.40 (1) (a) All collections of the ~~motor vehicle~~ department of transportation except sales taxes, other revenues specified in ~~chs. 120 and~~ *ch. 218* and an amount equal to that appropriated by s. 20.710 (2) (b), which shall be paid into the general fund.

SECTION 5. 39.30 (1) (d) of the statutes is amended to read:

39.30 (1) (d) An "accredited" institution is an institution accredited by a nationally recognized accrediting agency or by the ~~state~~ board of nursing pursuant to s. ~~140.01~~ 441.01 (4), or, if not so accredited, is a non-profit institution of higher education whose credits are accepted on transfer by not less than 3 institutions which are so accredited, on the same basis as if transferred from an institution so accredited.

SECTION 6. 39.31 (1) of the statutes is amended to read:

39.31 (1) For the purpose of recognizing and awarding scholastically talented graduates of Wisconsin high schools who are residents of the state as defined in s. 39.30, there are created honor scholarships which may be awarded to qualified students who plan to enroll as first-time, full-time freshmen at any approved, non-profit public or private institution of higher education in Wisconsin, including first-time, full-time students enrolling in associate degree programs approved by the ~~state~~ board of vocational, technical and adult education or nursing schools approved by the ~~state~~ board of nursing. Honor scholarships shall be cash stipends awarded directly to students. No honor scholarships shall be awarded to persons who plan to enroll in a course of study leading to a degree in theology, divinity or religious education or to religious aspirants.

SECTION 7. 101.31 (3) (a), (b) and (c), (4) and (5) (a) and (d) of the statutes are repealed.

SECTION 8. 101.31 of the statutes is renumbered 443.01 and 443.01 (2) (e) and (f), (3), (d), (5) (b), (c) and (e), (6) (k), (7) (c) 1 and 2, (8), (11), (12) (a), (h), (i), (j) and (k) and (13) (c), (e) and (g), as renumbered, are amended to read:

443.01 (2) (e) ~~The term "Examining board" as used in this section shall mean~~ means the ~~state registration~~ examining board of architects and professional engineers, ~~as provided for by this section.~~

(f) ~~The term "Engineer-in-training" as used in this section~~ means a person who is a graduate in an engineering curriculum of 4 years or more from a school or college approved by the *examining* board as of satisfactory standing, or a person who has had 4 years or more of experience in engineering work of a character satisfactory to the *examining* board; and who, in addition, has successfully passed the examination in the fundamental engineering subjects prior to the completion of the requisite years in engineering work, as provided in sub. (6), and who has ~~received from~~

~~the board~~ *been granted* a certificate of record by the *examining board* stating that he has successfully passed this portion of the professional examinations.

(3) (d) The ~~industrial industry, labor and human relations~~ commission may upon request of one-half of the membership of the interested ~~division~~ *section* of the *examining board* remove any appointed member of that ~~division~~ *section* of the *examining board* for misconduct, incompetency, neglect of duty, or for any other sufficient proven cause. Vacancies in the membership of the *examining board* shall be filled by appointment by the ~~industrial industry, labor and human relations~~ commission for the unexpired term.

(5) (b) The board shall keep a record of its proceedings ~~and a register of all applications for registration~~ together with a record of all other information pertaining thereto as may be deemed necessary by the board. The records of the *examining board* shall be prima facie evidence of the proceedings of the *examining board* set forth therein, and a transcript thereof, duly certified by the secretary of the *examining board* under seal, shall be admissible in evidence with the same ~~force and effect~~ as if the original were produced.

(c) The *examining board* shall annually submit to the ~~industrial industry, labor and human relations~~ commission a *copy of the report* of its transactions of the preceding year *required under s. 15.08 (9)*, and shall also transmit to the ~~industrial~~ commission a complete statement of the receipts and expenditures of the *examining board*, attested by affidavits of its chairman and its secretary.

(e) A list showing the names and addresses of all engineers-in-training certified by the *examining board* during the period from July 1 to June 30, ~~inclusive~~, shall be prepared each year by the secretary of the *examining board*. A copy of such list shall be obtainable by each person whose name appears upon it and by each person registered as a professional engineer. A copy of such list shall be placed on file with the ~~secretary of state department~~.

(6) (k) ~~The board shall file~~ The examination papers of each applicant ~~with the~~ *shall be retained by the executive secretary and which* shall be available to the applicant for review for a one-year period from the date of the examination. The applicant may make a written request, within the one-year period, for a review by the ~~division~~ *section*, of all or of any part of the examination failed. The ~~division~~ *section* shall review the examination, or any part thereof within 90 days, following receipt of such written request, and shall furnish the applicant a written reply of the results of such review, including a statement of the reasons for a failing grade.

(7) (c) 1. A Corporation desiring a certificate of authorization shall ~~file~~ *submit* an application with the *examining board* on forms *prescribed by the examining board and provided by the board department*, listing the names and addresses of all officers and directors, and all individuals registered to practice architecture or professional engineering in this state who will practice architecture or professional engineering in this state for the corporation and other relevant information required by the *examining board*. This form shall also accompany the biennial renewal fee. If there is a change in any of these persons during the biennium, the change shall be reported on the same type of form, and filed with the *examining board* within 30 days after the effective date of the change. The *examining board* shall ~~issue~~ *grant* a certificate of authorization to a corporation complying with this paragraph upon payment of a certification fee of \$50. This paragraph does not apply to corporations exempt under sub. (9) (c) and (e).

2. All certificates of authorization issued prior to January 31, 1967,

shall expire on January 31, 1969; all certificates of authorization issued subsequent to January 31, 1967, and prior to November 10, 1967 shall expire on January 31, 1970; all certificates of authorization issued subsequent to November 10, 1967 shall expire on the last day of the month of January of the 2nd year following their issuance or renewal and shall be invalid on such dates unless renewed. The ~~secretary~~ *department* shall notify every corporation certified under this section of the date of the expiration of its certificate and the fee required for its renewal; such notice shall be mailed at least one month in advance of such expiration. Such certificate may be renewed for a period of 2 years during the month of January in which it expires by the payment of a fee of \$25.

(8) No person shall practice the profession of architecture or the profession of professional engineering in this state under any other Christian or given name or any other surname than that under which he was originally licensed or registered to practice in this or any other state, in any instances in which ~~Wisconsin registration~~ *the examining board of architects and professional engineers* shall, after a hearing, ~~find~~ *finds* that practicing under such changed name operates to unfairly compete with another practitioner or to mislead the public as to identify or to otherwise result in detriment to the profession or the public. This subsection does not apply to a change of name resulting from marriage or divorce.

(11) (a) The *examining* board may, upon application therefor, and the payment of the required fee, ~~issue~~ *grant* a certificate of registration as an architect, or as a professional engineer to any person who holds an unexpired certificate of similar registration issued to him by the proper authority in any state or territory or possession of the United States or in any country in which the requirements for the registration of architects, or of professional engineers are of a standard not lower than specified in this section.

(b) The *examining* board may, upon application therefor and payment of the required fee, ~~issue~~ *grant* a certificate of registration as an architect, or as a professional engineer to any person who holds an unrevoked card or certificate of national reciprocal registration, issued by any state, province or country in conformity with the regulations of the national council of state board of architectural, or engineering examiners, and who complies with the regulations of ~~this~~ *the examining* board, except as to qualifications and registration fee.

(c) The *examining* board may, upon application therefor, and the payment of the required fee, ~~issue~~ *grant* a certificate-of-record as engineer-in-training to any person who holds an unexpired certificate of similar certification issued to him by the proper authority in any state or territory or possession of the United States or in any country in which the requirements for the certification of engineers-in-training are of a standard not lower than specified in this section.

(d) The *examining* board may, upon application therefor, ~~issue~~ *grant* a permit to practice or to offer to practice the profession of architecture or professional engineering to a person who is not a resident of and has no established place of business in this state, or who has recently become a resident thereof, if he has ~~filed with~~ *submitted to* the *examining* board an application for a certificate of registration and has paid the required fee, provided, that such person holds an unexpired certificate of similar registration issued to him by the proper authority in any state or territory or possession of the United States or in any country in which the requirements for the registration of architects or professional engineers are of a standard not lower than specified in this section.

(12) (a) Applications for registration or for a certificate of record shall be on forms prescribed *by the examining board* and ~~furnished provided by the~~ *board department* and shall contain statements made under

oath showing the applicant's education and detail summary of his technical work and not less than 5 references, of whom 3 or more shall have personal knowledge of his architectural or engineering experience in the case of an application for registration or of his technical education or engineering work in the case of an application for a certificate of record.

(h) The *examining* board shall ~~issue~~ *grant* a certificate of registration upon payment of registration fee to any applicant who, in the opinion of the *examining* board, has satisfactorily met all the requirements of this section. The certificate shall authorize the practice of "architecture" or of "professional engineering." Certificates of registration shall show the full name of the registrant, shall have a serial number, and shall be signed by the chairman and the secretary of the *examining* board under seal of the *examining* board.

(i) The ~~issuance~~ *granting* of a certificate of registration by ~~this~~ the *examining* board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered architect or a registered professional engineer under the classification stated on his certificate, while said certificate remains unrevoked or unexpired.

(j) Certificates of registration shall expire on the last day of the month of July of the 2nd year following their issuance or renewal and shall become invalid on that date unless renewed. ~~It is the duty of the secretary of the board to~~ *The department shall* notify every person registered under this section of the date of the expiration of his certificate and the amount of the fee ~~that shall~~ be required for its renewal for 2 years; such notice shall be mailed at least one month in advance of the date of expiration of said certificate. Renewal may be effected at any time during the month of July by payment of a fee of \$20. The failure on the part of any registrant to renew his certificate every 2nd year in the month of July as required above, shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of July shall be increased 5% for each month or fraction of a month that payment of renewal is delayed but the maximum fee for delayed renewal shall not exceed \$30.

(k) The *examining* board shall ~~issue~~ *grant* a certificate of record as engineer-in-training to any applicant who, in the opinion of the *examining* board, has satisfactorily met all the requirements of this section pertaining to engineers in training. The certificate of record shall show the full name of the engineer-in-training, shall have a serial number, and shall be signed by the chairman and secretary of the *examining* board under the seal of the *examining* board.

(13) (c) Any person may prefer charges of fraud, deceit, gross negligence, incompetency or misconduct against any registrant or holder of a certificate of record as engineer-in-training. Such charges shall be in writing, and shall be sworn to by the person making them and shall be ~~filed with~~ *submitted to* the secretary of the *examining* board. Also, the *examining* board may on its own motion make such charges. All charges, unless dismissed by the *examining* board as unfounded or trivial, shall be heard by the ~~division~~ *section* of the *examining* board interested, within 3 months after the date on which they ~~shall~~ have been preferred.

(e) If, after such hearing, ~~4~~ *3* members of the ~~division~~ *section* of the *examining* board holding the hearing vote in favor of finding the accused guilty, the *examining* board shall revoke the certificate of registration of such registered architect or registered professional engineer or the certificate of record of such holder.

(g) The *examining* board, for reasons the interested ~~division~~ *may deem* ~~section~~ *deems* sufficient, may reissue a certificate of registration or a certificate of record to any person whose certificate has been re-

voked, providing 4 3 members of the architectural ~~division section~~ or 4 3 members of the engineering ~~division section~~ of the *examining board* vote in favor of such reissuance. A new certificate of registration or certificate of record, to replace any certificate revoked, lost, destroyed or mutilated may be issued, subject to the rules of the *examining board* and the payment of the required fee.

SECTION 9. 101.315 (1) (d) of the statutes is repealed.

SECTION 10. 101.315 of the statutes is renumbered 443.02 and 443.02 (1) (c), (2) (3) (a) (intro.), 1 and 5, (4), (6) (a), (b) and (d), (8), (10) and (11), as renumbered, are amended to read:

443.02 (1) (c) Authorizations to practice land surveying by registration or permit to practice shall be granted ~~as hereinafter provided by the engineering division section of the state registration examining board of architects and professional engineers, referred to in this section as the division section and examining board, respectively.~~ The secretary of the *examining board*, ~~referred to in this section as the secretary,~~ shall be the secretary of the ~~division section~~ and the laws relating to his duties as secretary of ~~such the examining board~~ shall apply to his duties under this section.

(2) (a) Application for registration as a land surveyor or a permit to practice shall be made to the ~~division section~~ under oath, on forms ~~prescribed by the examining board and provided by it the department,~~ which shall require the applicant to submit such information as the ~~division section~~ deems necessary. The ~~division section~~ may require applicants to pass written or oral examinations or both, ~~to be held at such times and places as it shall designate.~~ Applicants who are of good character and repute shall be entitled to be registered or issued permit to practice as land surveyors when satisfactory evidence is submitted that the applicant has met one or more of the requirements of sub. (3).

(b) Each year, but not more than 2 years, of work or training completed in a curriculum in land surveying approved by the ~~division section~~, or responsible charge of land surveying teaching may be considered as equivalent to one year of qualifying experience in land surveying work, and each year, but not more than 4 years completed in a curriculum other than land surveying approved by the ~~division section~~, may be considered as equivalent to one-half year of qualifying experience.

(3) (a) The ~~division section~~ may ~~issue~~ grant a certificate of registration as a land surveyor to any person who has submitted to it an application and the required fees, and:

1. A record of completion of a course in land surveying of not less than 2 years' duration approved by the ~~division section~~ together with 2 years of practice in land surveying work of satisfactory character which indicates that the applicant is competent to be placed in responsible charge of such work, if he has passed a satisfactory oral and written or written examination; or

5. A record of satisfactory completion of an apprenticeship training course in land surveying prescribed by the ~~industrial industry, labor and human relations~~ commission, of satisfactory character which indicates that the applicant is competent to be placed in responsible charge of such work, if he has passed a satisfactory oral and written or written examination.

(4) The secretary of the *examining board* may ~~issue~~ grant a permit to practice land surveying during the time his application is pending to a person who is not registered in this state, if he has ~~filed~~ submitted an application for registration as a land surveyor and paid the required fee, if such person holds an unexpired certificate which in the opinion of the Secretary of the *examining board* meets the requirements of sub. (3)

(a). Such permit shall be revocable by the ~~division~~ *section* at its pleasure.

(6) (a) Application for registration as a land surveyor shall be accompanied by a fee of \$10 which shall be retained by the ~~division~~ *section*. Such application shall entitle the applicant to undergo the oral or written examinations for land surveyors the first time such examinations are held after such application is made, or subsequent examinations, and to a certificate of registration if the requirements of this section are met.

(b) The ~~division~~ *section* shall ~~issue~~ *grant* a certificate of registration as a land surveyor to any applicant who has met the requirements of this section. Such certificate shall expire on the 2nd January 31 after the date of its issuance unless renewed. Such certificate may be renewed for a period of 2 years during the month of January in which it expires by the payment of a fee of \$20.

(d) The ~~secretary~~ *department* shall notify every registered land surveyor of the date of the expiration of his certificate and the fee required for its renewal, by mail at least one month in advance of such expiration.

(8) (a) The ~~division~~ *shall have the power to section* may revoke the certificate of registration of any land surveyor for the practice of any fraud or deceit in obtaining the certificate, or any gross negligence, incompetence or misconduct in the practice of land surveying.

(b) Charges of fraud, deceit, gross negligence, incompetence or misconduct may be made against any surveyor by the ~~division~~ *section* or any person. Such charges may be made on information and belief but shall be in writing, stating the specific acts, be signed by the complainant, and ~~filed with~~ *submitted* to the secretary of the examining board. All ~~such~~ charges, unless dismissed by the ~~division~~ *section* as trivial, shall be heard by it within 3 months after their filing.

(c) The time and place for such hearing shall be fixed by the ~~division~~ *section*, and a copy of the charges, together with a notice of the time and place of hearing shall be given by personal service or by registered letter with return receipt requested, mailed to the last known address of such land surveyor, at least 30 days before the hearing. The land surveyor so charged shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

(d) If, after such hearing, 4 3 members vote in favor of revocation, the ~~division~~ *section* shall revoke the certificate of registration of such land surveyor and notify him to that effect. The surveyor shall return his certificate to the ~~secretary~~ *examining board* immediately on receipt of such notice. The action of the ~~division~~ *section* may be reviewed under ch. 227.

(e) The ~~division~~ *section*, for reasons it deems sufficient, may reinstate a certificate of registration that has been revoked, if 4 3 members vote in favor of such reinstatement.

(10) If it appears upon complaint or is known to the ~~division~~ *section* that any person who is not authorized is practicing or offering to practice land surveying in this state, the ~~division~~ *section*, the ~~attorney general~~ *department of justice* or the district attorney of the proper county may, in addition to other remedies, bring action in the name and on behalf of the state to enjoin such person from practicing or offering to practice land surveying.

(11) It is the intent of this section that registration of land surveyors shall be a duty of the ~~division~~ *section* and its secretary to the same extent as their duties under s. ~~101.31~~ *443.01*; and that the moneys derived from fees collected under this section shall be merged with those collected under s. ~~101.31~~ *443.01*.

SECTION 11. 110.06 (4) of the statutes is amended to read:

110.06 (4) ~~All orders, determinations and rules made by the commissioner of motor vehicles under the powers and authority transferred to him by this chapter have the same force and effect as is provided for similar orders, determinations and rules of any department, made under the powers transferred hereby. Violations of those orders, determinations and rules pertaining to chs. 115 to 118, 120, 121 and 341 to 349 shall be punished as provided by s. 341.04 (3), and those pertaining to ch. 194 as provided by s. 194.17 and those pertaining to s. 110.10 as provided by s. 110.10 (13).~~

SECTION 12. 110.07 (3) of the statutes is amended to read:

110.07 (3) The ~~administrator of motor vehicles~~ *secretary* may employ inspectors who shall not wear the uniform of the state patrol, whose duties shall be to enforce and assist in administering ~~ss. s. 110.075, 110.10 (11) and chs. 120, 194, 340 to 345 and 347 to 349.~~ Such inspectors, in the performance of these duties, shall have the powers and authority of state traffic officers. For the purpose of death, disability and retirement coverage, such inspectors shall be subject to ss. 66.191 and 66.90 to 66.918 as is the state traffic patrol. The ~~administrator~~ *secretary* may clothe and equip inspectors as the interest of public safety and their duties require.

SECTION 13. 110.10 (1) (c) of the statutes is repealed.

SECTION 14. 110.10 of the statutes is renumbered 440.61 and 440.61 (2) (d) and (3) (a) and (c), as renumbered, are amended to read:

440.61 (2) (d) A person duly licensed under ~~the provisions of ss. 120.01 to 120.04 440.81 to 440.84.~~

(3) (a) No person shall be exempt from the requirements of this section, except a person duly licensed under ~~the provisions of s. 78.09 or, 78.47 or ss. 120.01 to 120.04 440.81 to 440.84,~~ by reason of the provisions of sub. (2) ~~of this section~~ unless he or the driver of the motor vehicle upon which his property is being transported ~~shall,~~ upon the request of any person, officer or judge charged with the enforcement of any of the laws of this state, ~~sign and swear to~~ *signs and swears* under oath before some person authorized by the laws of this state to swear persons under their oath, and ~~deliver~~ *delivers* to such person, officer or judge a statement in writing clearly showing that the person claiming the exemption is entitled to one or more of the exemptions provided in this section.

(c) A person licensed under 78.09 ~~or, 78.47 or ss. 120.01 to 120.04 440.81 to 440.84~~ and complying therewith, shall not be required to make the affidavit provided herein.

SECTION 15. 110.16 (2) and (3) (a) and (c) of the statutes are repealed.

SECTION 16. 110.16 (3) (b) and (4) of the statutes are renumbered 440.96 (1) and (2), respectively, and 440.96 (1) and (2) (a), as renumbered, are amended to read:

440.96 (1) ~~Such deputies~~ *The department* may, when there is reasonable ground to suppose that license fees or forfeitures which are imposed by ~~chapter 120 ss. 440.81 to 440.96~~ will become otherwise uncollectible, seize and detain any vehicle or any animals attached thereto, or any handcart, or any of the merchandise conveyed thereby, or any trunk, box or pack, or goods carried by peddlers, until the summons or other process provided by law can be served and the matter is disposed of in court. ~~Such deputies~~ *The department* may serve any writ or process necessary to enforce ~~the provisions of chapter 120 ss. 440.81 to 440.96,~~ in the same manner and for the same compensation as constables and sheriffs.

(2) (a) The department ~~or any of its authorized deputies~~ may, in relation to any matter within the department's power under this section, conduct hearings, administer oaths, issue subpoenas and take testimony.

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SECTION 17. 125.01 of the statutes is renumbered 454.01 and amended to read:

454.01 *In this chapter; (1) The term "Watchmaking," for the purposes of sections ~~125.01 to 125.09~~, includes and means the repairing, replacing, rebuilding, reconditioning, cleaning, adjusting or regulating of the mechanical parts of watches and the manufacturing and fitting of parts designed for use or used in watches. Such term shall not include or mean the manufacturing or repairing of watchcases, but shall include the repairing of all winding mechanisms whether they are parts of such cases or not.*

(2) The term "Examining board" as used in such sections shall mean the "Wisconsin board of examiners in watchmaking means the watchmaking examining board."

SECTION 18. 125.02 of the statutes is renumbered 454.02.

SECTION 19. 125.03 of the statutes is repealed.

SECTION 20. 125.04 of the statutes is renumbered 454.04 and amended to read:

454.04 Applicants for certificates shall be examined at a time and place fixed by the *examining* board. Applications for examinations shall be ~~filed with~~ *submitted to* the *examining* board at least 10 days before the date set for the examination and shall be accompanied by an examination fee of \$20. The applicant shall be of good moral character, at least 20 years of age and possess such training and experience as the *examining* board shall by rule ~~determine to be required~~ *determines*.

SECTION 21. 125.05 of the statutes is renumbered 454.05 and amended to read:

454.05 An applicant, to be entitled to a certificate, shall pass an examination before the *examining* board, which examination shall be confined to such knowledge, practical ability and skill as is essential in the proper repairing of watches, and shall include an examination of theoretical knowledge of watch construction and repair, and also a practical demonstration of the applicant's skill in the manipulation of watchmaker's tools. ~~The board shall make rules and regulations for conducting examinations and shall define the standards of workmanship and skill. In case of failure at any examination, the applicant shall have the privilege of taking~~ *may take* another examination at any other examination period upon the payment of a fee of \$10.

SECTION 22. 125.06 (1), (2) and (4) of the statutes are renumbered 454.06 (1), (2) and (4) and 454.06 (1), as renumbered, is amended to read:

454.06 (1) If the applicant successfully passes the examination, the ~~secretary of the board~~ *examining board* shall ~~register~~ *certify* such fact ~~and to the department and the department~~ shall issue to him a certificate of registration.

SECTION 23. 125.06 (3) of the statutes is repealed.

SECTION 24. 125.07 of the statutes is renumbered 454.07 and amended to read:

454.07 *The examining board may grant a certificate of registration as an apprentice watchmaker to any person ~~sixteen~~ 16 years of age or over, of good moral character, indentured to a registered watchmaker in accordance with section s. 106.01. A certified apprentice watchmaker may engage in watchmaking subject to the provisions of sections ~~125.01 to 125.09~~ upon obtaining from the board a certificate of registration as an apprentice watchmaker, which this chapter and shall conspicuously display his certificate shall be conspicuously displayed at all times at the place of employment of such apprentice. Apprentice watchmakers shall pay a fee of ~~one dollar~~ \$1 for the certificate and shall pay a renewal fee of ~~one dollar~~ \$1 annually.*

SECTION 25. 125.08 (1), (2) and (3) of the statutes are renumbered 454.08 (1), (2) and (3) and 454.08 (2) and (3), as renumbered, are amended to read:

454.08 (2) The *examining* board may revoke a certificate of registration obtained through error of the *examining* board or fraud on the part of the applicant, or if the holder is grossly incompetent, guilty of immoral or unethical conduct, or obtained or sought to obtain anything of value by fraudulent representations in the practice of watchmaking. The holder of such certificate shall be given 30 days' notice in writing enumerating the charges and specifying a date for the hearing on such charges. At the hearing he shall have the opportunity to confront witnesses against him and to produce evidence bearing on such charges. A stenographic record of all proceedings shall be made and transcript kept on file with the ~~board~~ department. The revocation shall be subject to review ~~in the manner provided in~~ under ch. 227.

(3) ~~One~~ A person whose certificate has been revoked, may, upon the expiration of one year after such revocation, ~~apply to the board file an application with the department for registration and.~~ The *examining board may*, upon satisfactory proof that the cause of revocation no longer exists, ~~the board may, in its discretion, issue to said person certify such fact to the department and the department shall reissue a certificate of registration upon payment of the fees herein provided.~~

SECTION 26. 125.08 (4) of the statutes is repealed.

SECTION 27. 125.09 of the statutes is renumbered 454.09 and amended to read:

454.09. Anyone not having a certificate of registration, who ~~shall hold~~ holds himself out as a watchmaker or as qualified to do watchmaking, or anyone who shall violate any of the provisions of sections ~~125.01 to 125.09,~~ shall be guilty of a misdemeanor and shall be punished by a fine of ~~violates this chapter may be fined not less than \$20 nor more than \$100 or by imprisonment in the county jail imprisoned not less than one month nor more than 3 months, or by both such fine and imprisonment.~~

SECTION 28. 125.15 of the statutes is renumbered 454.15.

SECTION 29. Chapter 129 (title) and 129.01 (2a) of the statutes are repealed.

SECTION 30. 129.01 to 129.18 of the statutes are renumbered 440.81 to 440.95 and 440.82 (1), 440.83 (1), 440.87, 440.88, 440.89 and 440.91, as renumbered, are amended to read:

440.82 (1) Every person desiring to engage in any business, mentioned in s. ~~129.01~~ 440.81 must first obtain a license and ~~must pay into the state treasury~~ an annual license fee, as follows: Where he uses in such business a vehicle drawn by 2 or more ~~beasts of burden animals,~~ or an automobile or other vehicle propelled by any mechanical power, \$40; where he uses a vehicle drawn by one ~~beast of burden animal,~~ \$25; where he uses a handcart, \$15; and where he conducts such business on foot carrying his merchandise, \$10.

440.83 (1) The application for a license as a trucker, hawker or peddler shall be made in writing to the department on blanks to be furnished by the department, wherein the applicant shall specify whether he intends to carry on his business by wagon or other vehicle, or on foot. The applicant shall at or before filing his application, pay the amount prescribed in s. ~~129.02~~ 440.82.

440.87. This ~~chapter~~ subchapter does not in any way limit or interfere with the right of any towns, city or village to further license truckers, hawkers, peddlers, or transient merchants to trade within the corporate limits thereof except in the case of ex-soldiers, as provided in s. ~~129.02~~ 440.82.

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440.88 Any license issued by the department pursuant to this ~~chapter~~ *subchapter* may be revoked by the department upon the conviction of the licensee of fraud, offense involving moral turpitude, false representation or imposition in the sale of any merchandise or the sale of any adulterated food, drink or drug, or of any food deleterious to health, and the filing with the department of a certified copy of the judgment of conviction, shall be sufficient authority for the revocation of such license, and any license issued under s. ~~129.14~~ 440.97 may otherwise be revoked for any violation by the licensee or with his consent, express or implied, of the statutes which prohibit gambling or immoral exhibitions.

440.89 Every person who ~~shall engage~~ *engages* in the business of a trucker, hawker, peddler or transient merchant, without a license, or ~~shall~~ when licensed as a transient merchant ~~neglect or refuse~~ *neglects or refuses* to pay the per diem fee required by law, or who ~~shall fail~~ *fails* to comply with the provisions of subsection (3) of s. ~~129.04~~ 440.84 (3), shall, for each such offense, forfeit not less than \$25 nor more than \$50.

440.91 Whenever the supervisors of any town or the trustees of any village ~~shall~~ have adopted the system provided for in s. ~~129.10~~ 440.90 any person violating the provisions of said section or of the regulations adopted thereunder, for each such violation shall forfeit not less than \$25 nor more than \$50; ~~the provisions of~~. This section and s. ~~129.10~~ 440.90 shall in no way affect existing laws regulating agricultural societies.

SECTION 31. Chapter 135 (title) of the statutes is repealed.

SECTION 32. 135.01 (1), (1m), (2), (3), (5), (7) and (8) of the statutes are repealed.

SECTION 33. 135.01 (4) and (6) of the statutes are renumbered 442.01 (2) and (3) and amended to read:

442.01 (2) The board being charged with the administration of this ~~chapter~~ shall have power to design and use a seal, compel the attendance of witnesses, administer oaths, take testimony and receive proofs concerning all matters within its jurisdiction. It shall formulate rules for its guidance, not inconsistent with the provisions of this chapter and print the same for distribution. It may prescribe and publish reasonable standards of professional conduct and reasonable rules defining unethical practice for public accountants. No ~~such~~ standard or rule relating to professional conduct or unethical practice shall be adopted until the *examining* board has held a public hearing with reference thereto, notice of which shall be mailed at least 60 days before such hearing to every holder of a certificate issued under the provisions of this chapter. No ~~such~~ rule or standard shall become effective until 60 days after its adoption by the *examining* board. Any person who ~~shall have~~ *has* appeared at ~~said~~ *the* public hearing and filed written protest against any proposed standard or rule may, upon the adoption of such standard or rule, obtain a review thereof ~~as~~ *under* ch. 227. Thereafter every person practicing as a public accountant in the state shall be governed and controlled by the rules and standards prescribed by the *examining* board.

(3) All certificates issued under the provisions of this chapter shall be signed by at least 2 members of the *examining* board. The board shall record its proceedings, list all certificates issued and revoked and shall maintain ~~such other records as may be necessary or desirable~~ and all records shall be open to the inspection of the public at the office of the secretary of the board.

SECTION 34. 135.02 and 135.03 of the statutes are renumbered 442.02 and 442.03, respectively.

SECTION 35. 135.04 of the statutes is renumbered 442.04 and 442.04 (1), (2) and (5), as renumbered, are amended to read:

442.04 (1) The *examining* board shall ~~issue~~ *grant* a certificate as a

certified public accountant to all persons who become entitled thereto under this section and s. ~~135.05~~ 442.05.

(2) Examinations shall be held by the *examining* board at least once in each year at such times and places as are determined by the *examining* board. Notice of the time and place of each examination shall be published, as a class 2 notice, under ch. 985, in at least one daily newspaper published in the city of Milwaukee, and in at least one daily newspaper published in the city of Madison, with the last insertion not less than 30 days prior to the date of such examination. Not less than 30 days prior to each examination, each applicant who has made inquiry prior to the first insertion, shall be notified by mail by the ~~secretary of the board~~ *department*, at the address mentioned in the application, of the time and place of the examination.

(5) No certificate as a certified public accountant shall be granted to any person other than a citizen of the United States, or an individual who has in good faith declared his intention of becoming such a citizen, who is over the age of 23 years and of good moral character, and except as provided in s. ~~135.05~~ 442.05, who has successfully passed a written examination in such subjects affecting accountancy as the *examining* board deems necessary, and who, if he made application before July 1, 1968, has had at least 3 years of accounting experience, equivalent to that of a senior in public practice. The *examining* board may accept evidence of sufficient technical education in accountancy in lieu of 1½ years of public accounting experience. If he made application after that date and has had at least 1½ years accounting experience equivalent to that of a senior in public practice, the sufficiency of the experience to be judged by the *examining* board, the *examining* board may supplement said written examination by an oral examination and may use the examination service provided by the American institute of certified public accountants.

SECTION 36. 135.05 of the statutes is renumbered 442.05 and 442.05 (intro.), as renumbered, is amended to read:

442.05 (intro.) The ~~state board of accountancy~~ *examining* board may, ~~in its discretion~~, waive the examination of and ~~issue~~ *grant* a certificate to any person possessing the qualifications mentioned in s. ~~135.04~~ 442.04 (5), who:

SECTION 37. 135.06 of the statutes is renumbered 442.06 and 442.06 (1) (intro.) and (c), (2), (3) (intro.) and (b) and (4), as renumbered, are amended to read:

442.06 (1) (intro.) The *examining* board ~~shall issue~~ *may grant* a certificate of authority to practice as a public accountant to each individual who ~~applies~~ *applied* before December 1, 1935, who presents evidence of good moral character satisfactory to the *examining* board, and

(c) Who, in the opinion of the *examining* board, has had 4 years' experience equivalent to that specified in par. (b) of this subsection.

(2) The *examining* board ~~in its discretion~~ may ~~issue~~ *grant* certificates of authority to firms, ~~provided, that~~ if the resident partner or partners and resident manager have received certificates as certified public accountants, or ~~that~~ if the resident manager and resident partners of such firm have received certificates of authority under the laws of this state; or ~~that~~ if the resident manager and each partner of such firm has received either a certificate as a certified public accountant or a certificate of authority issued under the laws of this state.

(3) (intro.) The *examining* board may ~~issue~~ *grant* certificates of authority to corporations to practice as public accountants who:

(b) On or before December 1, 1935, ~~shall furnish~~ *furnished* satisfactory evidence to the *examining* board that such corporation was legally incorporated under the laws of this state on September 21, 1935; and

(4) Whenever the manager and all of the directors of such a corporation in the practice of public accounting ~~shall cease or shall fail~~ ~~ceases or fails~~ to hold certificates as certified public accountants, or certificates of authority as provided in this chapter, the certificate of authority to the corporation shall become void and so be recorded by the *examining* board.

SECTION 38. 135.07 of the statutes is renumbered 442.07 and amended to read:

442.07 (1) Any person who has ~~received from the board~~ ~~been issued~~ a certificate of his qualifications to practice as a certified public accountant, shall be styled and known as a "certified public accountant" and no other person shall assume to use such title or the abbreviation "C.P.A." or any other word, words, letters or figures to indicate that the person using the same is a certified public accountant. The terms "chartered accountant" and "certified accountant" and the abbreviation "C.A." are specifically prohibited to such other persons as being prima facie misleading to the public. Any person who has ~~received from the board~~ ~~been issued~~ a certificate of authority, as herein provided, shall be styled and known as a "public accountant" and no other person, other than a certified public accountant, shall assume to use such designation or any other word, words, letter or figures to indicate that such person is entitled to practice as a public accountant.

(2) No person shall practice in this state as a certified public accountant or a public accountant, either in his name, under an assumed name, or as a member of a partnership, except as provided in ~~subsection (10) of section 135.02 s. 442.02 (10)~~, unless he ~~shall have~~ ~~has~~ been granted a certificate by the *examining* board and secured a registration card for the current year. No person shall practice in this state as a public accountant, as an officer or director of a corporation engaged in the practice of public accounting, unless the corporation ~~shall have~~ ~~has~~ been granted a certificate by the *examining* board and secured a registration card for the current year.

(3) Any partnership, which is entitled to practice as certified public accountants in this state or any other state, every resident member and resident manager of which is a certified public accountant of this state, after registering the partnership name with the *examining* board, may use the designation "certified public accountants" in connection with the partnership name. Any partnership, every member and resident manager of which is a certified public accountant of this state or any other state or holds a certificate of authority under this chapter, after registering the partnership name with the *examining* board, may use the designation "public accountants" in connection with the partnership name. An assumed name, in use prior to September 21, 1935, may be used the same as a partnership name, provided the individual persons practicing as principals under that name hold certificates ~~issued~~ ~~granted~~ by the *examining* board and register the name with the *examining* board.

SECTION 39. 135.08 of the statutes is renumbered 442.08 and amended to read:

442.08 The ~~board~~ *department* shall, in December of each year, upon application made by any holder of an unrevoked Wisconsin certificate as a certified public accountant or an unrevoked Wisconsin certificate of authority as provided for in this chapter, issue a registration card, which card shall be good until December 31 of the next succeeding year, unless the ~~said~~ ~~certificate~~ ~~shall~~ ~~sooner~~ ~~be~~ ~~is~~ ~~revoked~~. A registration card shall also be issued to any partnership or corporation, upon application, which has complied with the provisions of this chapter. Interim registrations shall be issued to individuals, partnerships and corporations who have complied with the provisions of this chapter within the year.

SECTION 40. 135.09 of the statutes is renumbered 442.09 and 442.09 (1), as renumbered, is amended to read:

442.09 (1) Any person making an application for examination or certificate shall accompany such application with a United States money order or a certified check indorsed to the state treasurer in the sum of \$30 for application filed under s. ~~135.04 or 135.05~~ 442.04 or 442.05 (1), and in the sum of \$50 for application filed under s. ~~135.05~~ 442.05 (2). Should such application be rejected by the ~~state board of accountancy~~ *examining board* such check or money order shall be returned to the applicant, but immediately upon approval of the application such check or money order shall be deposited in the general fund.

SECTION 41. 135.10 of the statutes is renumbered 442.10.

SECTION 42. 135.11 of the statutes is renumbered 442.11 and 442.11 (2), (3), (4), (5), (6) and (10), as renumbered, are amended to read:

442.11 (2) Who ~~shall~~, when practicing under an assumed name, or as a member of a partnership, other than one which is registered under s. ~~135.07~~ 442.07 as composed of certified public accountants, or as an officer of a corporation, ~~announces~~ *announces*, either in writing or by printing, that the assumed name, partnership or corporation is practicing as a certified public accountant; or

(3) Who ~~shall~~, as a member of a partnership, ~~announces~~ *announces*, either in writing or by printing, that the partnership is practicing as "public accountants" unless the partnership is registered as such under s. ~~135.07~~ 442.07; or

(4) Who ~~shall~~, as an officer of a corporation, ~~permit~~ *permits* it to practice as a public accountant unless it is registered with the *examining board*, and holds an unrevoked certificate of authority from the *examining board*; or

(5) Who holds himself out to the public as a certified public accountant or who assumes to practice as a certified public accountant unless he has ~~received~~ *been granted* a certificate as such from the *examining board*; or

(6) Who holds himself out to the public as a public accountant or who assumes to practice as a public accountant unless he has ~~received~~ *been granted* a certificate of authority from the *examining board*; or

(10) Who ~~shall attempt~~ *attempts* to practice as a certified public accountant or as a public accountant under guise of a certificate not ~~issued~~ *granted by this the examining board*, or under cover of a certificate obtained illegally or fraudulently; or

SECTION 43. 135.12 of the statutes is renumbered 442.12 and 442.12 (3), (4), (5) and (6), as renumbered, are amended to read:

442.12 (3) A copy of the complaint shall be served upon the person complained against by personal service or by mailing same to his last known business address and in case the complaint is against a person, who is an officer, director, member or employe of a corporation or partnership, a copy of the complaint shall also be served upon such corporation or partnership. The person so served shall file his answer thereto with the *examining board* within 20 days after such service. The *examining board* shall thereupon set the matter for hearing as promptly as possible and within 30 days after the date of filing of the answer. At all such hearings the attorney general ~~of the state~~, or an assistant designated by him, or the district attorney, or an assistant designated by him, shall be present and represent the interests of the public. The defendant and, if there ~~be~~ is a complainant other than the *examining board*, the complainant may appear at such hearing in person or by attorney or agent.

(4) No order revoking or suspending a certificate or card censuring the holder thereof shall be made until after a public hearing or hearings

held before the *examining* board or any member thereof. Such hearing or hearings shall be held in the county where the defendant resides and, in the case of a nonresident, at such places as ~~may be~~ *are* designated by the *examining* board. The testimony presented and proceedings had at such hearing shall be taken in shorthand and preserved with the records of the ~~board~~ *department*. The *examining* board shall, as soon thereafter as possible, make its findings and determination thereon.

(5) Orders of the *examining* board shall be subject to review ~~in the manner provided in~~ *under* ch. 227, except that the place of review shall be the circuit court of the county in which the ~~board's~~ hearing was held.

(6) The display of a card, sign, advertisement, a directory listing, or the issuance of a letterhead bearing the name of an individual, corporation or partnership as a practitioner of public accounting as defined in s. ~~135.02~~ *442.02* shall be presumptive evidence in any hearing or prosecution against such person, that the person whose name is so carried thereon is responsible for the same and announcing thereby to practice public accounting. In any hearing or prosecution under this chapter, the proof of a single act prohibited by law shall be sufficient without proving a general course of conduct.

SECTION 44. 135.13 of the statutes is renumbered 442.13.

SECTION 45. 135.14 of the statutes is renumbered 442.14 and amended to read:

442.14 Nothing contained in this chapter shall in any *wise way* invalidate or set aside certificates of certified public accountants as *legally* granted before September 21, 1935 ~~under the provisions of the sections which are now summarized in~~ *ch. 135*.

SECTION 46. Chapter 136 (title) of the statutes is repealed.

SECTION 47. 136.01 of the statutes is renumbered 452.01 and 452.01 (1), as renumbered, is amended to read:

452.01 (1) "~~Commission~~ *Examining board*" means the ~~Wisconsin~~ real estate ~~Commission~~ *examining board*.

SECTION 48. 136.011 and 136.02 of the statutes are renumbered 452.02 and 452.03, respectively.

SECTION 49. 136.03 of the statutes is repealed.

SECTION 50. 136.04 (1), (3), (4) and (5) of the statutes are repealed.

SECTION 51. 136.04 (2) of the statutes is renumbered 452.04 and amended to read:

452.04 (1) The ~~commission~~ *examining board* shall ~~receive applications for and issue~~ *grant* licenses to real estate brokers and salesmen ~~and which shall be issued by the department~~. The *examining board* shall administer this chapter.

(2) The ~~commission~~ *examining board* may ~~issue~~ *prepare* letters and bulletins, and conduct clinics disseminating information to its licensees. ~~The department shall publish such letters and bulletins~~.

(3) The ~~commission~~ *examining board* may expend moneys for research and educational projects for its licensees and the protection of the public, including the publication or revision of real estate study manuals.

SECTION 52. 136.05 of the statutes is renumbered 452.05 and 452.05 (1) (intro.), as renumbered, is amended to read:

452.05 (1) (intro.) Any person desiring to act as a real estate broker or salesman shall ~~file with~~ *submit to* the ~~commission~~ *examining board* an application for a license. Said application shall be in such form as the ~~commission~~ *examining board* prescribes and shall set forth:

SECTION 53. 136.06 of the statutes is renumbered 452.06 and 452.06 (4), (5) and (6), as renumbered, are amended to read:

452.06 (4) (a) Any licensed real estate salesman may at any time during the calendar year for which he is licensed make application upon ~~forms~~ *forms prescribed by the examining board and* provided by the ~~commission~~ *department* for transfer to the employment of another licensed broker. The fee for transfer by a real estate salesman is 50 cents, payable at the time the application is filed.

(b) Suspension ~~of~~ or revocation of a license issued to a broker shall automatically suspend the license of every salesman employed by the broker at the time of the suspension or revocation of the broker's license. The salesman may apply for transfer to some other licensed broker by complying with this chapter, provided the salesman is not a party to the activities causing the suspension or revocation of the license of his broker.

(5) Sections ~~136.075, 136.08, 136.09, 136.10, 136.13, 136.14, 136.15, 136.16, 136.17 and 136.18~~ 452.09, 452.10, 452.11, 452.12, 452.15, 452.16, 452.17, 452.18, 452.19 and 452.20, as they apply to real estate salesmen, shall apply with equal effect to cemetery salesmen.

(6) In the case of applications for renewals of licenses the ~~commission~~ *examining board* may dispense with such matters contained in s. ~~136.05~~ 452.05 (1) as it deems unnecessary in view of prior applications.

SECTION 54. 136.065 of the statutes is renumbered 452.07.

SECTION 55. 136.07 of the statutes is renumbered 452.08 and 452.08 (1) (intro.), (4) and (5), as renumbered, are amended to read:

452.08 (1) (intro.) A license ~~issued~~ *granted* by the ~~commission~~ *examining board* entitles the holder:

(4) The ~~commission~~ *examining board* shall ~~from time to time~~ prepare and the ~~department~~ shall publish in convenient form the names of all brokers and salesmen licensed under this chapter. There shall also be included in such publication ~~the register compiled under s. 15.40 (2) (e).~~ The names of all brokers and salesmen whose licenses have been revoked at any time within one year prior to the issue thereof shall also be included in the publication.

(5) ~~After January 1, 1960,~~ Renewal applications for all licenses for the ensuing year shall be submitted with the required fee on or before August 31 of the current year. If a renewal application is filed with the ~~commission~~ *department* after August 31 it shall be accompanied by a late filing fee of \$10 in addition to the required renewal fee. If an application for renewal is not filed with the ~~commission~~ *department* on or before December 31 of the current license year, the applicant shall be prohibited from engaging in any of the activities covered by such license until his license is renewed or a new license issued. The ~~commission~~ *examining board* shall accept renewal applications at any time during the year after the license expired upon payment of the renewal fee and penalty. The ~~commission~~ *examining board* shall not thereafter ~~issue~~ *grant* a license until the applicant passes the required written examination.

SECTION 56. 136.075 of the statutes is renumbered 452.09.

SECTION 57. 136.08 of the statutes is renumbered 452.10 and 452.10 (1), (1a) and (4), as renumbered, are amended to read:

452.10 (1) The ~~commission~~ *examining board* may on its own motion make investigations and conduct hearings in regard to the action of any real estate broker, salesman or cemetery salesman, or any person who it has reason to believe is acting or has acted in either such capacity within this state, and may make findings, after a hearing held on 10 days' notice, whether such person has acted as a broker, salesman or cemetery salesman. The findings shall be subject to review under s. ~~136.15~~ 452.17. In such review any additional material evidence presented may be considered.

(1a) In lieu of the procedure set forth in sub. (1), if the ~~commission~~ *examining board* has reason to believe that a person is acting as a broker

or salesman without a license and that the continuation of such activity might cause injury to the public interest, the ~~commission~~ *examining board* or its staff counsel at the direction of the ~~commission~~ *examining board* may petition the circuit court for a temporary restraining order, an injunction or a writ of ne exeat as provided in ch. 268. ~~The provisions of s. 136.16~~ *Section 452.18* shall not apply to this subsection.

(4) A copy of the complaint, together with notice of suspension of the license or registration, if ordered by the ~~commission~~ *examining board*, shall forthwith be served upon the broker, salesman or cemetery salesman complained against by personal service or by mailing same to his last known business address. If the complaint is against a salesman or a cemetery salesman a copy of the complaint and notice shall also be served upon the broker for whom he is acting. The person so served shall file his answer with the ~~commission~~ *examining board* within 10 days after such service and serve a copy of his answer on the complainant. The ~~commission~~ *examining board* shall thereupon set the matter for hearing as promptly as possible and within 30 days after the date of filing the complaint. Either party may appear at the hearing in person or by attorney or agent.

SECTION 58. 136.09 of the statutes is renumbered 452.11 and 452.11 (2), as renumbered, is amended to read:

452.11 (2) At least 10 days prior to the date of hearing the ~~commission~~ *department* shall send written notice *prepared by the examining board* of the time and place of the hearing to the applicant for a license or registration or to the complainant and to the party complained against and to their respective attorneys or agents of record by mailing same to the last known address of such persons. The testimony presented and proceedings had at the hearing shall be taken in shorthand and preserved as the records of the ~~commission~~ *examining board*. The ~~commission~~ *examining board* shall as soon thereafter as possible, and within 90 days after the date of filing of a complaint, make its findings and determination thereon and shall send a copy to each interested party.

SECTION 59. 136.10 and 136.11 of the statutes are renumbered 452.12 and 452.13, respectively.

SECTION 60. 136.12 of the statutes is renumbered 452.14 and 452.14 (3) and (4), as renumbered, are amended to read:

452.14 (3) Every nonresident applicant shall file an irrevocable consent that actions may be commenced against him in the proper court of any county of the state in which a cause of action arises or in which the plaintiff resides, by the service of any process or pleading authorized by the laws of this state on the ~~commission~~ *examining board*, any member thereof or any duly authorized employe. The consent shall stipulate and agree that such service is valid and binding as due service upon said applicant in all courts in this state. The consent shall be duly acknowledged and, if made by a corporation, shall be authenticated by the corporate seal.

(4) Duplicate copies of any process or pleading shall be served upon the ~~commission~~ *examining board* or its duly authorized employe. One copy shall be filed in the office of the ~~commission~~ *with the examining board* and the other immediately forwarded by registered mail to the main office of the applicant against whom the process or pleading is directed. No default in any such proceeding or action shall be taken unless it appears by affidavit of the *executive* secretary of the ~~commission~~ *examining board* or any duly authorized employe that a copy of the process or pleading was mailed to the defendant as herein required. No judgment by default shall be taken in any action or proceeding within 20 days after the date of mailing the process or pleading to the nonresident defendant.

SECTION 61. 136.13 (1) of the statutes is repealed.

SECTION 62. 136.13 (2) and (3) of the statutes are renumbered 452.15 (1) and (2) and amended to read:

452.15 (1) The ~~commission~~ *examining board* may ~~also~~ take depositions in the manner prescribed by law for taking depositions in actions in circuit court.

(2) Each witness who appears before the ~~commission~~ *examining board* pursuant to its subpoena, order or request shall be paid the fees and mileage provided by law for witnesses in courts of record. ~~Witnesses appearing for and on behalf of the commission shall be paid from the funds deposited pursuant to s. 20.165 (2) (k), upon vouchers approved by its president and secretary. The fees and mileage of all other witnesses shall be paid by the party demanding their attendance.~~

SECTION 63. 136.14, 136.15, 136.16 and 136.17 of the statutes are renumbered 452.16, 452.17, 452.18 and 452.19, respectively.

SECTION 64. 136.18 of the statutes is renumbered 452.20 and 452.20 (1), as renumbered, is amended to read:

452.20 (1) Copies of all documents, orders, resolutions and certificates made, executed or ~~issued~~ *granted* by the ~~commission~~ *examining board*, and of all *examining board* papers filed ~~in its office with the department~~ when certified by ~~its~~ *the examining board's executive* secretary or ~~his~~ assistant secretary, under ~~its~~ *the* official seal, shall be received in evidence in all cases the same as the originals.

SECTION 65. Chapter 147 of the statutes is repealed.

SECTION 66. Chapter 149 (title) of the statutes is repealed.

SECTION 67. 149.01 (1) and (2) of the statutes are repealed.

SECTION 68. 149.01 (3), (4), (5) and (6) of the statutes are renumbered 441.01 (3), (4), (5) and (6) and 441.01 (3), as renumbered, is amended to read:

441.01 (3) ~~The powers and duties of the board shall be regulatory, advisory, and policyforming and not administrative. It~~ *The board* may establish minimum standards for schools for nurses and schools for trained practical nurses licensed under this chapter, including all related clinical units and facilities, and make and provide periodic surveys and consultations to such schools. It may also establish rules to prevent unauthorized persons from practicing professional nursing. It shall approve all rules for the administration of this chapter in accordance with ch. 227.

SECTION 69. 149.015 of the statutes is repealed.

SECTION 70. 149.02 of the statutes is renumbered 441.02 and 441.02 (1) (intro.), (2) and (3), as renumbered, are amended to read:

441.02 ADMINISTRATOR. (1) (intro.) The board shall appoint, upon certification of the department of administration, ~~a state director of nursing education~~ *the administrator of the division of nurses*, fix ~~her~~ *his* salary, and prescribe ~~her~~ *his* duties and ~~provide clerical service. Such director. The administrator~~ shall have at least the following minimum qualifications:

(2) The administrative powers and duties of the ~~department~~ *division* shall be vested in the ~~director~~ *administrator* to be administered under the statutes and subject to the policies and in accordance with the principles established by the board.

(3) The ~~director~~ *administrator*, with prior approval of the board, shall establish rules and regulations for administering the ~~department~~ *division* and performing the duties assigned to it.

SECTION 71. 149.03 of the statutes is repealed.

SECTION 72. 149.04 of the statutes is renumbered 441.04 and amended to read:

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441.04 Any person who is a citizen or who has legally declared ~~her~~ *his* intention to become a citizen and of good moral character, who has graduated from a high school or its equivalent as determined by the board, who holds a diploma of graduation from an accredited school of nursing, may apply to the department for registration *by the board* as a registered nurse, and upon payment of \$30 shall be entitled to examination. Ten dollars of such fee shall be refunded to an applicant who gives advance written notice that ~~she~~ *he* will be unable to be present for the examination.

SECTION 73. 149.05 of the statutes is renumbered 441.05 and amended to read:

441.05 The ~~committee of examiners for nurses~~ *examining council on registered nurses* shall prepare or select written questions in areas it determines and prescribe rules, subject to the approval of the board, for conducting examinations and the preservation of the examination papers for one year. Examinations shall be held at least twice a year at times and places designated by the ~~committee~~ *examining council*, and at least 30 days' public notice shall be given. Examinations may also be held at other times and places with or without public notice as directed by the ~~committee~~ *examining council*. The ~~committee~~ *examining council* may also proctor an examination of another state for the convenience of a candidate and charge such fee therefor as the ~~committee~~ *examining council* fixes to cover the actual cost of the service rendered.

SECTION 74. 149.06 of the statutes is renumbered 441.06 and 441.06 (2) and (3), as renumbered, are amended to read:

441.06 (2) The certificate shall be ~~issued~~ *signed* by the ~~president~~ *chairman* of the board and countersigned by the secretary of the ~~committee on examiners~~ *examining council*. The holder of such certificate is a "registered nurse" and may append "R.N." to ~~her~~ *his* name, and is authorized to practice professional nursing.

(3) A registered nurse practicing for compensation shall annually during January ~~file with the department~~ *submit to the division* on furnished blanks a statement giving ~~her~~ *his* name, residence and such other facts as the board requires, with a registration fee of \$6.

SECTION 75. 149.07 of the statutes is renumbered 441.07 and amended to read:

441.07 The board may revoke, suspend or deny renewal of a certificate of registration of a nurse, or license of a trained practical nurse, upon proof that the person was guilty of fraud in the procuring or renewal of such certificate or license, has failed to become a citizen within 7 years after declaring such intent, or has willfully or repeatedly violated ~~any of the provisions of~~ *this chapter*, or is unfit or incompetent by reason of negligence, habitual intemperance, addiction to the use of habit-forming drugs, mental incompetency or moral delinquency, or, in the case of a registered nurse, unprofessional conduct, upon notice in writing, addressed to the last post-office address shown on the records of the board specifying the charges, and time of hearing, not less than 10 days after mailing of the notice, and after hearing at which ~~she~~ *he* shall have opportunity to produce testimony. A certificate or license revoked may, after one year, upon application be reinstated in the discretion of the board.

SECTION 76. 149.081 of the statutes is renumbered 441.09 and amended to read:

441.09 The board may ~~issue~~ *grant* temporary trainee permits for the purpose of supplementing the education of nurses trained outside the United States. The board may establish requirements for such permits which may include but not be limited to the following: legal authorization to practice professional nursing in applicant's own country, approval by the

international exchange of the U.S. department of state ~~or of the American nurses association~~, proficiency in the English language, financial independence and other qualifications it deems necessary. The board may establish rules limiting the use and duration of such permits and providing for their revocation and may establish a permit fee not to exceed \$30 per year. No institution or agency may offer or undertake a program of supplemental education for holders of temporary trainee permits without prior authorization by the board and without the approval of such program by the board. Such authorization or approval may be withdrawn for cause at any time. The board may charge fees and expenses for consultations in the establishment of supplemental programs and for appraisals thereof. Such fees shall be based upon cost.

SECTION 77. 149.09 (1) of the statutes is repealed.

SECTION 78. 149.09 (2), (3) and (4) of the statutes are renumbered 441.10 (1), (2) and (3) and 441.10 (2) and (3) (a) and (b), as renumbered, are amended to read:

441.10 (2) The ~~committee of examiners for trained~~ *examining council on licensed* practical nurses shall prepare or select written questions in areas it determines and prescribe rules, subject to the approval of the board, for the examination of those desirous of becoming trained practical nurses, and the examination papers of all such applicants shall be preserved for one year. Examinations shall be held at least twice annually at times and places designated by the board, and at least 30 days' public notice shall be given of each such examination. Examinations may also be held at other times and places with or without public notice as directed by the ~~committee~~ *examining council*. The ~~committee~~ *examining council* may also proctor an examination of another state for the convenience of a candidate and shall charge such fee therefor as the ~~committee~~ *examining council* fixes to cover the actual cost of the services rendered.

(3) (a) On complying with this chapter relating to applicants for licensure as trained practical nurses, and passing a satisfactory examination, the applicant shall receive a license as a trained practical nurse, which license shall be ~~issued~~ *signed* by the ~~president~~ *chairman* of the board and countersigned by the secretary of the ~~committee of examiners for trained~~ *examining council on licensed* practical nurses. The holder of such license is a "licensed trained practical nurse", and may append the letters "T.P.N." to ~~her~~ *his* name. The board may revoke the license of a licensed trained practical nurse pursuant to s. ~~149.07~~ *441.07*.

(b) A licensed trained practical nurse practicing for compensation shall ~~file~~ *submit* each July ~~with the department~~ *to the division*, on blanks furnished by ~~that~~ *the* department, an application for license renewal, together with a statement giving her name, residence, nature and extent of practice as a trained practical nurse during the prior year and prior unreported years and such other facts bearing upon ~~her~~ *his* current competency as the board requires, accompanied by a license renewal fee of \$6.

SECTION 79. 149.10 of the statutes is renumbered 441.11.

SECTION 80. 149.11 of the statutes is renumbered 441.12 and 441.12 (1), as renumbered, is amended to read:

441.12 (1) The ~~department~~ *division* shall enforce this chapter and cause the prosecution of persons violating it. It shall keep a register of the names and addresses of registered nurses and a record of licensed trained practical nurses, which shall be open to the public at reasonable times; also a record of applications, and a detailed account of money received. The director shall make an annual report to the governor of its proceedings under this chapter, including an itemized account of money received. The director and employes shall furnish an official bond in such amount and in

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such form as the board determines. The bond referred to and required shall conform substantially to the bond specified in s. 10.01 (2) and be subject to the statutes governing official bonds. The premium for any bond shall be charged to the appropriation made to the state board of nursing by s. 20.580 (1) (g). The department may issue certified photostatic copies of records at cost.

SECTION 81. 149.12 of the statutes is renumbered 441.13.

SECTION 82. Chapter 150 (title) of the statutes is repealed.

SECTION 83. 150.01 of the statutes is repealed.

SECTION 84. 150.02 of the statutes is renumbered 453.02 and 453.02 (1) and (4), as renumbered, are amended to read:

453.02 (1) "*Examining board*" means the ~~Wisconsin~~ board of veterinary examiners *examining board*.

(4) "*Compensation*" ~~includes~~ means any gift, reward, bonus, fee, money, credit or other thing of value, and any promise thereof.

SECTION 85. 150.03 and 150.04 (intro.), (1), (2), (3) and (5) of the statutes are repealed.

SECTION 86. 150.04 (4) of the statutes is renumbered 453.04 and amended to read:

453.04 VIOLATIONS. The ~~president~~ *chairman* of the *examining board* shall institute actions for violations of this chapter. The district attorney of the county in which the offense is committed shall promptly prosecute any such violation upon being informed thereof, from any source.

SECTION 87. 150.05 of the statutes is renumbered 453.05.

SECTION 88. 150.06 of the statutes is renumbered 453.06 and 453.06 (1), as renumbered, is amended to read:

453.06 (1) Licenses shall be issued only to persons who successfully pass an examination conducted by the *examining board* at such time and place as it shall fix. At least one examination shall be held annually. Examination fees as fixed by the *examining board* shall not exceed \$50, payable in advance and not returnable. An applicant for a new license shall be at least 21 years of age and a graduate of a veterinary college which has been approved by the *examining board*. Persons who qualify for examination may be granted temporary permits to engage in the practice of veterinary medicine until the next examination conducted by the *examining board*. Veterinarians holding an existing license shall not be required to take any examination for renewal of their license. The *examining board* may ~~issue~~ *grant* a license, without any examination, to any person who holds a veterinarian's license issued by another state or country, if the license requirements in such state or country are substantially equivalent to those in this state and if such state or country recognizes licenses issued under this chapter. In case of failure at any examination, the applicant shall have the privilege of taking subsequent examinations, upon the payment of another fee for each examination, at any meeting of the *examining board*.

SECTION 89. 150.07 of the statutes is renumbered 453.07 and amended to read:

453.07 The *examining board* may by order deny, suspend or revoke any license if the applicant or licensee is not qualified, has violated ~~any provision~~ of this chapter or a rule of the *examining board*, or has misrepresented or intentionally failed to disclose a material fact in making any application or report to the *examining board*. The ~~board~~ *department* shall serve written notice of any such action by personal delivery or mailing to the applicant or licensee. The applicant or licensee may file a written demand for hearing by the *examining board* within 20 days after service of the ~~board's~~ *department's* notice; thereupon the action of

the *examining* board shall be stayed pending hearing and service of its decision. ~~The board or any of its authorized agents may issue subpoenas, administer oaths and take testimony for the purposes of such hearing.~~ After hearing and decision by the *examining* board the applicant or licensee may seek judicial review under ch. 227.

SECTION 90. 150.08 of the statutes is renumbered 453.08.

SECTION 91. 150.10 of the statutes is renumbered 453.09.

SECTION 92. Chapter 151 (title) of the statutes is repealed.

SECTION 93. 151.01 (1) of the statutes is repealed.

SECTION 94. 151.01 (2), (3) and (4) of the statutes are renumbered 450.01 (2), (3) and (4) and amended to read:

450.01 (2) ~~Annual meeting shall be held in April, at which president and secretary-treasurer shall be elected for terms of one year. Meetings for examination shall be held at least semiannually. Time and place of meetings shall be fixed by president and secretary. Thirty days' public notice shall be given of examinations.~~

(3) ~~The secretary-treasurer~~ *director* need not be a member. ~~He~~ *The* department shall keep a record of the proceedings and a register of the names and places of business of persons registered under this chapter, and the books, registers and records of the *examining* board as made and kept by the ~~secretary~~ *director* or under his supervision, subject to the direction of the *examining* board, shall be prima facie evidence of the matters therein recorded. ~~He shall give such bond and receive such salary as the board determines. Members and officers shall receive their actual and necessary expenses. The board shall have the right to employ inspectors, special investigators, chemists, agents and clerical help for the purpose of carrying on the work of the board and shall have authority to employ an attorney when it deems necessary. The board shall have a seal, and the president and secretary may issue subpoenas and administer oaths. The examining board may pay out of its own funds witness fees and such other expenses as may be necessary and incidental to the carrying out of its functions.~~

(4) The *examining* board may adopt bylaws, rules and regulations, except with respect to ~~internship~~, and shall cause prosecution of violations of this chapter. ~~It shall report annually, to the governor and the Wisconsin pharmaceutical association, its proceedings, registrations, receipts and disbursements.~~

SECTION 95. 151.015 (1) of the statutes is repealed.

SECTION 96. 151.015 (2) and (3) of the statutes are renumbered 451.01 and 451.02, respectively, and amended to read:

451.01 The ~~commission~~ *pharmacy internship board* shall promulgate such rules under ch. 227 and such regulations as are in the public interest necessary to the internship program.

451.02 The ~~commission~~ *pharmacy internship board* shall have supervisory power over the internship program and shall delegate to the director of internship such supervisory and administrative powers which the ~~commission~~ *internship board* deems necessary.

SECTION 97. 151.015 (4) of the statutes is repealed.

SECTION 98. 151.02 of the statutes is renumbered 450.02 and 450.02 (1), (2) (intro.) and (a), (3), (5), (8) and (9), as renumbered, are amended to read:

450.02 (1) All candidates for entrance to examination for registration as pharmacists must ~~file~~ *submit an* application ~~with the secretary of~~ to the *examining* board and pay the required fee of \$45, at least 15 days before the date of examination. The fee for all subsequent examinations shall be \$35. All candidates must be at least 21 years of age; must be of good moral

character and temperate in habits; and if not citizens of the United States must have filed and proven their intentions of becoming citizens; and must be graduates of a standard, recognized high school, or must have acquired the equivalent of a high school education in some other institution of equal rank or standing, or must have passed an examination for the equivalent of high school given by a state university or by a state department or bureau of education, issuing a qualifying certificate for the necessary high school units recognized by the university of Wisconsin, or any other equivalent of a high school education recognized by the university of Wisconsin.

(2) (intro.) Every such applicant for examination and registration as pharmacist must, in addition file with the ~~secretary~~ submit proof satisfactory to the *examining* board, of having had at least 48 months of pharmaceutical training consisting of:

(a) Graduation from a school or college of pharmacy or a department of pharmacy of a university, which is recognized by the *examining* board and which requires for graduation at least a 4-year course. Credit for actual time of attendance at the school, college or department of pharmacy of a university shall be given on the required 48 months of pharmaceutical training; the remainder of the 48 months must be practice and experience in a retail pharmacy or drugstore under the direction and supervision of a registered pharmacist, which practice and experience shall be predominantly work directly related to the selling of drugs, preparing and compounding of pharmaceutical preparations and physicians' prescriptions, and keeping of records and making of reports required under state and federal statutes. The ~~said~~ practice and experience shall include an aggregate of 12 calendar months commencing not earlier than the close of the sophomore college year. Credit for such periods of practice and experience shall be allowed in the discretion of the ~~commission~~ *pharmacy internship board* in accordance with such regulations as it adopts. The fee for registration of interns under this subsection is \$1. The *examining* board may upon satisfactory proof recognize and accept evidence of practice and experience performed in whole or in part in any other state provided the same is approved and verified by the ~~state board of pharmacy~~ *examining board* or equivalent agency of such other state.

(3) Applicants filing proofs, satisfactory to the *examining* board, of qualifications and training as outlined in sub. (2) shall, after having passed the examination by the *examining* board and upon payment of a \$5 certificate fee, be granted certificates as registered pharmacists. Proof satisfactory to the *examining* board covering experience, preliminary education, college of pharmacy graduation and character herein required shall be ~~filed with the secretary of the~~ *submitted to the examining* board. Every registered pharmacist may continue to be such by annually, at such time as the *examining* board determines, renewing his certificate upon paying the fee of \$17.50. Of this fee, \$7.50 shall be set aside for use by the *pharmacy internship* ~~commission~~ *board*, shall be used exclusively for purposes of the internship program and shall be disbursed for the purposes of the internship program upon certification of the director of internship or the ~~commission~~ *pharmacy internship board*. Applications for renewal of registration as a pharmacist and payment of the required fee submitted after May 31 shall be accompanied by a penalty fee of \$10. Failure to obtain such renewal for 60 days after the ~~secretary of such board~~ *department* has given a 2nd notice of the expiration of his registration shall terminate the right of any person to be a registered pharmacist within the meaning of this section, and such right can only be acquired by compliance with the provisions concerning the original registration, again applying for and passing an examination satisfactory to the *examining* board.

(5) Every registered assistant pharmacist may continue to be such by

annually, at such time as the *examining board of pharmacy* may determine ~~determines~~, making application thereto for the renewal of his certificate and paying the prescribed fee of \$4. Failure to obtain such renewal for 60 days after the ~~secretary of such board shall have~~ *department* has given a 2nd notice of the expiration of his registration, shall terminate the right of any person to be a registered assistant pharmacist within the meaning of this section, and such right can only be acquired by compliance with the provisions concerning original registration, again applying for and passing an examination satisfactory to the *examining board*. The issuance of either of the certificates provided for in this section shall entitle the person to whom it is issued to be registered in the proper class.

(8) No person shall use the title "pharmacist" or "assistant pharmacist" unless duly registered as such under the provisions of this chapter, nor shall any person, ~~firm or corporation~~ use or display the title "~~drugstore,~~" "*drugstore*", "pharmacy," "apothecary," or any other title, symbol, insignia (including without limitation because of enumeration, mortar and pestle, colored show globes, the sign Rx and the like) having the same or similar meaning for such place of business unless such place of business ~~be is~~ one where drugs are sold in accordance with the provisions of s. ~~151.04~~ *450.04*.

(9) No drugstore, pharmacy, apothecary shop or any similar place of business shall be opened or kept open for the transaction of business until it has been registered with and a permit therefor has been ~~issued~~ *granted* by the ~~state examining board of pharmacy~~. This section shall not be construed to apply to any stores opened for the sale of proprietary or so-called patent medicines which conform to state and federal laws. Every pharmacy and store conducted under the supervision of a registered pharmacist shall be annually registered on June 1 with the ~~state examining board of pharmacy~~, on application forms *prescribed by the examining board* and provided for that purpose by the ~~board~~ *department*, on request, and the ~~board~~ *department* shall thereupon issue a suitable certificate of registration to such persons which permit shall be conspicuously displayed in a front window or door of such place of business. Applications for registration as a pharmacy or drugstore shall include information regarding the names of all pharmacists, assistant pharmacists and registered apprentices who are employed therein. Only places in charge of a registered pharmacist shall be annually registered on June 1 with the ~~state examining~~ *pharmacy* and holding a permit as a pharmacy may use the title "pharmacy," "pharmacists," "apothecary" or "drugstore," or use customary titles, symbols or insignia and each ~~must~~ *shall* be under the separate management of a registered pharmacist, who shall not engage to manage or supervise more than one such place, but nothing contained in this section shall prevent a person from owning and conducting more than one pharmacy if each is under the separate supervision of a registered pharmacist. For the registration of every new drugstore or any drugstore upon a change of ownership herein required to be registered, there shall be paid an inspection fee of \$15 together with a registration fee of \$85. For the reinspection of premises considered to be unsatisfactory at the time of the original inspection for the registration of a new drugstore or any drugstore upon a change of ownership herein required to be registered, there shall be paid a reinspection fee of \$15. Upon annual renewal of registration all places shall pay a fee of \$45 payable on June 1 of each year. Duplicate permits for the operation of a drugstore, pharmacy or any similar place of business shall be *granted by the examining board* and issued by the ~~board~~ *department* on receipt of a fee of \$5. Any person failing to register his place of business as herein required, failing to have in charge of each pharmacy a registered pharmacist, who does not manage or supervise more than one pharmacy, or who otherwise fails to comply with this section, may be fined not less than \$25 nor more than \$50 for each separate of-

fense. Each day's violation is deemed a separate offense. Issuance or continuation of the permit for the conduct of a drugstore, pharmacy or any similar place of business may be refused when the applicant for the registration thereof has been found to be in violation of *this chapter* or ch. ~~151 or~~ 161. No refusal to continue the permit shall become effective until 20 days after notice of the decision of the *examining* board to refuse the continuation has been served upon the applicant.

SECTION 99. 151.03 of the statutes is renumbered 450.03 and amended to read:

450.03 In rural districts with no registered pharmacist or assistant pharmacist within 3 miles, the *examining* board may ~~issue~~ *grant* a permit to sell on certain premises for one year, drugs and medicines specified therein, upon payment of the fee fixed by the *examining* board, not exceeding \$10. The premises for which the permit is issued must be an establishment where merchandise is sold and shall be specified in the permit. An applicant for a permit for a new rural store or for a permit upon change of ownership of an existing rural store shall pay an inspection fee of \$15 in addition to the annual permit fee of \$10.

SECTION 100. 151.04 of the statutes is renumbered 450.04 and 450.04 (5), as renumbered, is amended to read:

450.04 (5) No person shall engage in the sale or distribution at wholesale of any of the drugs defined in s. ~~151.07~~ 450.07 (1) (a) to any of the classes of persons enumerated in s. ~~151.07~~ 450.07 (8) without first obtaining a license for such purpose from the *examining* board. The annual fee is \$10. Licenses expire on May 31. Such license or renewals thereof shall be issued in the discretion of the *examining* board to responsible applicants of good reputation.

SECTION 101. 151.05 of the statutes is renumbered 450.05 and 450.05 (1), as renumbered, is amended to read:

450.05 (1) Anyone who violates s. ~~151.04~~ 450.04 (1) shall forfeit \$10 for each failure, and anyone who wilfully makes a false representation to procure registration or permit for himself or another, or who violates this chapter ~~shall be deemed guilty of a misdemeanor and shall~~ *may* be fined not less than \$50 nor more than \$100, or imprisoned ~~in the county jail~~ for not less than 30 days nor more than 90 days, or both.

SECTION 102. 151.06 of the statutes is renumbered 450.06.

SECTION 103. 151.07 of the statutes is renumbered 450.07 and 450.07 (5), as renumbered, is amended to read:

450.07 (5) No prescription for a dangerous drug shall be refilled except as designated on such prescription, and unless accurate record of such refilling is entered on such prescription showing the date and amount thereof. No oral or written prescription shall be refilled unless the provisions of ~~151.07 sub. (2)~~ have been first complied with and unless either written or oral authority has been given by the prescriber.

SECTION 104. 151.10 and 151.11 of the statutes are renumbered 450.08 and 450.09, respectively.

SECTION 105. 151.12 of the statutes is renumbered 450.10 and amended to read:

450.10 Any person who ~~shall violate any of the provisions of~~ *violates* s. ~~151.10~~ 450.08 or ~~151.11~~ *shall* 450.09 *may* be fined not less than \$100 nor more than \$1,000, or imprisoned not less than one year nor more than 5 years.

SECTION 106. 151.15 of the statutes is renumbered 450.11 and 450.11 (4), as renumbered, is amended to read:

450.11 (4) No person, ~~firm or corporation~~ shall sell or dispose of or attempt or offer to sell or dispose of any indecent articles to or for any unmarried person; and no sale in any case of any indecent articles shall

be made except by a pharmacist registered under the provisions of ~~ch. 151~~ *this chapter* or a physician or surgeon duly licensed under the laws of this state.

SECTION 107. 151.16 of the statutes is renumbered 450.12.

SECTION 108. 151.17 of the statutes is renumbered 450.13 and 450.13 (3), as renumbered, is amended to read:

450.13 (3) This section shall apply exclusively to a corporation or other organization organized, recognized or operated under s. ~~151.16~~ 450.12 or this section.

SECTION 109. Chapter 152 (title) of the statutes is repealed.

SECTION 110. 152.01 (1), (3), (4), (5) and (7) of the statutes are repealed.

SECTION 111. 151.01 (2) and (6) of the statutes are renumbered 447.01 (1) and (2), respectively, and amended to read:

447.01 (1) The annual meeting of the *examining* board shall be held in July at a time and place fixed by the board. Officers shall be elected at such meeting and the board may at the same time conduct any other business. Other meetings may be called by the board as needed.

(2) The attorney general shall advise and assist the *examining* board or any member thereof in any official matter.

SECTION 112. 152.02 of the statutes is renumbered 447.02 and 447.02 (1) (intro.) and (2), as renumbered, are amended to read:

447.02 (1) (intro.) Any person who was lawfully engaged in the practice of dentistry in this state on January 1, 1939, may so continue if he has registered annually as required by s. ~~152.05~~ 447.05 (4). No other person shall practice dentistry in this state, unless he is licensed by the *examining* board and annually registered in this state. Without limitation by reason of specific enumeration, any person is deemed to be "practicing dentistry" within the meaning of this chapter who:

(2) It is unlawful for any person to practice or offer to practice dentistry or dental surgery, with or under the name of a company, association or corporation, and any individual practicing or offering to practice dentistry or dental surgery shall do so under his own name only. It is lawful for 2 or more dentists licensed and registered in this state to practice dentistry, including any recognized specialty thereof, as bona fide partners, and in the course thereof to use any partnership title or description which is not misleading to the public. It is lawful for a dentist licensed and registered in this state to be employed by another licensed and registered dentist, by a partnership composed of such dentists, or by a partnership composed of physicians licensed in this state. Any person convicted of a violation of this section shall be punished as provided in s. ~~152.09~~ 447.09 (2), and in addition thereto his license may be revoked under s. ~~152.07~~ 447.07 (3) (c). Nothing contained in this subsection shall prohibit incorporation under s. 180.99.

SECTION 113. 152.03 of the statutes is renumbered 447.03 and amended to read:

447.03 (1) Only persons possessing a license to practice dentistry under s. ~~152.05~~ 447.05, shall use or assume the title "doctor," or append to his name the words or letters "doctor," "Dr.," or his degree in dentistry earned by graduation from a dental school or college approved by the *examining* board, including but not limited to "Doctor of Dental Surgery," "D.D.S.," or "D.M.D." ~~On and after January 1, 1941,~~ The degree of "Doctor of Dental Surgery," or its equivalent, shall be recognized only for one who has satisfactorily completed a curriculum of at least 4 years of 32 weeks each in a dental school or college approved by the *examining* board. No dental school or college within this state shall enroll anyone not filing

with the *examining* board proof satisfactory to it that he has an education equivalent to graduation from a high school or academy in this state offering a 4-year curriculum beyond the 8th grade, and has completed at least 2 years of college satisfactory to the *examining* board. ~~On and after January 1, 1941,~~ This *examining* board shall admit for examination only graduates of dental schools or colleges which it has approved and which require for admission a minimum of 2 years of college work leading to a baccalaureate degree, and including at least one year of English, and at least one course in each of the sciences of physics, biology and chemistry. An applicant for licensure who graduated from a dental school at any time prior to 1941 must meet the requirements of the statutes and of the *examining* board which were in force at the time of such applicant's graduation.

(2) No person shall be examined by the *examining* board unless he files proof satisfactory to it that he has the preliminary education set forth in sub. (1); that he is a graduate of a recognized dental school or college approved by the *examining* board; that he is a citizen of the United States, or has filed a declaration of intention to become a citizen, or has petitioned for naturalization, or he holds a license to practice dentistry in some other state of the United States, as provided in s. ~~152.05~~ 447.05 (2); and, ~~in the case of a person applying for a license after July 1, 1952,~~ that he holds a certificate of registration in the basic sciences, as provided in s. ~~147.02~~ under ch. 445. A remittance of \$25 shall accompany his application for examination, returnable to him only if from sickness or other good cause he is unable to attend or complete the examination.

SECTION 114. 152.04 of the statutes is renumbered 447.04 and amended to read:

447.04 (1) An applicant who has complied with s. ~~152.03~~ 447.03, shall be examined in writing in such of those subjects usually taught in reputable dental schools or colleges as the *examining* board deems necessary. In addition, an applicant shall submit to a clinical and laboratory examination in operative and restorative dentistry as may be prescribed by the *examining* board. In lieu of its own examination, the *examining* board may accept, in whole or in part, the certificate of the national board of dental examiners.

(2) The *examining* board may permit a dental student who has successfully completed at least 2 years in a dental school or college approved by the *examining* board, who files proof satisfactory to the *examining* board that he has met the pre-professional educational requirements of s. ~~152.03~~ 447.03 (1), to take written examinations, and credit satisfactory grades toward his final examination. The *examining* board may require a fee of \$10 for such examination.

SECTION 115. 152.05 of the statutes is renumbered 447.05 and 447.05 (1) and (4), as renumbered, are amended to read:

447.05 (1) If a majority of the *examining* board finds an applicant qualified, it shall ~~issue~~ grant him a license to practice dentistry, signed by at least 2 of the members and attested by the seal of the *examining* board.

(4) Dentists shall annually register with and pay a fee to be fixed each year by the *examining* board, which fee shall not exceed \$15. This fee is due and payable ~~to the secretary of the board~~ on or before September 30 of each year. Late registrants shall pay an additional fee of \$3. The *examining* board shall publish and ~~the department shall~~ mail an annual report and list of the names and places of practice of all licensed and registered dentists and registered dental hygienists to each licensee at his last known address. The ~~secretary of the board~~ department shall also ~~cause to be mailed~~ mail a copy of such published list to the secretary of state, the district attorney of each county, each local board of health, and to any

other public official who may request or have need thereof. Any registrant who, subsequent to registering, changes the address or place of his residence or professional office, or who opens an additional office, shall, within 30 days thereafter, notify the *examining* board in writing of such change and furnish his new residence or professional address.

SECTION 116. 152.06 of the statutes is renumbered 447.06 and 447.06 (intro.), as renumbered, is amended to read:

447.06 (intro.) Sections ~~152.02 to 152.05~~ 447.02 to 447.05 shall not apply to:

SECTION 117. 152.07 of the statutes is renumbered 447.07 and 447.07 (3) (intro.), (c) and (d), as renumbered, are amended to read:

447.07 (3) (intro.) The *examining* board may on its own motion make investigations and conduct hearings in regard to any alleged actions of any licensed dentist or certified dental hygienist, or of any other person it has reason to believe is acting or has acted in such capacity within the state, and may, on its own motion, or upon complaint in writing, duly signed and verified by the complainant, and upon not less than 10 days' notice to ~~such a~~ dentist, or dental hygienist, suspend or revoke such license, registration, or certificate as hereinafter provided, if it finds that the holder thereof has been guilty of:

(c) A violation of s. ~~152.02~~ 447.02 (2);

(d) A violation of the rules adopted by the *examining* board.

SECTION 118. 152.08 of the statutes is renumbered 447.08 and 447.08 (1), (3) and (5), as renumbered, are amended to read:

447.08 (1) No person shall engage in practice as a dental hygienist without a certificate from the ~~state board of dental examiners~~ *dentistry examining board*. Such a certificate shall authorize the holder to remove calcereous deposits, accretions and stains from the surfaces of teeth, to apply ordinary washes of a soothing character, but not to operate otherwise on the teeth or elsewhere in the oral cavity.

(3) One to whom a certificate is issued shall register with the ~~secretary~~ *department* and pay a fee to be fixed each year by the *examining* board, which fee shall not exceed \$10. This fee shall be due and payable to the ~~secretary of the board~~ on or before September 1 of each year. Late registrants shall pay an additional fee of \$3. Any registrant who, subsequent to registering, changes the place of his residence or professional address shall, within 30 days thereafter, notify the *examining* board in writing of such change and furnish the address of his new residence or his new professional address and the name of his new employer.

(5) The *examining* board may suspend or revoke the certificate of a dental hygienist for violation of this chapter, as provided in s. ~~152.07~~ 447.07 (3) and (4). The license of a dentist who permits a dental hygienist operating under his supervision to violate this chapter may be revoked or suspended by the *examining* board.

SECTION 119. 152.09 of the statutes is renumbered 447.09 and 447.09 (2) and (3), as renumbered, are amended to read:

447.09 (2) Any licensed dentist, dental hygienist, or person holding himself out as such, who employs what are known as "cappers" or "streeters" to obtain business; or who obtains a fee by fraud or deceit; or who, in the case of a dentist, wilfully betrays professional secrets; or who employs directly or indirectly a student, or a suspended or unlicensed dentist, dental hygienist, or person holding himself as such, to perform operations, to diagnose, or to treat lesions of the human teeth, or jaws, or correct malposed formations thereof (except than an unlicensed person may perform exclusively mechanical work upon inert material in a dental office or laboratory); or who is guilty of "unprofessional advertising" as defined in s. ~~152.07~~ 447.07 (6); or who violates any other provision of this chapter

not otherwise specifically referred to in this section, ~~shall may~~, upon a first conviction, be fined not less than \$25, nor more than \$100, and upon each subsequent conviction ~~shall may~~ be fined not less than \$100, nor more than \$500, or be imprisoned not less than 60 days, nor more than one year, or both.

(3) Each violation of s. ~~152.08~~ 447.08 shall constitute a misdemeanor and shall be punishable by a fine of not less than \$10, nor more than \$100.

SECTION 120. 152.10 and 152.51 of the statutes are renumbered 447.10 and 447.11, respectively.

SECTION 121. 152.52 of the statutes is renumbered 447.12 and 447.12 (2), as renumbered, is amended to read:

447.12 (2) Persons who hold the degree of doctor of dental surgery, or its equivalent, and any other persons who have been licensed by the ~~state board of dental examiners~~ *examining board* to practice dentistry in this state, shall be eligible to meet for the organization of or to become members of a county dental society.

SECTION 122. 152.53 of the statutes is renumbered 447.13 and 447.13 (2), as renumbered, is amended to read:

447.13 (2) No county or district society ~~shall be authorized to~~ *may* establish a plan, or ~~to~~ contract under this section, until it has received the written approval of the state dental society to the proposed plan or contract, including the full details of its proposed operation and the territory covered by such proposal; ~~provided that~~. The state dental society shall have a continuing right to audit or request the modification of any such plan, and may at any time, after notice and for cause, including violation of the scheme of the original plan, or violation of the autonomy of any other county or district society, suspend or revoke its approval. The state dental society may also request a court of appropriate jurisdiction to enjoin the violation by a county or district society of ss. ~~152.51 to 152.53~~ 447.11 to 447.13.

SECTION 123. Chapter 153 (title) of the statutes is repealed.

SECTION 124. 153.01 of the statutes is renumbered 449.01.

SECTION 125. 153.02 of the statutes is renumbered 449.02 and 449.02 (1), as renumbered, is amended to read:

449.02 (1) No person shall practice optometry within the meaning of this chapter without a license ~~so~~ to do so and a valid certificate of registration issued by the ~~Wisconsin board of examiners in optometry~~ *examining board*, except that a dispensing optician need not be so licensed for the practice of optical dispensing.

SECTION 126. 153.03 (1), (2), (3) and (5) of the statutes are repealed.

SECTION 127. 153.03 (4) and (6) of the statutes are renumbered 449.03 (1) and (2), respectively, and amended to read:

449.03 (1) ~~The board shall make such rules not inconsistent with this chapter as it deems necessary for the administration of this chapter. No such rule made by the examining board shall expand the practice of optometry or affect the practice of dispensing opticians, nor shall the examining board enact rules which forbid the employment of an optometrist or declare such employment unprofessional conduct, or prohibit the operation of an optometric department by optometrists in a mercantile establishment.~~

(2) ~~It shall be the duty of~~ The ~~president chairman~~ or the secretary of the *examining board* ~~to~~ *shall* cause actions to be instituted for violations of this chapter. The district attorney of the county in which the offense has been committed shall promptly prosecute upon being informed thereof from any source.

SECTION 128. 153.04 of the statutes is renumbered 449.04 and amended to read:

449.04 Licenses to engage in the practice of optometry shall be issued only to persons who successfully pass an examination conducted under the direction of the *examining* board ~~of examiners~~ at a time and place fixed by the *examining* board. Such examination shall relate to such matters as are essential to the practice of optometry, and shall include anatomy, physiology, pathology of the eyes and its appendages, normal and abnormal refractive, accommodative and muscular conditions and coordination of the eyes, and subjective and objective optometry, the principles of lens construction and adjustment and such other subjects as the *examining* board deems necessary. In lieu of its own examination the *examining* board may accept, in whole or in part, the certificate of the national board of examiners in optometry. In case of failure at any examination the applicant shall have the privilege of taking subsequent examinations upon the payment of a fee of \$10 for each examination, at any meeting of the *examining* board.

SECTION 129. 153.05 of the statutes is renumbered 449.05 and amended to read:

449.05 (1) No person shall be examined by the *examining* board: (a) Until he has paid \$35 if a resident and \$50 if a nonresident to the ~~secretary of the board department~~. Such fee shall be refunded only if, for sickness or other good cause, he should be unable to complete the examination; (b) unless he ~~shall present~~ *presents* proof, satisfactory to the *examining* board, that he is at least 21 years of age and is of good moral character; (c) unless he has graduated from an accredited college of optometry approved and recognized by the *examining* board; and (d) unless he has had 5 years' approved training in optometry, of which at least 3 years must have been in an accredited school or college of optometry.

(2) Any person who has been admitted to practice optometry in another state, having substantially similar requirements and granting equal privileges to residents of Wisconsin, may be issued a certificate in the discretion of the *examining* board upon passing an examination in pathology and practical optometry, payment of \$35 and production of a certificate showing that he has passed an examination in such other state and satisfactory evidence that he has actually practiced there for 5 years.

SECTION 130. 153.06 of the statutes is renumbered 449.06 and 449.06 (1), as renumbered, is amended to read:

449.06 (1) Persons practicing optometry shall annually, before January 1, register with the ~~board department~~ and pay a fee of not to exceed \$25 as fixed by the *examining* board. The *examining* board shall ~~issue~~ *grant* certificates of registration expiring the following December 31. The *examining* board may permit persons to register later than January 1 but before the following December 31 upon payment of not to exceed \$35 as fixed by the *examining* board.

SECTION 131. 153.07 of the statutes is renumbered 449.07 and amended to read:

449.07 The *examining* board, by order, may deny, suspend or revoke any license or certificate of registration if the licensee or registrant (a) obtained the license or certificate through error or fraud; (b) is grossly incompetent; (c) is habitually drunk or addicted to the use of habit-forming drugs; (d) has been convicted in a court of competent jurisdiction, either within or without this state, of any violation of any law governing the practice of optometry or of any felony, a certified copy of the record of conviction to be conclusive evidence of such conviction; (e) has obtained or sought to obtain anything of value by fraudulent representation in the

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practice of optometry; (f) is guilty of immoral or unprofessional conduct; (g) continued practice, knowingly having an infectious or contagious disease; or (h) if the applicant or registrant maintains a professional connection or association with any other person continuing to violate the provisions of this chapter after 10 days' notice in writing by the *examining* board.

SECTION 132. 153.08 of the statutes is renumbered 449.08.

SECTION 133. 153.09 of the statutes is renumbered 449.09 and amended to read:

449.09 (1) The *examining* board may make investigations and conduct hearings in regard to the conduct of any licensed optometrist or any person who, it has reason to believe, is acting or has acted in such capacity within the state. ~~The president or secretary of the board shall have the right to administer oaths to witnesses and to issue subpoenas for the compulsory attendance of such witnesses at such hearings and take testimony under oath.~~ The person complained against shall have notice in writing of the charges and specifying a date not less than 10 days after the service of the notice for a hearing and he shall have opportunity to confront witnesses against him, and to produce testimony. A stenographic record of the proceedings shall be taken and a transcript shall be made for the ~~board's~~ *department's* files. The person complained against may within 60 days after notice in writing of the *examining* board's action, by registered mail, mailed to his last-known address, proceed to review such action of the *examining* board by writ of certiorari, brought in the circuit court of Dane county; but the action of the *examining* board shall stand until otherwise directed.

(2) Upon application and satisfactory proof that the cause of such revocation or suspension no longer exists, the *examining* board, ~~in its discretion,~~ may reinstate any license or registration by it suspended or revoked.

SECTION 134. 153.10, 153.11, 153.12 and 153.14 of the statutes are renumbered 449.10, 449.11, 449.12 and 449.13, respectively.

SECTION 135. 153.15 of the statutes is renumbered 449.15 and 449.15 (3), as renumbered, is amended to read:

449.15 (3) This section shall apply exclusively to a corporation or other organization organized, recognized or operated under s. ~~153.14~~ 449.13 or this section.

SECTION 136. Chapter 154 of the statutes is repealed.

SECTION 137. 161.19 (1) of the statutes is amended to read:

161.19 (1) ~~It is the duty of~~ The state board of health *department of health and social services* and state board of the pharmacy *examining* board, their officers, agents, inspectors and representatives, ~~and of all peace officers within the state, and of all district attorneys, to~~ shall enforce all provisions of this chapter, except those provisions specifically delegated, and ~~to~~ shall cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states, relating to narcotic drugs.

SECTION 138. Chapter 169 (title) of the statutes is repealed.

SECTION 139. 169.01, 169.02, 169.03 and 169.04 of the statutes are repealed.

SECTION 140. 169.05 of the statutes is renumbered 444.02.

SECTION 140m. 169.06 of the statutes is repealed.

SECTION 141. 169.07 of the statutes is renumbered 444.03 and amended to read:

444.03 No boxing or sparring exhibition shall be conducted by any club except by license ~~issued~~ granted to it by the ~~commission~~ *examining*

board, and no club shall be licensed unless it is incorporated under the laws of Wisconsin and the membership limited to persons who have been continuous residents in the state at least one year. The application for a license shall be in writing, and shall be addressed to the ~~commission~~ *department*, and shall be verified by some officer of the club. Such application shall be accompanied by an annual fee of \$25 in cities of not more than 50,000 inhabitants; of \$50 in cities of over 50,000 and not more than 150,000 inhabitants; and \$300 in all cities of over 150,000 inhabitants when any admission is over \$1, and \$50 when the admission charge is \$1 or less. The application must show that the club has entered into a valid agreement for the use of the building, amphitheater or stadium for athletic purposes, wherein such contests are to be held. Before any license is granted the applicant must file a bond of \$1,000 of a good and sufficient surety with the state treasurer, conditioned for the payment of the tax herein imposed.

SECTION 142. 169.08 of the statutes is renumbered 444.04 and amended to read:

444.04 (1) Every club which exercises any of the privileges conferred by this chapter shall, within 24 hours after the determination of every exhibition, furnish to the ~~said commission~~ *examining board* a written report, verified by one of its officers, showing the number of tickets sold for such exhibition and the amount of gross proceeds thereof, and such other matters as the ~~commission~~ *examining board* prescribes; and shall within said time pay to the ~~commission~~ *examining board* a tax of 5% of its total gross receipts from the sale of tickets of admission to the exhibition and from any television broadcasting rights sold for such exhibition.

(2) Every person holding or showing any boxing match on a closed circuit telecast or subscription television viewed in this state, whether originating within this state or another state, shall furnish the ~~commission~~ *examining board* a written report, under oath, stating the number of tickets sold for such showing and the amount of gross proceeds thereof, and such other matters as the ~~commission~~ *examining board* prescribes, and shall within 24 hours after the showing of the contest pay to the ~~commission~~ *examining board* a license fee of 5% of its total gross receipts from the sale of tickets for the showing of such match.

SECTION 143. 169.09 of the statutes is renumbered 444.05.

SECTION 144. 169.10 of the statutes is renumbered 444.06 and amended to read:

444.06 The ~~commission~~ *examining board* shall appoint official "inspectors," each of whom shall receive a card authorizing him to act as inspector wherever the ~~commission~~ *examining board* designates him to act. The ~~commission~~ *examining board* may be, and at least one inspector shall be present at all exhibitions and see that the rules are strictly observed. An inspector shall also be present at the counting up of the gross receipts and shall immediately mail to the ~~commission~~ *department* the official box-office statement received by him from the club.

SECTION 145. 169.11, 169.12, 169.13, 169.15, 169.16, 169.17 and 169.18 of the statutes are renumbered 444.07, 444.08, 444.09, 444.10, 444.11, 444.12 and 444.13, respectively.

SECTION 146. 169.19 of the statutes is renumbered 444.14 and amended to read:

444.14 Any contestant who participates in any sham or fake boxing or sparring exhibition or violates any rule or regulation of the ~~commission~~ *examining board* shall be penalized as follows: For the first offense he shall be restrained by order of the ~~commission~~ *examining board* for not less than 2 months nor more than one year, such period to begin immediately after the occurrence of the offense, from participation in

such exhibition to be held or given by any licensed club; for a 2nd offense, he shall be permanently disqualified from further admission or participation in any such exhibition held or given by any licensed club and in addition thereto, for each such offense, shall forfeit such amount, out of the share or purse agreed to be paid him for such exhibition as the ~~commission~~ *examining board* determines, such forfeit to be paid into the general fund of the state. The ~~commission~~ *examining board*, upon determining the amount of such forfeit, may pay the same out of any guarantee deposited with it for delivery to such contestant or may order the same paid to the ~~commission~~ *department* by the club employing such contestant out of the purse or share agreed by it to be paid to him. The ~~commission~~ *examining board* shall not determine such forfeit until after due hearing thereon held upon reasonable notice duly served upon the contestant or his manager and upon the club by whom he is employed; and any member of the ~~commission~~ *examining board* or the secretary or any inspector of the ~~commission~~ *examining board* may order the club to hold the share or purse of such contestant in its possession pending the hearing and determination of the ~~commission~~ *examining board*. For failure to obey any order of the ~~commission~~ *examining board* or the secretary of the *examining board* or any inspector of the ~~commission~~ *examining board* given under this section, the license of the club may be suspended, canceled or revoked.

SECTION 147. 169.20 of the statutes is renumbered 444.15 and amended to read:

444.15 Whenever any club fails to make a report of any contest at the time prescribed or whenever such report is unsatisfactory to the ~~commission~~ *examining board*, the secretary of the *examining board* may examine or cause to be examined, the books and records of such club and may subpoena and examine, under oath, its officers and other witnesses to determine the total amount of its gross receipts for any exhibition and the amount of tax due, which tax he may determine upon such examination. In case of a default in the payment of any tax so adjudged to be due (together with the expenses of the examination) for a period of 20 days after notice to such delinquent club of the amount, such club shall thereby forfeit its license and be disqualified from receiving any license; and it shall in addition forfeit to the state the sum of \$1,000, which may be recovered by the ~~attorney general~~ *department of justice* in the name of the state.

SECTION 148. 169.21 of the statutes is renumbered 444.16.

SECTION 149. 169.22 of the statutes is renumbered 444.17 and 444.17 (3), as renumbered, is amended to read:

444.17 (3) This chapter does not apply to amateur boxing or sparring exhibitions conducted by or held under the auspices of any public recreation department supported by town, village, city, county, state or federal funds, in any intradepartmental or interdepartmental exhibitions, provided: (a) that such exhibitions are between bona fide members of boxing classes conducted by such public recreation departments, (b) that such public recreation departments are members of a recognized state association of public recreation departments, (c) and that each such amateur boxing or sparring exhibition is sanctioned by the ~~commission~~ *examining board*. The application for the sanction of each exhibition shall be made in writing to the ~~commission~~ *examining board* at least 2 weeks prior to the exhibition. A fee of \$5 shall accompany the application, said fee to cover the cost of sanction and expenses of an inspector, whose duty it shall be to enforce all rules and regulations and to see that a competent referee, timer, doctor and judges are employed. Sanction for such exhibitions may be denied for cause upon competent evidence.

SECTION 150. 169.24 of the statutes is renumbered 444.18.

SECTION 151. 175.07 of the statutes is renumbered 440.26 and 440.26 (1), (2) and (4) to (7), as renumbered, are amended to read:

440.26 (1) No person shall act or hold himself out as a private detective, private police, or private guard, nor shall any person solicit business or perform any service in this state as a private detective, private police, or private guard, or receive any fees or compensation whatever for acting as private detective, private police or private guard for any person, ~~firm or corporation~~, without first having obtained the license and filed the bond provided for in this section. No person shall be licensed under this section unless he is a citizen of the United States and ~~shall have~~ *has* resided in this state continuously for one year immediately preceding, but this shall not apply to the state manager of any private detective agency whose headquarters are outside of the state, when such agency ~~shall satisfy~~ *satisfies* the ~~secretary of state~~ *department* of the necessity for employing a nonresident as state manager.

(2) ~~The term~~ "Private detective" ~~shall include means~~ among others those persons known as inside shop operatives, that is, persons who do not undertake direct employment whether in shops or otherwise with the owner of a place of employment, but who are engaged by some independent agency to operate or work in such place of employment, and to render reports of activities in such place of employment, to such independent agency, or to the owners of the place of employment under the direction of such independent agency.

(4) Any person intending to act as a private detective, private police, or private guard, for hire or reward, or to conduct the business of a private detective agency, or of any agency supplying private police, private guards, or to advertise or solicit any such business in this state, shall first file with the ~~secretary of state~~ *department* a written application duly signed and verified. In case of an individual such application shall be signed and verified by the applicant for such license; in case of copartnership by all of the individuals composing such copartnership; and in case of a corporation by the president or secretary and manager of such corporation. ~~Said~~ *The* application to receive consideration must be approved by the fire and police commission of the city wherein the applicant proposes to conduct his business, or by the chief of police in cities where there is no fire and police commission, and in addition thereto by not less than 5 reputable citizens, freeholders of the county wherein such city is located. All such approvals shall be in writing and shall be acknowledged before an officer authorized by law to take acknowledgments. Such application shall state the age, residence, present and previous occupation of such applicant, and the name of the city, and particular location in such city, where the place of business is to be located, and such further facts as will show the good character, competency and integrity of the applicant. The fire and police commission in those cities where there is a fire and police commission, and the chief of police in cities where there is no fire and police commission, shall have the right to conduct hearings and make inquiry into the character, competency and integrity of such applicant before approving any application, and may compel, by appropriate notice and subpoena, any ~~person or~~ persons to be present at such hearings, and to give testimony under oath, said oath to be administered by any person authorized to administer oaths in the state of Wisconsin. ~~In the event that~~ *If* any person so subpoenaed ~~shall fail~~ *fails* to comply with such subpoena, the ~~said~~ fire and police commission, or chief of police, may certify the matter to the circuit court of the county wherein such hearing is held for disposition or punishment by ~~said~~ *the* circuit court.

(5) The ~~secretary of state~~, after the application has been approved as provided in sub. (4), when satisfied from an examination of ~~such~~ *the* application and ~~such~~ further inquiry and investigation as he ~~shall deem~~

deems proper, of the good character, competency and integrity of such applicant, shall issue and deliver to the applicant a license, upon payment to the state of a license fee of \$200, ~~in the event that if~~ the applicant conducts the business as principal owner, and \$2 ~~in the event if~~ the applicant is an agent, servant or employe of a principal.

(6) Such license shall not be issued by the ~~secretary of state department~~ unless there is executed, delivered and filed ~~in his office with the department~~ a bond in the sum of \$10,000 by such applicant if a principal owner, and \$2,000 if an agent, servant or employe, furnished by a surety company authorized to do business in this state, conditioned that the surety will pay all damages that may be recovered against such applicant by any person who has been damaged by reason of such licensee acting as a private detective, private police, or private guard, or by reason of the acts or conduct of any of his agents, servants or associates. Any action to recover damages may be brought directly against such licensee, and his surety in a joint or several manner, and any judgment obtained shall jointly and severally bind such licensee and his surety. No license shall be issued for a longer period than one year, and shall be subject to revocation as provided in this ~~section~~ chapter.

(7) If at any time a petition ~~shall be~~ is presented to the ~~secretary of state department~~, signed by 6 residents requesting the revocation of a license issued under this ~~section~~ chapter, the ~~secretary of state department~~ shall conduct a hearing, and upon a proper showing being made shall revoke such license. Whenever any judgment is recovered and docketed against such licensee for malfeasance, or against its sureties, the ~~secretary of state department~~ shall, upon application of any person, accompanied by a certified copy of ~~such~~ the judgment, revoke the license of ~~such~~ the licensee.

SECTION 152. 175.08 of the statutes is renumbered 440.27 and amended to read:

440.27 Every private detective or private police officer having authority to make arrests shall file with the ~~secretary of state department~~ a bond in a sum of not less than \$10,000, conditioned for the payment of any judgment for damages against such detective or officer for false arrest or malicious prosecution. Any person, ~~firm or corporation~~ employing any ~~such~~ private detective or private police officer who has not filed such bond, shall be liable for ~~such~~ damages for acts committed in ~~such~~ its employment.

SECTION 153. 175.13 (1) (e) of the statutes is repealed.

SECTION 154. 175.13 of the statutes is renumbered 440.41 and 440.41 (5), (6) and (9), as renumbered, are amended to read:

440.41 (5) No person shall act as a professional fund raiser for a charitable organization required to register pursuant to sub. (2) until he has first registered with the department. Applications for such registration shall be in writing, under oath, in the form prescribed by the department and shall be accompanied by an annual fee of \$50. The applicant shall at the time of making application, file with, and have approved by, the department a bond in which the applicant shall be the principal obligor, in the sum of \$5,000, with one or more sureties whose liability in the aggregate as such sureties will at least equal such sum. The bond shall run to the ~~secretary of state department~~ for the use of the state and to any person who may have a cause of action against the obligor of such bond for any malfeasance or misfeasance in the conduct of such solicitation. Registration when effected shall be for a period of one year, or a part thereof, expiring on August 31, and may be renewed upon the filing of the bond and fee prescribed herein for additional one-year periods.

(6) All contracts entered into by such professional fund raisers and

charitable organizations shall be in writing and true and correct copies thereof shall be kept on file in the offices of the charitable organization and the professional fund raiser for a period of 3 years from the date the solicitation of contributions provided for therein actually commences. Such contracts shall be available for inspection and examination by the ~~secretary of state~~ *department* and other authorized agencies.

(9) DESIGNATION OF THE DEPARTMENT AS AGENT FOR SERVICE OF PROCESS; SERVICE OF PROCESS. Any charitable organization, professional fund raiser or professional solicitor resident or having his or its principal place of business without the state or organized under ~~and by virtue of~~ the laws of another state, ~~who or which shall solicit that solicits~~ contributions from people in this state, shall be deemed to have irrevocably appointed the ~~secretary of state~~ as his ~~or~~ its agent upon whom may be served any process directed to such charitable organization, professional fund raiser, professional solicitor or any partner, principal, officer or director thereof, in any action or proceeding brought by the attorney general under this section. Any such charitable organization, professional fund raiser or professional solicitor may file with the ~~secretary of state~~ a designation, in terms complying herewith, duly acknowledged, irrevocably appointing the ~~secretary of state~~ *department* as his or its agent upon whom may be served any such process. Service of such process upon the ~~secretary of state~~ shall be made by personally delivering to and leaving with him or a ~~deputy secretary of state~~ *his designee* a copy thereof at his office and such service shall be sufficient service provided that notice of such service and a copy of such process are forthwith sent by the attorney general to such charitable organization, professional fund raiser or professional solicitor by registered mail with return receipt requested, at his or its office as set forth in the registration form required to be filed in the department pursuant to subs. (2), (5) and (8), or in default of the filing of such form, at the last address known to the attorney general. Service of such process shall be complete 10 days after the receipt by the attorney general of a return receipt purporting to be signed by the addressee or a person qualified to receive his or its registered mail, ~~in accordance with the rules and customs of the post office department, or, if acceptance was refused by the addressee or his or its agent, 10 days after the return to the attorney general of the original envelope bearing a notation by the postal authorities that receipt thereof was refused.~~

SECTION 155. Title XLA (title) of the statutes is created to read:

TITLE XLA.

REGULATION AND LICENSING.

(to precede Chapter 440)

SECTION 156. Chapter 440 of the statutes is created to read:

CHAPTER 440.

DEPARTMENT OF REGULATION AND LICENSING.

SUBCHAPTER I.

GENERAL PROVISIONS.

440.01 DEFINITIONS. In title XLA, unless the context requires otherwise:

- (1) "Department" means the department of regulation and licensing.
- (2) "Secretary" means the secretary of regulation and licensing.
- (3) "Grant" means the substantive act of the examining board, division or section, of approving the applicant for registration, certification or licensure and the preparing, executing, signing or sealing of the certificate of registration or license.
- (4) "Issue" means the procedural act of the department of trans-

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mitting the certificate or license to the registrant.

440.02 BONDS. Members of the staff of the department who are assigned by the secretary to collect moneys shall be bonded in an amount equal to the total receipts of the department for any month.

SUBCHAPTER II.

PRIVATE DETECTIVES.
(to precede s. 440.26)

SUBCHAPTER III.

PROFESSIONAL FUND RAISERS AND PROFESSIONAL SOLICITORS.
(to precede s. 440.41)

SUBCHAPTER IV.

ITINERANT MERCHANT TRUCKER.
(to precede s. 440.61)

SUBCHAPTER V.

PEDDLERS, TRUCKERS, TRANSIENT MERCHANTS,
SECONDHAND DEALERS AND SHOWMEN.
(to precede s. 440.81)

SECTION 157. Chapter 441 (title) of the statutes is created to read:

CHAPTER 441.

DIVISION OF NURSES.

SECTION 158. 441.01 (1) and (2) of the statutes are created to read:

441.01 (1) In this chapter, "board" means board of nursing.

(2) In this chapter, "division" means division of nurses.

SECTION 159. Chapter 442 (title) of the statutes is created to read:

CHAPTER 442.

ACCOUNTING EXAMINING BOARD.

SECTION 160. 442.01 (1) of the statutes is created to read:

442.01 (1) In this chapter, "examining board" means accounting examining board.

SECTION 161. Chapter 443 (title) of the statutes is created to read:

CHAPTER 443.

EXAMINING BOARD OF ARCHITECTS
AND PROFESSIONAL ENGINEERS.

SECTION 162. Chapter 444 (title) and 444.01 of the statutes are created to read:

CHAPTER 444.

ATHLETIC EXAMINING BOARD.

444.01 DEFINITION. In this chapter "examining board" means the "athletic examining board".

SECTION 163. Chapter 445 of the statutes is created to read:

CHAPTER 445.

BASIC SCIENCES EXAMINING BOARD.

445.01 DEFINITIONS. (1) In this chapter:

(a) "Treat the sick" means to examine into the fact, condition or cause of human health or disease, or to treat, operate, prescribe or advise for the same, or to undertake, offer, advertise, announce or hold out in

any manner to do any of the aforementioned acts, for compensation, direct or indirect, or in the expectation thereof.

(b) "Disease" means any pain, injury, deformity, or physical or mental illness or departure from complete health and proper condition of the human body or any of its parts.

(c) "Basic sciences" means anatomy, physiology, pathology, physical diagnosis, chemistry and bacteriology.

(2) In this chapter, "examining board" means basic sciences examining board.

(3) This chapter shall not apply to or affect persons making application for examination to hold a certificate, under ch. 447, as a dental hygienist nor shall sub. (1) apply to optometrists; provided that the exemption contained in this subsection shall likewise apply to all those who prior to July 1, 1952, filed an application for a license to practice dentistry under ch. 447.

445.02 PRACTICE. No person shall treat, or attempt to treat, the sick unless he has a certificate of registration in the basic sciences, and has complied with all other requirements of law. This section shall not affect the exemptions provided by s. 448.16 (1) and (2), nor shall it be construed to require a certificate of registration in the basic sciences for the practice of nursing by persons registered under ch. 441 nor for the practice of physical therapy by persons registered under ch. 448.

445.03 OTHER BOARDS. No examining board for any branch of treating the sick shall admit to its examinations or license or register any applicant unless such applicant first presents a certificate of registration in the basic sciences. Any such examining board may by rule accept such certificate in lieu of examination in those subjects.

445.04 APPLICATION. Application for a certificate of registration in the basic sciences shall be made to the examining board accompanied by evidence of good moral character satisfactory to the examining board and credentials certifying preliminary education equivalent to graduation from an accredited high school of this state, and a fee of \$20.

445.05 EXAMINATION. Examination shall be in the basic sciences only, shall be conducted not less than 4 times a year and shall be both written and by demonstration or other practical test. No applicant shall be required to disclose the professional school he may have attended or what system of treating the sick he intends to pursue. In lieu of its own examination, the examining board may accept, either in whole or in part, the certificate of the national board of medical examiners provided that certification by the national board is accepted by the medical examining board in whole or in part and that such certification is accepted by the basic science boards of at least 6 other states. If certifications by the national board are accepted in whole or in part by the dentistry examining board, the examining board may accept, in whole or in part, the certificate of the council of the national board of dental examiners in lieu of its own examination.

445.06 CERTIFICATE. If the candidate attains a grade of 75% in each subject, he shall receive a certificate in the basic sciences, signed by the president and secretary. If he fails in one subject only, he may be re-examined in that subject at any examination within one year without further examination fee. If he fails in 2 or more subjects he must apply anew and stand examination in all subjects.

445.07 RECIPROCITY. The examining board may issue a certificate to an applicant who presents sufficient and satisfactory evidence of having passed examinations in the basic sciences before a legal examining board or officer of another state, or of a foreign country, if the standards are as high as those of this state, and upon payment of a fee which shall be fixed

by the examining board at not less than the reciprocity fee of the state whose certificate the applicant presents; such fee in no event to be less than \$20.

445.08 PREVIOUS PRACTICE. Any person who, on February 1, 1925, was regularly licensed or registered in this state to treat the sick need not be registered under this chapter.

445.09 REVOCATION. Certificate of registration in the basic sciences shall be subject to revocation for the causes and as provided in s. 448.18.

445.10 REVIEW. The action of the examining board in granting or denying a certificate shall be subject to review by appeal under ch. 227, and any state examining board for any branch of treating the sick may take such appeal as a party aggrieved.

445.11 ADMINISTRATION. The examining board shall keep a complete record in which shall be entered all applications, examinations, registrations, fees, decisions, orders and proceedings.

445.12 PENALTY. Anyone violating this chapter may be fined not less than \$100 nor more than \$500, or imprisoned not less than 60 days nor more than one year or both.

SECTION 164. Chapter 446 of the statutes is created to read:

CHAPTER 446.

CHIROPRACTIC EXAMINING BOARD.

446.01 DEFINITION. In this chapter, "examining board" means the chiropractic examining board.

446.02 CHIROPRACTIC REGULATED. (1) No person shall practice chiropractic, or in any manner attempt or hold himself out to do so, unless he has a certificate of registration in the basic sciences and a license to practice chiropractic from the chiropractic examining board, and has recorded such certificate and license with the county clerk of any county in which he practices or attempts to practice, and pays a fee of 50 cents for each recording.

(2) Application for a license to practice chiropractic shall be made to the examining board, accompanied by sufficient and satisfactory evidence of good moral character, preliminary education consisting of the first 2 years of study in a regularly prescribed course for a bachelor of arts or science degree in a college accredited by the north central association of colleges and secondary schools or in an institution whose credits are accepted by the university of Wisconsin, graduation from a reputable school of chiropractic, approved and recognized by the examining board, having a residence course of not less than 36 months, consisting of not less than 3,600 60-minute class periods, certificate of registration in the basic sciences, and a fee of \$25.

(3) Examination shall be in the subjects usually taught in such reputable schools of chiropractic, and shall be conducted at least twice a year at such times and places as the examining board determines.

(4) All licenses granted by the examining board shall expire on December 31 following the issue thereof, except that any holder of a license may have the same renewed from year to year by the payment of an annual fee of \$15.

(5) The examining board shall keep a complete record of all applications, examinations, licenses, fees and proceedings.

(6) No person shall practice chiropractic in this state under any other Christian or given name or any other surname than that under which he was originally licensed or registered to practice chiropractic in this or any other state in any instance in which the examining board, after a hearing, finds that practicing under such changed name operates

to unfairly compete with another practitioner or to mislead the public as to identity or to otherwise result in detriment to the profession or the public. This subsection does not apply to a change of name resulting from marriage or divorce.

446.03 LICENSE REVOCATION OR SUSPENSION. The examining board, by order, may deny, suspend or revoke any license or certificate of registration if the licensee or registrant:

- (1) Obtained the license or certificate through error or fraud;
- (2) Is habitually drunk or addicted to the use of habit-forming drugs;
- (3) Is hereafter convicted in a court of competent jurisdiction, either within or without this state, or in federal court, of any violation of any law governing the practice of chiropractic or of any felony, a certified copy of the record of conviction to be conclusive evidence of such conviction;
- (4) Has obtained or sought to obtain anything of value by fraudulent representation in the practice of chiropractic;
- (5) Is guilty of immoral or unprofessional conduct;
- (6) Has continued practice, knowingly having an infectious or contagious disease; or
- (7) If the applicant or registrant maintains a professional connection or association with any other person continuing to violate this chapter after 10 days' notice in writing by the department.
- (8) The examining board may without further process revoke the license of one who fails to annually register and pay the fee within 60 days after written notice, mailed to his last known address by registered mail. His license may be reinstated, in the discretion of the examining board, by the payment of \$25 within one year from revocation. If application for reinstatement is not made within a period of one year from revocation he may be required to demonstrate that he is still qualified to practice by taking an examination in such chiropractic subjects as are required by the examining board. The fee for such examination and reinstatement of license is \$50.

446.04 UNPROFESSIONAL CONDUCT. Unprofessional conduct includes, without limitation because of enumeration:

- (1) Any conduct of a character likely to deceive or defraud the public;
- (2) Loaning of a chiropractic license or certificate to anyone;
- (3) Employment of "cappers" or "streeters" to obtain chiropractic business, or any public solicitation of chiropractic patronage;
- (4) Splitting or dividing any fee for chiropractic service with any person except an associate licensed chiropractor;
- (5) Use of unprofessional advertising which shall include without limitation because of enumeration:
 - (a) Any advertising statement of a character tending to deceive or mislead the public;
 - (b) Advertising professional superiority or performance of professional services in a superior manner;
 - (c) Advertising fixed prices for variable services;
 - (d) Using advertising solicitors or press agents;
 - (e) Use of office signs which contain wording other than the names of duly licensed chiropractors practicing therein, office hours and purely educational matter not in conflict with law;
 - (f) Use of printed advertisements which contain wording of other than names of duly licensed chiropractors, office hours, location, telephone numbers and educational matter not in conflict with law.

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(6) Unreasonably refusing permission to a member of the examining board or the examining board's investigator to inspect the premises and equipment of an office at reasonable hours.

446.05 PROCEDURE FOR HEARINGS. (1) The examining board may make investigations and conduct hearings in regard to the conduct of any licensed chiropractor who, it has reason to believe, is acting or has acted in violation of s. 446.02 or 446.03. The person complained against shall have notice in writing of the charges, specifying a date not less than 10 days after service thereof for a hearing and shall have opportunity to confront witnesses and produce testimony. A stenographic record of the proceedings shall be taken and a transcript made for the department's files. The person complained against may within 60 days after notice in writing to the examining board's action mailed to his last-known address, by registered mail, proceed to review any action of the examining board under ch. 227.

(2) Upon application and satisfactory proof that the cause of such revocation or suspension no longer exists, the examining board may reinstate any license or registration suspended or revoked by it.

446.06 INJUNCTION TO ENFORCE CHAPTER 446. If it appears upon complaint to the examining board by any person or it is known to the examining board that any person is violating any of the provisions of ch. 446, the examining board or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring action in the name of and on behalf of the state against any such person to enjoin such person from such violations.

446.07 PENALTY. Anyone violating this chapter may be fined not less than \$100 nor more than \$500, or imprisoned not more than one year or both.

SECTION 165. Chapter 447 (title) of the statutes is created to read:

CHAPTER 447.

DENTISTRY EXAMINING BOARD.

SECTION 166. Chapter 448 of the statutes is created to read:

CHAPTER 448.

MEDICAL EXAMINING BOARD.

448.01 DEFINITION. In this chapter, "examining board" means medical examining board.

448.02 PRACTICE. (1) No person shall practice or attempt or hold himself out as authorized to practice medicine, surgery, or osteopathy, or any other system of treating the sick as the term "treat the sick" is defined in s. 445.01 (1) (a), without a license or certificate of registration from the examining board, except as otherwise specifically provided by statute.

(2) (a) No person without a license or certificate of registration from the examining board shall have the right to testify in a professional capacity on a subject relating to medical treatment, as a medical or osteopathic physician or practitioner of any other form or system of treating the sick, as defined in s. 445.01. A medical or osteopathic physician, licensed to practice in another state, may testify as the attending or examining physician or surgeon to the care, treatment, examination or condition of sick or injured persons whom he has treated in the ordinary course of his professional practice for the sickness or injury which is the subject of the judicial inquiry in any action or proceeding in which he is called as a witness.

(b) A court may permit any person to testify as an expert on a medical subject in any action or judicial proceeding where proof is offered

satisfactory to the court that such person is qualified as such expert.

(3) No person not possessing a license to practice medicine and surgery, osteopathy, or osteopathy and surgery, under s. 448.06, shall use or assume the title "doctor" or append to his name the words or letters "doctor", "Dr.", "specialist", "M.D.", "D.O." or any other title, letters or designation which represents or may tend to represent him as a doctor in any branch of treating the sick.

(4) No person shall practice medicine, surgery or osteopathy, or any other system of treating bodily or mental ailments or injuries of human beings, under any other Christian or given name or any other surname than that under which he was originally licensed or registered to practice in this or any other state, in any instance in which the examining board, after a hearing, finds that practicing under such changed name operates to unfairly compete with another practitioner or to mislead the public as to identity or to otherwise result in detriment to the profession or the public. This subsection does not apply to a change of name resulting from marriage or divorce.

448.03 APPLICATION. (1) APPLICATION FOR PERMANENT LICENSE TO PRACTICE MEDICINE AND SURGERY. Application may be made at the time and place designated by the examining board or at a regular meeting. Applicants for license to practice medicine and surgery shall present satisfactory evidence of good moral and professional character, and of having completed a preliminary education equivalent to graduation from an accredited high school of this state, and also a diploma from a reputable professional college. Applicants for license to practice medicine and surgery shall present to the examining board a diploma from a reputable medical or osteopathic college with standards of education and training substantially equivalent to the university of Wisconsin medical school, approved and recognized by the examining board. Before approving and recognizing any such college or school, the examining board shall conduct an investigation and during the course thereof shall hold a public hearing, with notice to all interested parties, at which any person may be heard. The examining board may designate an agent, including one or more examining board members, to conduct a portion or all of such investigation to determine the facts upon which the examining board shall make its findings. The findings and any action taken by the examining board with reference to approval or recognition of a school or college may be reviewed as provided in ch. 227. The applicant shall also present satisfactory evidence of having completed a college course in physics, chemistry and biology, substantially equivalent to the premedical course at the university of Wisconsin. Each applicant shall file a verified statement that he is familiar with the state health laws and the rules of the department of health and social services relating to communicable diseases. The application shall be accompanied by a fee, to be fixed by the examining board at not more than \$45 and \$5 additional for license if issued. An immigrant applicant shall present satisfactory evidence that he has filed a declaration of intention to become a citizen of the United States, or that he has been permitted to enter or remain in this country under a special act of congress, and if his professional education was completed in a foreign college, the application shall be accompanied by a fee of \$75, and the further fee of \$5 upon the issuance of license shall not be required. Applicants shall pay also the cost of translation into English by the examining board of documents and papers in a foreign language.

(2) FOREIGN APPLICANTS. Where an applicant is a graduate of a foreign medical school which has not been approved or recognized by the examining board under sub. (1), but the examining board has reason to believe that the applicant may have professional qualifications, as of the date of his application, through recognized postgraduate work done in this

country, or through professional experience, or both, which have given him premedical training substantially equivalent to that offered in the premedical course at the university of Wisconsin, or professional training substantially equivalent to that of the medical school of that university, or both, as provided in sub. (1), the examining board may make such further inquiry, including a personal interview, as satisfies the examining board that he has such equivalent premedical and medical training. If a majority of the examining board is so satisfied, it may waive the educational prerequisites imposed by sub. (1), and admit the applicant to examination under s. 448.05. If the applicant has established his professional qualifications by examination in another state with which the examining board has reciprocity, a written examination for such applicant may be waived under s. 448.06 (1). In the course of making such additional inquiry, it may in each instance ask the dean of any medical school approved and recognized by it to examine, or have examined, the premedical and medical qualifications of such applicant, and to state in writing whether such applicant, at the time of his examination, had received such premedical and medical school training, or its equivalent, as would meet the present standards for graduation of the professional school headed by such dean. If in the opinion of such examiner the applicant has had the equivalent of a full course of premedical and medical training offered by the school of which the examiner is a faculty member, his statement shall so state. Unless the dean designated by the examining board to make such examination of qualifications, or a faculty member appointed by him reports affirmatively, the examining board shall not exempt such applicant from the educational prerequisites imposed by sub. (1). In lieu of the foregoing inquiry into the premedical and medical qualifications of such an applicant the examining board may accept, either in whole or in part, the marks received by such applicant in examinations conducted by the educational council for foreign medical graduates. The fee for examining the preprofessional and professional qualifications of such applicant shall be based upon the time required of the examining board, or its designated agent. In no event shall it be less than \$100 nor more than \$300. Not more than 50 applicants a year shall be accepted for licensing under this subsection.

(3) TEMPORARY LICENSE. An applicant for a permanent license by examination to practice medicine and surgery who is a graduate of the Marquette university school of medicine, or of the university of Wisconsin medical school, or who is already licensed to practice medicine and surgery in another state and desires licensure by reciprocity in Wisconsin, and who, more than 30 days prior to the date set by the examining board for the holding of its next examination for licensure, has met all the requirements of sub. (1), in the case of graduates of the Marquette university school of medicine, or of the university of Wisconsin medical school, or who has met all the requirements of s. 448.06 (1) except examination by the examining board in the case of an applicant already licensed in another state, or an honorably discharged surgeon of the armed services of the U.S., or of the federal public health service, who files a sworn and authenticated copy of his discharge if such discharge was within one year of such application for license by reciprocity, and whose application for license has been accepted by any 2 officers of the examining board, may, at his request, and on the written findings of the examining board, acting through any 2 of its officers, that an emergency need exists for medical personnel in a particular area, be granted a temporary license to practice medicine and surgery in the particular area as to which such findings were made. In determining that an emergency exists, such officers shall consider the particular health standards of the area, and the possible detrimental effects resulting from not filling the reported need for additional

medical personnel. Such temporary license will expire by its terms 30 days after the next examination for a permanent license is given or on the date following his examination on which the examining board grants or denies such applicant a permanent license, whichever occurs first; but the temporary license shall automatically expire on the first day the examining board begins its examination of applicants after issuing such license, unless its holder submits to examination on such date. The holder of a temporary license shall not be entitled to the refund of the fee which accompanied his application for permanent licensure as required by sub. (1), whether or not he takes the examination for permanent licensure. To the extent necessary to give effect to its provisions, but only while a temporary license granted under this subsection remains in force, this subsection shall be construed as suspending all provisions of the statutes which require permanent licensure for the practice of medicine and surgery, and as suspending the operation of ss. 445.02 and 445.03 as to any temporary licensee, if prior to the time he was issued a temporary license hereunder, the holder thereof had applied for a certificate of registration in the basic sciences and paid the fee provided by s. 445.06, and the basic sciences examining board had accepted such application. A temporary license shall be issued only once to the same person. The fee for such license is \$25.

448.04 TEMPORARY EDUCATIONAL CERTIFICATES. (1) Application for a temporary educational certificate may be made to the examining board by a person having training in medicine and surgery satisfactory to the examining board for purposes of this section. Such certificate shall entitle the holder to take postgraduate educational training in a teaching hospital which maintains standards for this training prescribed by the examining board, which standards shall be commensurate with those of nationally recognized accrediting organizations. Such certificate may be issued for a period not to exceed one year, and, in the discretion of the examining board, may be renewed annually for not more than 4 years. The fee for such certificate shall be fixed by the examining board at not more than \$10 per annum, which amount shall also be paid for each renewal thereof. Not more than 100 such certificates shall be issued in any one year and no more than 500, including renewal certificates, shall be outstanding at any one time. The holder of such a certificate may, under the direction of a person licensed to practice medicine and surgery in this state, perform services requisite to the training authorized by this section. Acting under such direction, the holder of such certificate shall also have the right to prescribe drugs other than narcotics, and to sign any certificates, reports or other papers for the use of public authorities which are required of or permitted to one licensed to practice medicine and surgery. The holder of such a certificate shall confine his training and practice within the hospital in which he is taking such postgraduate education. Neither he nor the hospital may receive any fees or other income for his services from any patients treated by him during the course of such training.

(2) The purpose of this section is solely to provide opportunities in this state for the postgraduate education of certain persons having training in medicine and surgery satisfactory to the examining board, without compliance with the licensure requirements of this chapter. Nothing herein contained shall be construed as changing in any respect the requirements for licensure to practice medicine and surgery in this state. The violation of the provisions hereof by the holder of such a certificate shall constitute cause for the revocation thereof.

448.05 EXAMINATION. Having complied with s. 448.03, the applicant shall be examined in medicine and surgery, and further examined in the subjects taught in reputable professional colleges.

448.06 LICENSE; CIVIL LIABILITY EXEMPTION. (1) If 6 mem-

bers find the applicant for license qualified, it shall so notify him and shall grant a license to practice medicine and surgery, signed by the chairman and secretary of the examining board and attested by the seal upon receiving satisfactory evidence that the applicant has completed a hospital internship of at least 12 months in a reputable medical or osteopathic hospital. Before granting a license by reciprocity, the examining board shall conduct an investigation as provided in s. 448.03 to determine whether the requirements for licensure in the state in which the applicant for reciprocity is licensed are equivalent to those of this state. If it finds that the requirements in another state are equivalent to those of this state, the examining board may grant a license to practice medicine and surgery without written examination to a person holding a license to practice medicine and surgery, or osteopathy and surgery, in such other state, upon presentation of the license and a diploma from a reputable professional college approved and recognized by the examining board, or an honorably discharged surgeon of the armed services of the United States, or of the federal public health service, upon filing of a sworn and authenticated copy of his discharge if such discharge was within one year of such application for license by reciprocity. In lieu of its own examination, the examining board may accept, either in whole or in part, the certificate of the national board of medical examiners. Fee for license with or without written examination shall be fixed by the examining board at not less than the reciprocity fee in the state whose license the applicant presents, and in no case less than \$100. The examining board may deny the application of one not 21 years of age. No certificate of registration shall be considered equivalent to a license.

(3) A person licensed to practice osteopathy and surgery may apply to the examining board to be examined in materia medica and pharmacology as may be required by the examining board. Such applicants shall be given the same examination in materia medica and pharmacology as is given to applicants from medical colleges at any regular meeting of the examining board. Such application shall set forth the date such person was licensed to practice, the number of years and place or places in which he has practiced together with a statement from a reputable osteopathic college that applicant has successfully completed a refresher course approved by the examining board in materia medica and pharmacology consisting of not less than 64 hours of lectures and 60 hours of laboratory work while in actual attendance at such college; if the applicant is unsuccessful he may apply for reexamination at any subsequent meeting of the examining board. The application shall be accompanied by a fee of \$20. Upon successfully passing such examination and payment of a fee of \$5 and upon surrender of the old license the examining board shall issue a new license to practice medicine and surgery.

(4) Whenever the statutes authorize or require a practitioner of medicine to do or perform an act or to issue any statement, affidavit or certificate such statute shall be construed to include those practitioners of osteopathy and surgery who hold such new license to practice medicine and surgery.

(5) Sections 448.03, 448.05 and 448.06 (3) and (4) shall not be construed to abrogate the existing rights, privileges and immunities of any person licensed to practice osteopathy or osteopathy and surgery who do not hold a license to practice medicine and surgery.

(6) A license to practice medicine and surgery granted to an osteopathic applicant shall not authorize the holder to use the title of "doctor of medicine" nor the letters "M.D."

(7) No person licensed under this section, who in good faith renders emergency care at the scene of an emergency, is liable for any civil damages as a result of acts or omissions by such person in rendering the emer-

gency care. For the purpose of this subsection, the scene of an emergency are those areas not within the confines of a hospital or other institution which has hospital facilities, or a physician's office.

448.07 ANNUAL REGISTRATION OF PHYSICIANS. (1) Every person licensed to and engaged in or entering upon the practice of medicine and surgery, osteopathy, or osteopathy and surgery, in this state, shall, in January of each year, register with the examining board, upon a form to be furnished by the department. The registration form, to be signed by each registrant, shall contain his name, his residence address, the name of the place and the address at which he is engaged in practice, and any other relevant information for the purpose of identifying the registrant which the examining board prescribes. Persons licensed or relicensed in this state to practice medicine and surgery, osteopathy, or osteopathy and surgery, subsequent to January 31 of a given year shall register as required by this section within 30 days after being so licensed. The secretary of the examining board on or before December 1 of each year, shall mail or cause to be mailed to every person registered hereunder the registration form above required. Each person registered hereunder shall display his proper registration certificate conspicuously in his office at all times.

(2) Each registrant shall pay for such registration a fee to be fixed by the examining board for each given year, which fee shall not exceed \$10 in any year. Those who register after January 31 of a given year shall pay whatever fee has been fixed for that year.

(3) On or before March 10 in each year the secretary of the examining board shall cause to be published and mailed to each person registered hereunder a copy of the register required by s. 15.40 (2) (e), which shall be divided according to the branch of healing in which the registrant is licensed. The secretary of the examining board shall also cause a copy of such published list to be mailed to the secretary of state, the district attorney of each county, each local board of health, the sheriff of each county, the chief of police of each community and to any other public official who may request or have need thereof. The examining board may make additional copies available for general distribution at a charge of \$1 per copy.

(4) Every registration made as provided in this section shall be presumptive evidence in all courts and other places that the person named therein is legally registered for the year covered by such registration.

(5) No registration shall be permitted by the secretary of the examining board in the case of any person who has been found guilty of any of the unprofessional acts described in s. 448.18, and upon conviction for any of said offenses, the registration of any such person shall be deemed automatically annulled upon receipt by the secretary of the examining board of a certified copy of the information, verdict and judgment, as provided in s. 448.18 (3), subject to such registrant's right of appeal. A registrant whose license has been revoked and subsequently restored under the provisions of s. 448.18 (4) shall be registered by the examining board upon tendering a certified copy of the order of the trial court restoring his license, together with an application for registration and the registration fee.

(6) This section shall not be applicable to any physician while serving in the armed forces of the U.S. or of an allied government.

448.08 ITINERANTS. Itinerant practitioners of medicine, surgery or osteopathy or of any form or system of treating the afflicted shall obtain an annual license in addition to the regular license or certificate of registration, and shall pay therefor \$250 per annum. Persons practicing medicine, surgery or osteopathy or professing or attempting to treat or heal ailments or injuries of the human body who go from place to place at

regular or irregular intervals less frequently than once a week, are itinerant practitioners.

448.09 PHYSICAL THERAPY. (1) PRACTICE OF PHYSICAL THERAPY.

(a) The practice of physical therapy is the treatment of disease as defined in s. 445.01 by the use of physical, chemical and other properties of heat or cold, light, water, electricity, massage, and therapeutic exercises, including posture and rehabilitation procedures, but the use of Roentgen rays and radium for any purposes, and the use of electricity for surgical purposes, including cauterization, are not included in the practice of physical therapy.

(b) No person shall practice or hold himself out as authorized to practice physical therapy, nor shall any person designate himself as a physical therapist, physiotherapist, physical therapy technician, or use the initial "P.T.", "P.T.T.", or "R.P.T." or any other letters, words, abbreviations or insignia indicating that he is a physical therapist, without certificate of registration issued by the examining board nor unless he practices under a prescription and the direct supervision of a person licensed to practice medicine and surgery. Nothing in this section shall prohibit any person licensed or registered, in this state, under another law, from engaging in the practice for which he is licensed or registered.

(2) APPLICATION. An applicant for a certificate of registration as a physical therapist shall file written application on forms prescribed by the examining board and provided by the department. The applicant shall present satisfactory evidence that he is at least 20 years of age, is of good moral character, has obtained a high school education or its equivalent, and has been graduated from a school of physical therapy with standards of education and training substantially equivalent to that of the university of Wisconsin. He shall pay to the examining board \$25 and present himself for examination at the first meeting thereafter at which examinations are to be held.

(3) EXAMINATION. The examination shall be both scientific and practical in the applied sciences of anatomy, neuroanatomy, kinesiology, physiology, pathology, psychology, physics, physical therapy, as defined in this section, applied to medicine, neurology, orthopedics, pediatrics, psychiatry, surgery and medical ethics, technical procedure in the practice of physical therapy, and such other subjects as the examining board determines to be necessary.

(4) CERTIFICATE. If the examining board finds the applicant qualified it shall grant a certificate of registration which shall expire on February 1 of each year and shall be renewed only upon application to the examining board. Each registrant shall pay for such registration a fee to be fixed by the examining board for each given year, which fee shall not exceed \$5 in any year. Those who register after January 31 of a given year shall likewise pay whatever fee has been fixed for that year. If the applicant has failed to renew his certificate for a period of at least 5 years, the examining board shall require the applicant to take a refresher course approved by the examining board before issuing a renewal certificate if, after oral examination, the physical therapists examining council recommends to the examining board that such refresher course is necessary. If the applicant for reregistration has been guilty of conduct that would afford a ground for revocation under s. 448.18 the examining board may so find and refuse to reregister such applicant. Every registration made under this section shall be presumptive evidence in all courts and other places that the person named therein is legally registered for the year covered by such registration.

(5) REGISTRATION WITHOUT EXAMINATION. The examining board may grant a certificate of registration in physical therapy without examination to an applicant who presents evidence satisfactory to the examining board

of having been licensed or certified as a physical therapist in another state or foreign country with standards determined by the examining board to be as high as those of this state. At the time of making such application the applicant shall pay a fee of \$25. The examining board may also grant without examination a permit to practice physical therapy for not to exceed 6 months to any person who meets the qualifications of this section upon certification that he has been assigned to this state on a temporary basis to assist in a medical emergency and upon the payment of a \$2 permit fee.

(6) **PREVIOUS PRACTICE OF MASSAGE AND HYDROTHERAPY.** Any person who, on July 11, 1953, was practicing massage and hydrotherapy in this state under a certificate of registration issued pursuant to s. 448.09 as that section existed before said date, or who had applied for a certificate of registration in massage and hydrotherapy before said date, shall have the right to continue so to practice under such certificate and the term "massage and hydrotherapy" shall be deemed to include the use of galvanic generator, diathermy, infrared ray, and ultra violet light for massage purposes. Nothing contained herein shall limit the existing authority of the examining board to revoke such certificate for cause, and in addition the examining board may require the holder of such certificate to demonstrate by examination his fitness to use the instrumentalities enumerated in this section. Lack of such fitness shall constitute cause for revocation of such certificate. No such certificate holder shall treat a specific disease except on the advise of a licensed medical physician.

(7) **CHIROPRACTIC NOT AFFECTED.** Nothing in this section shall be construed to restrict, inhibit or limit the practice of chiropractic as now practiced in this state, and as taught by accredited schools or colleges of chiropractic.

448.10 PODIATRY; PRACTICE. (1) The practice of podiatry is the diagnosis or mechanical, medical or surgical treatment, or treatment by the use of drugs, of the feet, but does not include major surgery or the use of a general anesthetic. Diagnosis or treatment shall include no portion of the body above the feet except that the diagnosis and mechanical treatment shall include the tendons and muscles of the lower leg insofar as they shall be involved in the conditions of the feet.

(2) No person shall practice podiatry, for compensation, directly or indirectly, or in the expectation thereof, or attempt to do so, or designate himself as a licensed podiatrist, or use the title "D.S.C.", "Dr.", or "Doctor of Surgical Chiropody", or "Doctor of Podiatry", or "Doctor", or "foot doctor", or "foot specialist" or other title or letter indicating that he is a podiatrist, or otherwise directly or indirectly represent or hold himself out as such, unless registered by the examining board. This does not prohibit a physician and surgeon licensed under this chapter from treating the feet, nor a lawfully qualified nonresident podiatrist meeting licensed podiatrists in this state in consultation. This chapter shall not apply to the construction of and commerce in footwear or sundry products related thereto, including arch supports and similar mechanical appliances.

(3) The terms "podiatry" and "chiropody" are synonymous; the terms "podiatrist" and "chiropodist" are synonymous; the terms "podiatric" and "chiropodal" are synonymous, wherever used in this chapter.

448.11 APPLICATION. The applicant shall file written application on forms prescribed by the examining board and provided by the department, and satisfactory proof that he is more than 21 years of age, of good moral and professional character, has preliminary education equivalent to graduation from an accredited high school and in addition one year in an accredited college of liberal arts or science, and has completed in an accredited school of podiatry a course in anatomy and physiology of the feet, and diagnosis of foot ailments and deformities, materia medica, chiropodal

orthopedics, bacteriology, pathology, histology, therapeutic chemistry, and minor surgery and bandaging pertaining to ailments of the feet, and the mechanical treatment of congenital or acquired deformities of the feet, pay \$25, and present himself for examination at the first meeting thereafter at which examinations are to be held. No degree which entitles one to practice podiatry in this state shall be accepted from any recognized university or college of chiropody except that of "Doctor of Surgical Chiropody" or its equivalent as a requisite before the examining board. Any school conferring the "D.S.C." degree or its equivalent must require a prerequisite of at least one year in a college of liberal arts accredited to the university of Wisconsin, plus a professional curriculum of 4 years, with at least 32 weeks and at least 30 class hours each week, with adequate clinical or hospital facilities. The fee shall not be refunded unless from sickness, or other good cause to the satisfaction of the examining board, the applicant was prevented from completing the examination; subsequent examinations under the application may be given in the discretion of the examining board without payment of additional fee.

448.12 EXAMINATION. Examination shall be both scientific and practical, and written in English, in anatomy and physiology of the feet, and diagnosis of the foot ailments and deformities which the podiatrist is authorized to treat, *materia medica*, chiropodal orthopedics, bacteriology, pathology, histology, therapeutic chemistry, and minor surgery, roentgenology, physical therapy, dermatology and bandaging pertaining to ailments of the feet, not including any amputation, and the mechanical treatment of congenital or acquired deformities of the feet, and may be supplemented by oral and clinical examination.

448.13 CERTIFICATE. If the examining board finds the applicant qualified, it shall grant a certificate of registration which shall expire on February 1 of each year. Each registrant shall pay for such registration a fee to be fixed by the examining board for each given year; which fee shall not exceed \$5 in any year. Those who register after January 31 of a given year shall likewise pay whatever fee has been fixed for that year. If the applicant for reregistration has been guilty of conduct that would afford a ground for revocation under s. 448.14, the examining board may so find and refuse to reregister such applicant.

448.14 REVOCATION. The certificate may be revoked as provided in s. 448.13, and for any of the causes enumerated in that section, or for failure to renew a certificate of registration before July 1 of any year, or for unprofessional conduct which term shall include employing solicitors to obtain business, obtaining fees by fraud or deceit, willfully betraying professional secrets, employing, directly or indirectly, students or unlicensed podiatrists to diagnose or treat human feet, advertising or holding out to successfully treat or cure all ailments of the feet or any ailment manifestly incurable, advertising of podiatry business or treatment by appliances in which untruthful statements are made, advertising statements of a character tending to mislead the public, advertising professional superiority or the performance of podiatry services in a superior manner, advertising definite fixed fees when the nature of the professional service rendered must be variable, or chronic and persistent inebriety, or presenting to the examining board any diploma, license or certificate illegally obtained, or signed or issued unlawfully or under fraudulent representations.

448.15 PENALTIES. (1) Any person practicing or holding himself out as practicing podiatry, not being registered, may be fined, for a first offense, not less than \$50 nor more than \$100, and for a subsequent offense not less than \$100 nor more than \$250, or imprisoned not less than 6 months or both.

(2) Any person doing any of the following, may be fined not less than

\$50 nor more than \$200 or imprisoned not less than 30 days nor more than 6 months or both:

(a) Sell or barter or offer to sell or barter a diploma or document conferring or purporting to confer a podiatry degree, or a certificate or transcript, made or purporting to be made, pursuant to the laws regulating the registration of podiatrists.

(b) Purchase or procure by barter such a diploma, certificate or transcript, with intent that the same shall be used as evidence of the holder's qualification to practice podiatry, or in fraud of the laws regulating such practice.

(c) With fraudulent intent, materially alter such a diploma, certificate or transcript.

(d) Use or attempt to use such a diploma, certificate or transcript which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license or color of license to practice podiatry, or in order to procure registration as a podiatrist.

(e) Practice podiatry under a false or assumed name.

(f) Assume any title or append any letters to his name with intent to represent falsely that he has received a podiatry degree or certificate of registration.

448.16 EXCEPTIONS. (1) Sections 448.02 to 448.08, shall not apply to commissioned surgeons of the army, navy, federal health service, or to medical or osteopathic physicians of other states or countries in actual consultation with resident licensed practitioners of this state, nor to the gratuitous prescribing and administering of family remedies or treatment rendered in an emergency.

(2) None of the provisions of this chapter or the laws of the state regulating the practice of medicine or healing shall be construed to interfere with the practice of Christian Science, nor shall any person who selects such treatment for the cure of disease be compelled to submit to any form of medical treatment.

448.17 INVESTIGATION; HEARING. The examining board shall investigate, hear and act upon practices by persons licensed to practice medicine and surgery under s. 448.06, that are inimical to the public health. The examining board shall have the power to warn and to reprimand, when it finds such practice, and to institute criminal action or action to revoke license when it finds probable cause therefor under criminal or revocation statute, and the attorney general may aid the district attorney in the prosecution thereof.

448.18 REVOCATION. (1) "Immoral or unprofessional conduct" as used in this section mean: (a) Procuring, aiding or abetting a criminal abortion; (b) advertising in any manner either in his own name or under the name of another person or concern, actual or pretended, in any newspaper, pamphlet, circular, or other written or printed paper or document the curing of venereal diseases, the restoration of "lost manhood", the treatment and curing of private diseases peculiar to men or women, or the advertising or holding himself out to the public in any manner as a specialist in diseases of the sexual organs, or diseases caused by sexual weakness, self-abuse or excessive indulgences, or in any diseases of a like nature or produced by a like cause, or the advertising of any medicine or any means whatever whereby the monthly periods of women can be regulated or the menses reestablished, if suppressed, or being employed by or in the service of any person, or concern, actual or pretended so advertising; (c) the obtaining of any fee; or offering to accept a fee on the assurance or promise that a manifestly incurable disease can be or will be permanently cured; (d) wilfully betraying a professional secret; (e) indulging in the drug habit; (f) conviction of an offense involving moral

turpitude; (g) engaging in conduct unbecoming a person licensed to practice or detrimental to the best interests of the public.

(2) Upon verified complaint in writing to the district attorney charging the holder of a license or certificate of registration from the examining board or chiropractic examining board with having been guilty of immoral or unprofessional conduct or with having procured his certificate or license by fraud or perjury, or through error, the district attorney shall bring civil action in the circuit court against the holder and in the name of the state as plaintiff to revoke the license or certificate. The court may appoint counsel to assist the district attorney and either party may demand a jury. No one shall be privileged from testifying fully or producing evidence, but he shall not be prosecuted or subject to penalty on account of anything about which he so does, except for perjury in so doing. If the court or the jury finds for the plaintiff, judgment shall be rendered revoking or suspending the license or certificate and the clerk of the court shall file a certified copy of the judgment with the examining board or the chiropractic examining board. The costs shall be paid by the county, but if the court determines that the complaint made to the district attorney was wilful and malicious and without probable cause, it shall enter judgment against the person making the complaint for the costs of the action, and payment of the same may be enforced by execution against the body as in tort actions.

(3) When any person licensed or registered by the examining board is convicted of a crime committed in the course of his professional conduct, the clerk of the court shall file with the examining board a certified copy of the information and of the verdict and judgment, and upon such filing the examining board shall revoke or suspend the license or certificate. The examining board shall also revoke or suspend any such license or certificate upon satisfactory proof being made of the conviction of such license or certificate holder in a federal court of a crime committed in the course of his professional conduct. The action of the examining board in revoking or suspending such license or certificate may be reviewed under ch. 227.

(4) When a license or certificate is revoked no license or certificate shall be granted thereafter to such person. Any license or certificate heretofore or hereafter revoked may be restored by subsequent order of the trial court, but only after a first revocation, upon notice to the district attorney who prosecuted, or, in the event of his disability, his successor in office, upon written recommendation by the examining board, and upon findings by the court that the applicant for restoration of license or certificate is presently of good moral and professional character and that justice demands the restoration.

(5) When a license or certificate is suspended, it shall be suspended for a definite term, but not to exceed 2 years. The authority suspending a license may restore it at any time when satisfied that justice demands the restoration.

(6) A license or certificate of registration may be voluntarily surrendered by its holder and shall be reissued by the examining board only when justice demands such reissuance. The action of the examining board may be reviewed under ch. 227.

(7) A license or certificate of registration may be temporarily suspended by the examining board, without formal proceedings, and its holder placed on probation for a period not to exceed 3 months where he is known or the examining board has good cause to believe that such holder has violated sub. (1). The examining board shall not have authority to suspend a license or certificate of registration, or to place a holder on probation, for more than 2 consecutive 3-month periods. All examining board actions under this subsection shall be subject to review under ch. 227.

448.19 INJUNCTION TO ENFORCE CHAPTER 448. If it appears upon complaint to the examining board by any person or it is known to the examining board that any person is violating this chapter, the examining board or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring action in the name and on behalf of the state against any such person to enjoin such person from such violation of this chapter.

448.20 MIDWIFERY. Any person who, on May 7, 1953, was practicing midwifery in this state under a certificate of registration issued him by the examining board may continue to so practice under such certificate but subject to the provisions of ch. 150, 1951 Stats. as in effect prior to such date and subject to the other provisions of this chapter.

448.21 PENALTY. Anyone violating this chapter may be fined not less than \$100 nor more than \$500, or imprisoned not less than 60 days nor more than one year or both.

448.22 MALPRACTICE. Anyone practicing medicine, surgery, osteopathy, or any other form or system of treating the afflicted without having a license or a certificate of registration authorizing him so to do, shall be liable to the penalties and liabilities for malpractice; and ignorance on his part shall not lessen such liability for failing to perform or for negligently or unskillfully performing or attempting to perform any duty assumed, and which is ordinarily performed by authorized practitioners.

448.23 FEE SPLITTING BETWEEN PHYSICIANS AND OTHERS.

(1) SEPARATE BILLING REQUIRED. Any physician who renders any medical or surgical service or assistance whatever, or gives any medical, surgical or any similar advice or assistance whatever to any patient, physician, corporation, or to any other institution or organization of any kind, including a hospital, for which a charge is made to such patient receiving such service, advice or assistance, shall render an individual statement or account of his charges therefor directly to such patient, distinct and separate from any statement or account by any physician or other person, who has rendered or who may render any medical, surgical or any similar service whatever, or who has given or may give any medical, surgical or similar advice or assistance to such patient, physician, corporation, or to any other institution or organization of any kind, including a hospital.

(2) PHYSICIAN PARTNERSHIPS PERMITTED. Notwithstanding any other provision in this section, it is lawful for 2 or more physicians, who have entered into a bona fide partnership for the practice of medicine, to render a single bill for such services in the name of such partnership.

(3) CONTRACT EXCEPTIONS; TERMS. Notwithstanding any other provision in this section, when a hospital and its medical staff, considers that it is in the public interest, it is lawful for a physician to contract with a hospital to provide consultation services for attending physicians, as herein provided. Any treatment by such a consultant shall be in his capacity as a private practitioner; his relationship to the patient shall be governed accordingly; and such treatment shall be rendered only at the request of the attending physician, except that a physician specializing in pathology, physical medicine or radiology may include the treatment of referred cases in his contract with a hospital. Such contract shall:

(a) Require such physician to be a member of or acceptable to the medical staff of such hospital.

(b) Not create the relationship between hospital and physician of employer-employee; excepting only that any contract for deferred compensation, including but not limited to an annuity, in force on January 1, 1961, shall not be modified or abrogated by the force of any provision of this subsection.

(c) Permit such physician to exercise his professional judgment without supervision or interference by such hospital.

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(d) Establish the remuneration of the physician on any basis other than a salary.

(e) If agreement to the contracting parties, such hospitals are authorized to charge the patient for services rendered by such physicians, but the statement to the patient shall indicate that the services of such physicians, who shall be designated by name, are included in the departmental charges.

(4) DEFINITIONS. As used in this section:

(a) "Hospital" means an institution providing 24-hour continuous service to patients confined therein which is primarily engaged in providing facilities for diagnostic and therapeutic services for the surgical and medical diagnosis, treatment and care, of injured or sick persons, by or under the supervision of a professional staff of physicians and surgeons, and which is not primarily a place of rest for the aged, for drug addicts, for alcoholics, or a nursing home. Such hospitals may charge patients directly for the services of their employe nurses, nonphysician anesthetists, and for medical assistants, other than physicians or dentists, and may engage on a salary basis interns and residents who are participating in an accredited training program under the supervision of the medical staff, and persons with a temporary educational certificate issued under s. 448.04.

SECTION 167. Chapter 449 (title) of the statutes is created to read:

CHAPTER 449.

OPTOMETRY EXAMINING BOARD.

SECTION 168. 449.01 (4) of the statutes is created to read:

449.01 (4) In this chapter, "examining board" means optometry examining board.

SECTION 169. Chapter 450 (title) of the statutes is created to read:

CHAPTER 450.

PHARMACY EXAMINING BOARD.

SECTION 170. 450.01 (1) of the statutes is created to read:

450.01 (1) In this chapter, "examining board" means pharmacy examining board.

SECTION 171. Chapter 451 (title) of the statutes is created to read:

CHAPTER 451.

PHARMACY INTERNSHIP BOARD.

SECTION 172. Chapter 452 (title) of the statutes is created to read:

CHAPTER 452.

REAL ESTATE EXAMINING BOARD.

SECTION 173. Chapter 453 (title) of the statutes is created to read:

CHAPTER 453.

VETERINARY EXAMINING BOARD.

SECTION 174. Chapter 454 (title) of the statutes is created to read:

CHAPTER 454.

WATCHMAKING EXAMINING BOARD.

SECTION 175. CORRECTION OF NAMES. (1) Wherever the word "board" appears in sections 442.03, 442.04 (3) and (4), 442.05 (1) and (2), 442.10 (1) (b), 442.11 (14) and (15) and 442.12 (1) of the statutes, as renumbered, the words "examining board" are substituted.

(2) Wherever the word "board" appears in sections 443.01 (6) (a) (intro.), 2, 3 and 4, (b), (c), (i) and (j), (12) (b), (c), (d), (e), (f) and (m), (13) (intro.), (d) and (f), (14) and (15) of the statutes, as

renumbered, words "examining board" are substituted.

(3) Wherever the word "commission" appears in sections 444.02, 444.05, 444.09, 444.10, 444.11 and 444.13 of the statutes, as renumbered, the words "athletic examining board" are substituted.

(4) Wherever the word "board" appears in sections 447.01 (6), 447.05 (2), (5) and (7), 447.06 (2) and (7), 447.07 (1), (2), (4) and (7), 447.08 (2) (a) and (b), (4), (6) and (7) and 447.10 of the statutes, as renumbered the words "examining board" are substituted.

(5) Wherever the words "board", "board of pharmacy" or "Wisconsin board of pharmacy" appear in sections 450.02 (6), (7) (intro.) and (c) and (10), 450.04 (4), 450.05 (2) and 450.07 (1) (f) and (6) of the statutes, as renumbered, the words "examining board" are substituted.

(6) Wherever the word "commission" appears in sections 452.02 (3) and (4) (intro.) and (d), 452.03, 452.04 (2) (c), 452.05 (1) (e), (2) and (3), 452.06 (2) (c) and (3), 452.08 (2) (intro.) and (a), 452.09, 452.10 (2) (intro.) and (a), 452.11 (1), 452.12 (2), 452.14, 452.15, 452.16, 452.17 and 452.20 (2) of the statutes, as renumbered, the words "examining board" are substituted.

(7) Wherever the word "board" appears in sections 453.02 (2) and (5), 453.04 (4), 453.05 (1) and (2), 453.06 (2), 453.08, and 453.10 (3) and (4) of the statutes, as renumbered, the words "examining board" are substituted.

(8) Wherever the word "board" appears in sections 454.06 (2) and 454.08 (1) of the statutes, as renumbered, the words "examining board" are substituted.

(9) Wherever the term "director" appears in sections 450.01 (3) of the statutes, as renumbered by chapter , laws of 1969 (LRB-377), the term "executive secretary" is substituted.

(10) Wherever the term "director" appears in section 15.405 (6), (9), (10), (11) and (12) of the statutes, the term "executive secretary" is substituted.

SECTION 176. CROSS REFERENCES. In the sections listed in column A below, the cross references to the sections in column B are changed to the cross references shown in column C:

A	B	C
Statute sections	Old cross references	New cross references
16.58 (4)	ch. 135	ch. 442
20.165 (2) (a) and (g)	ch. 169	ch. 444
(gg)	ch. 135	ch. 442
(gt)	101.31 and 101.315	ch. 443
(hg)	147.01 to 147.12	ch. 445
(ht)	147.23 to 147.26	ch. 446
(i)	ch. 152	ch. 447
(ig)	147.15, 147.151, 147.17, 147.175, 147.185, 154.02, and 154.03	ch. 448
20.165 (2) (it)	ch. 149	ch. 441
(j)	ch. 153	ch. 449
(jg)	ch. 151	ch. 450
(jt)	151.015	ch. 451
	151.02 (3)	450.02 (3)
(k)	ch. 136	ch. 452
(kg)	ch. 150	ch. 453
(kt)	ch. 125	ch. 454
30.68 (1)	151.07 (1) (a)	450.07 (1) (a)
45.353 (3)	ch. 135	ch. 442
51.77 (2)	ch. 147	ch. 448
66.044 (3)	ch. 135	ch. 442
106.03	ch. 136	ch. 452
130.065 (1)	129.05	440.85
	129.05 (1)	440.85 (1)

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A	B	C
Statute sections	Old cross references	New cross references
140.29 (3)	chs. 147 and 152	chs. 445, 446, 447 and 448
141.045 (1)	ch. 149	ch. 441
143.06 (4)	147.19 (2)	448.16 (2)
143.07 (5)	147.19 (2)	448.16 (2)
	(13)	448.16 (2)
143.14 (4)	147.19 (2)	448.16 (2)
145.10 (2)	136.08 (4)	452.10 (4)
	(3)	452.11
161.01 (2)	147.17	ch. 448
161.15	147.20 (3) and (4)	448.18 (3) and (4)
162.03 (3)	136.08 (4)	452.10 (4)
	(4)	452.11
163.02	152.53	447.13
185.981 (2)	147.175 and 152.05	chs. 447 and 448
194.01 (15)	ch. 129	440.81 to 440.95
200.26 (1), (2) (a)	151.17, 152.53	450.13, 447.13
and (c)	and 153.15	and 449.15
209.04 (11) (intro.)	151.17, 152.53	450.13, 447.13
	and 153.15	and 449.15
288.08	ch. 129	440.81 to 440.95
288.18	110.16 (3)	440.96 (1)
343.06 (4) (intro.)	151.07 (1) (a)	450.07 (1) (a)
345.13 (1)	ch. 129	440.81 to 440.95
346.63 (3)	151.07 (1) (a)	450.07 (1) (a)
889.18 (1)	147.23 or 153.05	446.02

Approved December 17, 1969.