

CHAPTER 474—H. F. No. 412.

An act relating to the practice of watchmaking.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Definitions.**—(1) The term “watchmaking”, for the purpose of this act, includes and means the repairing, replace, rebuilding, readjusting or regulating of the mechanical parts of watches, and the repairs thereof and the manufacturing and fitting of parts designed for use or used in watches. Such statements shall not include or mean the manufacturing or repairing of watch cases, 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 “Minnesota Board of Examiners in Watchmaking”.

Sec. 2. **Watchmakers to be registered.**—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.

Sec. 3. **Minnesota Board of Examiners in Watchmaking created—duties—officers.**—(1) There is created a Board to be known as the “Minnesota Board of Examiners in Watchmaking”, whose duties it shall be to administer the provisions of this act. Such Board shall consist of five members, appointed by the Governor within sixty days after the effective date of this act. All persons so appointed shall have been residents of this state and actually engaged in watchmaking, as defined in Section 1, for at least five years immediately preceding the time of their appointment. Each member of said Board shall hold office for four years and until his successor shall be appointed, and qualifies, except that in the first appointments three members shall be appointed for four (4) years, two for two (2) years, and the term of office in such case shall be designated by the Governor at the time of the appointment. The Board of five to consist of not less than two employees.

(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 not more than four times annually, and each meeting shall not exceed more than two days. A majority of the members of the Board shall constitute a quorum. 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 (\$10.00) during session of the Board, not to exceed, however, two days' time at any meeting; also they shall be paid mileage of five (5c) cents per mile. The secretary, in addition to such per diem and expenses, may be paid an annual salary not to exceed \$1,000.00 in the discretion of the Board, providing all expenses connected with the operation of the Board must be defrayed from the revenue derived from the licenses and examination fees. All expenses connected with the operation of this Board must be defrayed from the resources derived from its income as established in this act and not from the general or other state funds.

(3) The board shall establish suitable and proper uniform apprenticeship regulations; may retain administrative or legal counsel, if it deems needed or proper; and to appoint one clerk or assistant to the secretary, exempt from civil service, and to fix the salary therefor.

(4) The secretary shall collect the fees and shall pay the same into the state treasury, to be kept by the State Treasurer in a fund entitled "Watchmakers' Fund." The secretary shall draw by warrant for necessary expenses which shall be paid from said fund. Provided that in no case shall the expenses of the Board be greater than \$5000 annually. All surpluses remaining in said fund annually, after payments above authorized, shall be paid into the general fund of the state.

Sec. 4. **Examinations—fees.**—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 (\$15.00). The applicant shall be of good character, at least nineteen (19) years of age, and shall have served an apprenticeship of one (1) year or its equivalent as determined by the Board.

Sec. 5. **Examinations—re-examinations.**—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 a practical demonstration of the applicant's skill in the manipulation of watchmakers tools. The Board shall make rules and regulations for conducting examinations and shall define the standards of workmanship and skill. In the 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 (\$7.50).

Sec. 6. Certificates of registration expiration—renewal.—

(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 or states and having engaged in watchmaking therein for two years immediately preceding his application for a certificate, upon filing with the Board satisfactory proof thereof shall be issued a certificate, without examination upon the payment of a fee of Fifteen Dollars (\$15.00).

(3) Persons actually engaged in watchmaking within the state, upon the date of enactment of this chapter, shall be exempt from taking the examination herein provided upon making application for a certificate within six months after said date accompanied by an application fee of Ten Dollars (\$10.00), or his affidavit setting forth the fact of having so actually engaged in watchmaking, 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) Watchmakers of this state who are in the armed forces of the United States of America at the time this bill becomes a law, shall be exempt from taking the examination herein provided upon making application for certificate within one (1) year after his discharge from service, accompanied by an application fee of Ten Dollars (\$10.00).

(5) Certificates of registration shall expire on the 30th day of June each year and must be renewed within thirty days for one year upon payment of a fee of Five Dollars (\$5.00), or less at the discretion of the Board. Application may be made for renewal after the fifteenth day of June of each year.

(6) The Board shall issue a temporary sixty day certificate upon payment of a fee of One Dollar (\$1.00).

Sec. 7. Certificates for apprentice watchmakers.—Any person sixteen (16) years of age or over, of good character, apprenticed to a registered watchmaker in accordance with the regulations determined and established by the Board, may pursue the trade of watchmaking 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 Two Dollars (\$2.00) annually.

Sec. 8. May revoke certificates.—(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 (30) 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 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 thirty 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 holder may within thirty (30) days after revocation file with the secretary of the Board, a written notice of appeal to the District Court of Ramsey County, and the secretary shall transmit to the court and to the Attorney General a certified copy of the record. The appeal shall be tried by the court de novo.

(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" 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 any watch parts, gratis or at less than cost, performance of any service in pursuance of any such advertising; loaning of 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 thereof properly cleaned; performance of any work upon a watch, clock, and time-recording instrument in an unworkmanlike 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 repairs on watches, clocks, and time-recording instruments or non-compliance, within thirty (30) days, with the directions given in a written notice from the Board to terminate employment with any person who is violating the provisions of this act.

Sec. 9. **Violations a misdemeanor.**—Any one not having a certificate of registration who shall hold himself out as a watchmaker or as qualified to do watchmaking, or any one who shall violate any of the provisions of this act, shall be guilty of a misdemeanor and shall be punished by a fine of not less than Twenty Dollars (\$20.00), nor more than One Hundred Dollars (\$100.00) or by imprisonment in the county jail not less than thirty (30) days nor more than ninety (90) days, or by both such fine and imprisonment.

Sec. 10. **Provisions severable.**—If any section, part, or provision hereof, be found unconstitutional, such determination shall not affect the validity of the remaining provisions not clearly dependable thereon.

Approved April 16, 1943.

CHAPTER 475—H. F. No. 747.

(AMENDING SECTION 272.12 MINNESOTA STATUTES 1941.)

An act relating to the recording of instruments conveying land, and amending Mason's Supplement 1940, Section 2211.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Law amended.**—Mason's Supplement 1940, Section 2211, is amended to read as follows:

2211. **Payment of taxes before recording of transfer—certain violations gross misdemeanors.**—When a deed or other instrument conveying land, or a plat of any townsite or addition thereto, is presented to the county auditor for transfer, he shall ascertain from his records if there be taxes due upon the land described therein, or if it has been sold for taxes. If there are taxes due, he shall certify to the same; and upon payment of such taxes, and of any other taxes that may be in the hands of the county treasurer for collection or in case no taxes are due, he shall transfer the land upon the books of his office, and note upon the instrument, over his official signature, the words, "taxes paid and transfer entered," or, if the land described has been sold or assigned to an actual purchaser for taxes, the words "paid by sale of land described within"; and, unless such statement is made upon such instrument, the register of deeds or the registrar of titles shall refuse to receive or record the same; provided, that