

CHAPTER 125.

WATCHMAKING.

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125.01 to 125.22 [Renumbered sections 98.01 to 98.26 by 1935 c. 550]

125.01 Definitions. (1) The term "watchmaking," for the purposes of sections 125.01 to 125.10, 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 "board" as used in such sections shall mean the "Wisconsin board of examiners in watchmaking." [1937 c. 91]

125.02 Certificate required. No person shall engage in watchmaking for profit or compensation of any kind, without first obtaining a certificate of registration, as hereinafter provided, which certificate shall at all times be conspicuously displayed in his place of business. [1937 c. 91]

125.03 Board of examiners. (1) There is created a board to be known as the "Wisconsin board of examiners in watchmaking" whose duties it shall be to carry out the provisions of sections 125.01 to 125.10. Such board shall consist of 5 members, appointed by the governor within 60 days after April 29, 1937. All persons so appointed shall have been residents of this state and actually engaged in watchmaking, as defined in section 125.01, for at least 5 years immediately preceding the time of their appointment. Each member of said board shall hold office for 5 years and until his successor shall be appointed and qualifies, except that in the first appointments, one member shall be appointed for one year, one for 2 years, one for 3 years, one for 4 years and one for 5 years and the term of office in each such case shall be designated by the governor at the time of the appointment. Members of the board, before entering upon their duties, shall respectively take and file the official oath. The board shall have a common seal.

(2) The board shall choose annually, one of its members as president and one as secretary, who shall severally have power to administer oaths and take affidavits, certifying thereto under the seal of the board. The board shall meet at least once every six months at the state capitol, and in addition thereto, whenever and wherever the officers shall call a meeting. A majority of the members of the board shall constitute a quorum. The board may retain legal counsel if it deems it necessary. The secretary shall give such bond as the board shall determine to be proper. The secretary shall keep a full record of its proceedings, which shall be open to inspection at all reasonable times. The members and officers of the board shall be compensated as follows: Each member of the board shall be paid a per diem of ten dollars for time actually spent in the performance of his duties and for necessary expenses; the secretary, in addition to such per diem and expenses, may be paid an annual salary not to exceed one thousand dollars in the discretion of the board.

(3) The board may appoint such clerks and assistants as it may deem necessary to the execution of its functions and fix their salaries. The director of purchases shall furnish the board with operating space and suitable equipment.

(4) The board shall, on the first day of January of each year, report its proceedings to the governor, including an account of moneys received and disbursed. The president and secretary shall file annually with the governor a verified list of watchmakers qualified to serve as members of the board. [1937 c. 91; 43.08 (3)]

125.04 Application. Applicants for certificates shall be examined at a time and place fixed by the board. Applications for examination shall be filed with the board at least ten days before the date set for the examination and shall be accompanied by an examination fee of fifteen dollars. The applicant shall be of good moral character, at least twenty years of age. [1937 c. 91]

125.05 Examination. An applicant, to be entitled to a certificate, shall pass an examination before the 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 another examination at any other examination period upon the payment of a fee of seven dollars and fifty cents. [1937 c. 91]

125.06 Registration. (1) If the applicant successfully passes the examination, the secretary of the board shall register such fact and shall issue to him a certificate of registration.

(2) A watchmaker in good standing, registered and licensed in another state and having engaged in watchmaking therein for two years immediately preceding his application for a certificate, upon filing with the board satisfactory proof thereof, may, in the discretion of the board, be issued a certificate without examination upon the payment of a fee of fifteen dollars, provided the standards in such other state are at least as high as those defined and established by the board.

(3) Persons actually engaged in watchmaking within this state prior to April 29, 1937 shall be exempt from taking the examination herein provided upon making application for a certificate before June 30, 1939, accompanied by an application fee of \$5 and his affidavit setting forth the fact of having so actually engaged in watchmaking, which affidavit shall be attested to by two freeholders in this state, and if the board shall be satisfied that such applicant is entitled thereto it shall cause its secretary to so register and issue a certificate of registration.

(4) Certificates of registration shall expire on the thirty-first day of December of each year and may be renewed for one year upon the payment of a fee of three dollars. Applications may be made for renewal after the fifteenth day of December of each year. [1937 c. 91; 1939 c. 187; 43.08 (3)]

125.07 Apprentice watchmakers. Any person sixteen years of age or over, of good moral character, indentured to a registered watchmaker in accordance with section 106.01, may engage in watchmaking subject to the provisions of sections 125.01 to 125.10 upon obtaining from the board a certificate of registration as an apprentice watchmaker, which 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 for the certificate and shall pay a renewal fee of one dollar annually. [1937 c. 91]

125.08 Revocation. (1) The board may revoke a certificate of registration upon the failure of the holder thereof to pay the annual renewal fee, upon giving said holder thirty days' notice in writing of such proposed revocation.

(2) The board may revoke a certificate of registration obtained through error of the 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. The revocation shall be subject to review in the manner provided in chapter 227.

(3) One, whose certificate has been revoked, may, upon the expiration of one year after such revocation, apply to the board for registration and upon satisfactory proof that the cause of revocation no longer exists, the board may, in its discretion, issue to said person a certificate of registration upon payment of the fees herein provided.

(4) "Unethical conduct" as used in sections 125.01 to 125.10 shall include and mean any conduct of a character likely to mislead, deceive or defraud the public; advertising of any character in which untruthful or misleading statements are made; advertising of prices on watch repairing or the giving of watch glasses, crystals or of any other watch parts, gratis or at less than cost, in order to advertise or increase watch repair business; performance of any service in pursuance of any such advertising; loaning of a certificate of registration to any person; failure to display the certificate of registration conspicuously at all times; representation that a watch has been cleaned although its major parts, train wheels and mainspring have not been disassembled and the capped jewels removed and all parts properly cleaned; performance of any work upon a watch in an unwork-

manlike or unskilled manner; representation that certain services or parts are necessary or have been or will be used in the repair of a watch, although such services or parts are not necessary and have not been used in such repairs; employing directly or indirectly, any unregistered watchmaker to perform any watchmaking; or noncompliance, within thirty days, with the directions given in a written notice from the board to terminate employment with any person who is violating the provisions of sections 125.01 to 125.10. [1937 c. 91; 1943 c. 375 s. 50]

125.09 Penalty. Anyone not having a certificate of registration, who shall hold 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 125.10, shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars or by imprisonment in the county jail not less than one month nor more than three months, or by both such fine and imprisonment. [1937 c. 91]

125.10 Separability clause. If any provisions of sections 125.01 to 125.09 or the application thereof to any person or circumstance is held invalid, the remainder of such sections and the application of such provisions to other persons and circumstances shall not be affected thereby. [1937 c. 91]

125.15 Sale of secondhand watches regulated. (1) **DEFINITIONS.** As used in this section:

(a) "Person" means a person, firm, partnership, association or corporation, but shall not include a referee in bankruptcy, the executor or administrator of an estate, or any other officer of a court.

(b) "Consumer" means an individual, firm, partnership, association or corporation who buys for their own use, or for the use of another but not for resale.

(c) "Secondhand" watch means:

1. A watch, which as a whole, the case thereof, or the movement thereof has previously been sold to a consumer.

2. Any watch whose case or movement, serial numbers or other distinguishing numbers or identification marks have been erased, defaced, removed, altered or covered.

(2) **TAGS REQUIRED.** Any person, or agent or employe thereof, who sells a secondhand watch shall affix and keep affixed to the same a tag with the words "secondhand" legibly written or printed thereon in the English language. For the purposes of this subsection, "sell" includes an offer to sell or exchange, expose for sale or exchange, possess with intent to sell or exchange, and sell or exchange.

(3) **INVOICE REQUIRED.** Any person, or agent or employe thereof, who sells a secondhand watch shall deliver to the vendee a written invoice setting forth the name and address of the vendor, the name and address of the vendee, the date of the sale, the name of the watch or its maker, and the serial numbers (if any) or other distinguishing numbers or identification marks on its case and movement. In the event the serial numbers or other distinguishing numbers or identification marks have been erased, defaced, removed, altered or covered, such facts shall be stated in the invoice. A duplicate of such invoice shall be kept on file by the vendor of such secondhand watch for at least one year from the date of the sale thereof and shall be open to inspection during all business hours by the district attorney, or his representative, of the county in which the vendor is engaged in business, or by the chief of police, or his representative, of the city in which such person is engaged in business.

(4) **REQUIREMENTS IN ADVERTISEMENTS.** Any person advertising in any manner secondhand watches for sale shall state clearly in such advertising that the watches so advertised are secondhand watches.

(5) **PENALTY.** Any person who violates any provision of this section is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than ten days and not more than one hundred days, or by both such fine and imprisonment. [1939 c. 343]