

## CHAPTER 454

## WATCHMAKING EXAMINING BOARD

454.01	Definitions.	454.07	Apprentice watchmakers.
454.02	Certificate required.	454.08	Reprimand; limitation; suspension; revocation.
454.04	Application.	454.09	Penalty.
454.05	Examination.	454.15	Sale of secondhand watches regulated.
454.06	Registration.	454.16	Watchmakers numbers.

**454.01 Definitions.** In this chapter:

(1) "Watchmaking" 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) "Examining board" means the watchmaking examining board.

**454.02 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.

This chapter is a constitutional exercise of the police power and does not unconstitutionally delegate legislative power to the board. *Watchmaking Examining Bd v. Husar*, 49 W (2d) 526, 182 NW (2d) 257.

**454.04 Application.** Applicants for certificates shall be examined at a time and place fixed by the examining board. Applications for examinations shall be submitted to the examining board at least 10 days before the date set for the examination and shall be accompanied by an examination fee specified in s. 440.05 (1). The applicant shall be of good moral character, at least 20 years of age and possess such training and experience as the examining board by rule determines.

History: 1975 c. 39; 1977 c. 29.

**454.05 Examination.** 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. In case of failure at any examination, the applicant may take another examination at any other examination period upon the payment of the fee specified in s. 440.05 (1).

History: 1977 c. 29.

**454.06 Registration. (1)** If the applicant successfully passes the examination, the examining board shall certify such fact to the department and the department 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 2 years immediately preceding his application for a certificate, upon filing with the examining board satisfactory proof thereof, may, in the discretion of the examining board, be issued a certificate without examination upon the payment of the fee specified in s. 440.05 (2), provided the standards in such other state are at least as high as those defined and established by the examining board.

(3) Certificates of registration shall expire on December 31 of each even-numbered year and may be renewed upon the payment of the fee specified in s. 440.05 (3). Applications may be made for renewal after December 15 of each even-numbered year.

History: 1971 c. 125; 1975 c. 39; 1977 c. 29, 418.

NOTE: Sub. (3) is shown as affected by chapters 29 and 418, laws of 1978, as directed by 13.93 (2) (c). Chapter 418 purported to take into account the actions by ch. 29, but did not.

**454.07 Apprentice watchmakers.** The examining board may grant a certificate of registration as an apprentice watchmaker to any person 16 years of age or over, of good moral character, indentured to a registered watchmaker in accordance with s. 106.01. A certified apprentice watchmaker may engage in watchmaking subject to this chapter and shall conspicuously display the certificate at all times at the place of employment of such

apprentice. Apprentice watchmakers shall pay the fee specified in s. 440.05 (6).

History: 1977 c. 29.

**454.08 Reprimand; limitation; suspension; revocation. (1)** The examining board may revoke a certificate of registration upon the failure of the holder thereof to pay the annual renewal fee, upon giving said holder 30 days' notice in writing of such proposed revocation. Notice shall be sufficient when sent by registered mail to the last known address of the holder.

**(2)** Subject to the rules promulgated under s. 440.03 (1), the examining board may limit, suspend or revoke a certificate of registration or reprimand the holder of a certificate 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 reprimand, limitation, suspension or revocation shall be subject to review under ch. 227.

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

History: 1977 c. 418.

**454.09 Penalty.** Anyone not having a certificate of registration, who holds himself out as a watchmaker or as qualified to do watchmaking, or anyone who violates this chapter may be fined not less than \$20 nor more than \$100 or imprisoned not less than one month nor more than 3 months or both.

**454.15 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. If the vendor does not maintain an established place of business within this state, he shall within 2 days after every such sale, file such duplicate copies in the office of the county clerk of the county in which such sale was made.

**(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 this section shall be fined not less than \$20 nor more than \$500, or imprisoned not more than 100 days, or both.

**454.16 Watchmakers numbers. (1)** The watchmaking examining board shall assign each watchmaker an identification number. A list of identification numbers shall be maintained by the department and shall be made

available to any law enforcement agency requesting such information.

(2) Each watchmaker shall inscribe his or her identification number in each watchcase the watchmaker repairs unless the repair is crystal replacement. Each watchmaker shall maintain a record which includes the name and

address of the customer or owner and date of repair work. Failure to maintain such a record shall be considered just cause for reprimand or for revocation, limitation or suspension of a watchmaker's registration certificate.

History: 1977 c. 418