

No. 49, S.]

[Published August 3, 1915.

**CHAPTER 488.**

AN ACT to create section 1435f—35 of the statutes, relating to the practice of optometry in this state.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. There is added to the statutes a new section to read: Section 1435f—35. 1. The practice of optometry is defined as follows: The employment of any means, other than the use of drugs, for the measurement of the powers of vision and the adaption of lenses for the aid thereof.

2. From and after the first day of July, 1916, it shall be unlawful for any person to practice optometry in this state, unless he shall first have obtained a certificate of examination and of registration as herein provided and shall file the latter or a certified copy thereof with the county clerk of the county wherein he resides.

3. There is created a board whose duty it shall be to carry out the purposes and enforce the provisions of this section. This board shall be styled "The Wisconsin Board of Examiners in Optometry", and shall consist of five members to be appointed by the governor within sixty days from and after the passage of this act. All persons so appointed shall have been residents of this state, actively engaged in the practice of optometry as defined in this section, for at least five years immediately preceding the time of such appointment. Each member of said board shall hold office for five years, and until his successor shall be appointed, except that in the first appointment, one member shall be appointed for one year, one for two years, one for three years, one for four years and one for five years; the term of office of each to be designated by the governor at the time of appointment. Appointments to fill any vacancy caused by resignation, removal, or death of any member of the board, shall be made by the governor. Members of said board of examiners before entering upon their duties shall respectively take the oath required of other officers, said oath to be administered by the secretary of state and filed in his office. Said board shall have a common seal.

4. Said board shall choose at its first meeting and annually thereafter, one of its members as president and one as secretary, who shall severally during their term of office have power to administer oaths and take affidavits, certifying thereto under their hands and seal of the board. Said board shall meet at least once every six months at the state capital, and in addition

thereto, whenever and wherever the president and secretary thereof shall call a meeting. A majority of said board shall constitute a quorum. The secretary of said board shall keep a full record of the proceedings thereof, which record shall be at all reasonable times open to public inspection.

5. Every person before beginning to practice optometry in this state, after the passage of this act, shall pass an examination before said board of examiners, except as hereinafter provided. Said examination shall be confined to such knowledge as is essential to the practice of optometry, and shall include normal and abnormal refractive, accommodative and muscular conditions and coördinations of the eye, and subjective and objective optometry, including the fitting of glasses, the principles of lens construction and frame adjusting, and such other subjects as may be deemed necessary.

6. Any person who has been admitted to practice optometry in any other state may be permitted to practice optometry in this state, in the discretion of the board, upon the payment of a registration fee of ten dollars and production of a certificate showing that he has passed an examination in such other state, and has actually practiced optometry therein for a term of two years.

7. Any person, having signified to the board of examiners his desire to be examined by it, shall appear before the board at such time and place as the board may designate. No person shall be eligible to take the examination before said board unless he is at least twenty-one years of age and shall have attended an optometry school for at least one year, a year's course to consist of not less than one thousand hours of actual instruction; or shall have served as assistant to a registered optometrist for at least two years and shall have registered with said board as an assistant optometrist at least two years before appearing for examination; provided, that all persons exempt shall have the privilege of taking such examination regardless of previous training. Said board is authorized and empowered to make such rules and regulations for conducting its examinations and for the standard of professional or special qualifications, as it may deem necessary. Before beginning such examination, each applicant shall pay to the secretary of the board the sum of ten dollars, and if he shall successfully pass the examination, there shall be issued to him a certificate of examination and registration. All persons successfully passing such examinations shall be registered in a board register, which shall be kept by the secretary of said board.

8. Every person of at least twenty-one years of age and of

good moral character who, at the time of the passage of this act, is engaged in the practice of optometry, as defined in subsection 1 of this section, in this state, shall, within six months after the passage of this act, file an affidavit in proof thereof, together with the affidavits of two freeholders, with the secretary of said board, showing that he has been a resident of the state of Wisconsin for at least two years prior to the enactment of this act; and shall submit to an examination before such board, such examination to be in practical optics only. If such proof and examination are satisfactory to the board he shall be granted a certificate of registration and examination.

9. Each recipient of said certificate of examination and registration shall present the certificate of registration, or a certified copy thereof, for record to the county clerk of the county in which he resides; and shall pay a fee of fifty cents to the county clerk for recording the same. Said clerk shall record such certificates in a book to be provided by him for that purpose.

10. Any person so licensed, removing his residence from one county to another, or desiring to practice optometry in any other county than the one in which he resides, shall, before engaging in the practice of optometry in such other county, obtain from the county clerk in whose office said certificate was originally recorded, a copy of such record, certified, or obtain a new certificate of registration from the board of examiners, and shall, before beginning the practice of optometry in said other county, file same for record with the county clerk of the county to which he has removed or in which he desires to practice, and shall pay the clerk thereof for recording the same, a fee of fifty cents.

11. Any failure, neglect or refusal on the part of any person holding such certificate, or copy of record, to file same for record, as hereinbefore provided, for six months after the issuance thereof, shall forfeit the same. Said board shall be entitled to a fee of one dollar for the reissuance of any certificate, and the county clerk of any county shall be entitled to a fee of one dollar for making and certifying the record of any such certificate.

12. Every person, firm or corporation, engaging in the practice of optometry shall cause to be displayed and kept in a conspicuous place, at the entrance of the place of business of such person, firm or corporation, the name of each and every person employed therein in the practice of optometry. Any person, firm or corporation violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as hereinafter provided.

13. Each member of the board of examiners shall receive as compensation the sum of eight dollars for each day actually

spent in performing the duties of said office, and in addition, his actual and necessary expenses. The secretary shall have such additional compensation as may be determined by the members of the board. The secretary shall give such bonds as the board may determine. Said board shall, on the first day of January of each year, make an annual report of its proceedings to the governor, which report shall contain an account of all of the moneys received and disbursed by them, pursuant to this section. All moneys collected or received by each and every person for or on behalf of the Wisconsin board of examiners in optometry, in excess of one thousand dollars, shall be turned into the general fund of the treasury on the first day of January of each year. The president and secretary of said board shall, under oath, file annually with the governor a complete list of all registered optometrists possessing the proper qualifications to serve as members of the board of examiners as hereinbefore provided.

14. All registered optometrists shall pay annually to the board of examiners the sum of two dollars as a license fee for such year, the first payment to be made on or before the first day of January, 1916. In case of default of such payment by any person, his certificate may be revoked by the board of examiners upon thirty days' notice of such proposed revocation to the holder of such certificate.

15. Said board shall have power to revoke any certificate granted by them, if said certificate was obtained through error or fraud, or if the recipient thereof shall be shown to be grossly incompetent in the practice of optometry, or if it be shown that the holder thereof has obtained, or sought to obtain, money or any other thing of value by false or fraudulent representation in the practice of optometry. But before any certificate shall be revoked, the holder thereof shall have notice in writing which shall enumerate the charges against him, and shall specify a date not less than thirty days after the service of such notice for a hearing by said board, and such person shall have opportunity to confront witnesses appearing against him, and to produce testimony in his own behalf. A stenographic report of such proceedings to revoke a license shall be made by the board and the transcript thereof kept in its files. The person whose license has been revoked may, within thirty days after the decision of the board, file with the secretary a written notice of appeal to the circuit court of the county wherein such person resides. Upon the filing of such notice, the secretary shall transmit to the attorney-general a certified copy of the record and transcript of testimony of such proceedings and the attorney-

general shall defend said board in the circuit court. Said circuit court shall affirm or overrule the action of the board and such decision shall be final.

16. Any person whose certificate has been revoked for gross incompetence may, upon satisfactory proof to the board that such condition has been remedied, have the same regranted him.

17. Every person who, after the passage of this act, shall begin the practice of optometry in this state or who shall continue in the practice of optometry after the first day of January, 1916, without having obtained a certificate of examination and of registration, or who, not having obtained such certificate, shall hold himself out to the public as qualified to engage in the practice of optometry as defined in this section, or any person who shall violate any of the provisions in this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for not less than one month nor more than three months or by a fine of not less than twenty dollars nor more than one hundred dollars, or by both such fine and imprisonment.

18. It shall be the duty of the respective district attorneys to prosecute all violations of this section and jurisdiction of any violation thereof is extended to such courts as have jurisdiction over misdemeanors committed in the jurisdiction of the respective counties.

19. Nothing in this section shall be construed to apply to physicians and surgeons authorized to practice under the laws of this state, nor to persons who shall sell spectacles without attempting to test the eyes.

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

Approved July 30, 1915.

No. 119, S.]

[Published August 3, 1915.

## CHAPTER 489.

AN ACT to amend section 959—52m of the statutes, relating to lighting of streets in cities and villages by ornamental lights, the apportionment of the cost thereof between the municipality and abutting owners, and the assessment and collection of the cost thereof.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section 959—52m of the statutes, is amended to read: Section 959—52m. 1. Upon petition of the owners of \* \* \* two-thirds or more of the taxable frontage in any one