

in view of the home rule amendment to the constitution. The inclusion of any provision, however, shall not be construed as a legislative declaration that the subject is outside of the scope of the home rule amendment.

SECTION 6. This act shall take effect upon passage and publication.

Approved June 1, 1933.

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No. 302, A.]

[Published June 2, 1933.

### CHAPTER 188.

AN ACT to create section 215.116 of the statutes, relating to the withdrawal of shares from building and loan associations.

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

SECTION 1. A new section is added to the statutes to be numbered and to read: 215.116 WITHDRAWALS OTHER THAN IN CASH. A member may, with the approval of the commissioner of banking and the board of directors, apply his unpledged shares, whether such shares have been noticed for withdrawal or not, toward the purchase price of any of the association real estate or toward the payment of his loans, taxes, insurance or any other item owing the association.

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

Approved June 1, 1933.

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No. 721, A.]

[Published June 2, 1933.

### CHAPTER 189.

AN ACT to repeal subsection (3) of section 152.06; to create subsection (7) of section 152.01, subsection (4) of section 152.02, and subsections (3), (4), (5) and (6) of section 152.06; and to amend subsection (5) of section 152.01, subsections (1) and (2) of section 152.02 and section 152.08 of the statutes, relating to dentistry and providing penalties.

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

SECTION 1. Subsection (3) of section 152.06 of the statutes is repealed.

SECTION 2. New subsections are added to sections 152.01 and 152.02 and four new subsections are added to section 152.06 of the statutes to read: (152.01) (7) The board shall make such reasonable rules, by-laws and regulations as it may deem necessary for the proper and better guidance, government, discipline and regulations of the board and of licensed dentists and dental hygienists or persons acting as such pertaining to immoral or unprofessional conduct and unprofessional advertising as hereinafter defined in subsections (5) and (6) of section 152.06; and such by-laws, regulations and rules shall be published for two successive weeks in the official state paper and shall not take effect until so published.

(152.02) (4) Nothing in this chapter shall prevent the establishment of dental clinics by boards of education of public or private schools, county boards, boards of health or public or charitable institutions.

(152.06) (3) The board may on its own motion make investigations and conduct hearings in regard to the action of any licensed dentist and dental hygienist or any person who 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 ten days' notice to the licensed dentist and dental hygienist or person acting as such, suspend or revoke such license in the manner hereinafter provided if it finds that the holder of such license has: (a) Been guilty of immoral or unprofessional conduct; (b) been guilty of having procured his license by fraud or perjury or through error.

(4) A copy of the complaint shall forthwith be served upon the licensed dentist, or person acting as such, complained against by personal service or by mailing of the same to his last known business address. The person so served shall file his answer thereto with the board within ten days after such service and shall also serve a copy of such answer on the complainant. The board shall thereupon set the matter for hearing as promptly as possible and within thirty days after the date of filing of the complaint. Either party may appear at such hearing in person or by attorney or agent and present such testimony as may be pertinent to the controversy before the board. The action of the board in revoking a license hereunder shall be subject to review by writ of certiorari brought in circuit court for Dane county. But the action of the board shall

stand until otherwise directed by said court or by the supreme court of the state of Wisconsin, upon appeal.

(5) "Immoral or unprofessional conduct" means: Employing what is known as "cappers" or "streeters" to obtain business; or resorting to unprofessional advertising, as defined in subsection (6); obtaining fee by fraud or deceit; wilfully betraying professional secrets; employing directly or indirectly a student or suspended or unlicensed dentist to perform operations, diagnoses or treat lesions of the human teeth or jaws, or correct malposed formations thereof, except that an unlicensed person may perform merely mechanical work upon inert matter in a dental office or laboratory; the advertisement of dental business or treatment of devices in which untruthful or impossible statements are made; habitual intemperance, or gross immorality.

(6) "Unprofessional advertising" as this term is used in subsection (5) shall include:

(a) Any advertising statements of a character tending to deceive or mislead the public;

(b) Advertising professional superiority or the performance of professional services in a superior manner;

(c) Advertising definite, fixed prices when the nature of the professional service rendered and the materials required must be variable;

(d) Advertising by means of large display, glaring, illuminated or flickering lights signs, or containing as a part thereof the representation of a tooth, teeth, bridge work or any portion of the human head;

(e) Employing or making use of advertising solicitors or free publicity press agents;

(f) Advertising either by sign or printed advertisement under the name of a corporation, company, association, parlor or trade name except that legally incorporated dental corporations existing and in operation prior to the effective date of this subsection, may continue so operating, while conforming to the provisions of this chapter. No corporation shall display any sign or advertisement concerning its work by the use of any name except its true corporate name and the names of the duly licensed dentists practicing in connection therewith. It shall not use any parlor or trade name in connection with such corporate name, or display any sign or advertisement, any parlor, trade or assumed name under which

the business was formerly conducted, except its true corporate name.

SECTION 3. Subsection (5) of section 152.01, subsections (1) and (2) of section 152.02 and section 152.08 of the statutes are amended to read: (152.01) (5) The board shall have a seal and may *hold hearings and may* require the attendance of persons and the production of papers and *may* take testimony *and hire investigators*. The president and secretary may issue subpoenas and administer oaths. *The board may pay out of its own funds witness fees and such other expenses as may be necessary or incidental to the carrying out of its functions.*

(152.02) (1) One who was engaged in the lawful practice of dentistry in this state on September 30, 1885, may continue if he has annually registered. No other person shall practice dentistry unless he is licensed and annually registered, except that a physician or surgeon \* \* \* *licensed* in this state may extract teeth or operate upon the palate or maxillary bones, a bona fide student, in regular attendance at a dental school may practice under direct supervision of a teacher in the school infirmary, and a legal practitioner of another state may demonstrate before an incorporated dental society or school for instruction \* \* \*. A person shall be deemed to be engaged in the practice of dentistry who *diagnoses or treats diseases or lesions of the human teeth or jaws or performs operations thereon, or inserts artificial teeth, fixtures, or appliances for the restoration, regulation or improvement of the dental organs, or who is manager, proprietor or conductor of a place for so doing, or who uses the word dentist, dental surgeon, or other letters or titles which in any way represents him as being engaged in the practice of dentistry.*

(2) \* \* \* *Licensed persons associated together who shall engage in the practice of dentistry under other names than of the individuals shall display in a conspicuous place at the entrance of the place of business, the name of each person in said concern in the practice of dentistry, and each such person shall cause his name to be so displayed.*

152.08 (1) *Any licensed dentist, dental hygienist, or person holding himself out as such who shall employ what are known as "cappers" or "streeters" to obtain business; or who shall obtain a fee by fraud or deceit; or who shall wilfully betray professional secrets; or who shall employ directly or indirectly a student or suspended or unlicensed dentist, dental hygienist or person holding*

himself as such, to perform operations, to diagnose and treat lesions of the human teeth, or jaws, or correct malposed formations thereof, except that an unlicensed person may perform merely mechanical work upon inert material in a dental office or laboratory; or who shall be guilty of "unprofessional advertising" as defined in subsection (6) of section 152.06; shall upon a first conviction be fined not less than twenty-five nor more than one hundred dollars and costs, and upon a second or subsequent conviction shall be fined not less than one hundred nor more than five hundred dollars, or be punished by imprisonment not less than sixty days nor more than one year, or by both such fine and imprisonment.

(2) Anyone who shall unlawfully engage in the practice of dentistry shall be fined not less than \* \* \* one hundred nor more than one \* \* \* thousand dollars, or shall be imprisoned not less than sixty days nor more than one year, or both, for each person treated. \* \* \*

SECTION 4. This act shall take effect upon passage and publication.

Approved June 1, 1933.

No. 123, S.]

[Published June 3, 1933.

## CHAPTER 190.

AN ACT to revise portions of Title XXIX—PROCEEDINGS IN COUNTY COURTS—of the statutes, and kindred provisions relating to proceedings in county courts for the purpose of simplifying and improving said proceedings and of harmonizing the substantive provisions of said title with the procedural rules which are now being revised by the Supreme Court.

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

SECTION 1. Section 310.03 of the statutes is re-enacted.

SECTION 2. Section 310.24 is renumbered 370.01 (18b) and amended to read:

(370.01) (18b) EXECUTOR. The word "executor" in \* \* \* these statutes relating to probate proceedings shall be construed to include an administrator with the will annexed.

SECTION 3. Section 311.01 is amended to read:

311.01 ADMINISTRATION OF INTESTATE ESTATES. When any \* \* \* resident of this state shall die intestate \* \* \* letters of administration of his estate shall be granted