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Senate File 52

January 17, 1945.

By ELTHON, DYKEHOUSE, ZASTROW,
MOWRY, MERCER, HILL, REILLY and CLEM.
(Poston, Tyrrell, Carlson, Fimmen, Sloan and Heffner.)

Passed on File.

A BILL FOR

An Act relating to watchmakers and watchmaking, defining the term "watchmaking", creating a board and other officers, providing for a seal and collection of fees and expenditures, providing for the issuance and revocation of certificates, prohibiting the practice of watchmaking as defined in the act without a certificate; providing penalties for the violation thereof.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Certificate required. It will be unlawful,
2 after July 4th, 1945, for any person, co-partnership, association
3 or corporation to engage in watchmaking as defined in this
4 chapter without first obtaining a certificate of registration
5 as herein provided. The certificate shall at all times be
6 conspicuously displayed in the place of business or employment
7 of the holder thereof.

1 Sec. 2. Definition. The term "watchmaking" for the
2 purposes of this chapter, includes and means the repairing,
3 replacing, rebuilding, reconditioning, cleaning, adjusting or
4 regulating of the mechanical parts of watches, clocks and/or
5 time recording instruments and estimating the cost of the
6 repairs thereof, and the manufacturing and fitting of parts

7 designed for use or used in watches. Such term shall not
8 include or mean the manufacturing or repairing of watch cases,
9 but shall include the repairing of all winding mechanisms for
10 time keeping instruments whether they are parts of such cases
11 or not. The term "board" as used in this chapter shall mean
12 the Iowa Board of Examiners in watchmaking.

1 Sec. 3. Board of Watchmaking Examiners. (1) There is
2 hereby created a board to be known as the Board of Examiners
3 in watchmaking whose duties it shall be to carry out the
4 provisions of this chapter. Such board shall consist of five
5 members to be appointed by the Governor. All persons so
6 appointed shall be residents of this state and actually engaged
7 in watchmaking as defined in this chapter, for at least five
8 years immediately preceding the time of their appointment.
9 Within thirty days after the effective date of this chapter,
10 the Governor shall appoint the board as provided herein. Each
11 member of said board shall hold office for three years and until
12 his successor shall be appointed and qualified, except that in
13 the first appointment, one member shall be appointed for one
14 year, two for two years, two for three years and the term of
15 office in such case shall be designated by the Governor at
16 the time of the appointment. Members of the board before
17 entering upon their duties, shall respectively take and file
18 an official oath. (2) The board shall choose annually, one
19 of its members as Chairman and one as Secretary who shall
20 severally have power to administer oaths and take affidavits,

21 certifying thereto under the seal of the board. The board
22 shall meet at least once every six months or whenever a
23 majority of the board shall call a meeting at Des Moines, Iowa,
24 at the place to be designated by the Chairman. A majority of
25 the board shall constitute a quorum. The Secretary shall give
26 bond in the sum of five thousand dollars (\$5,000.00). The
27 secretary shall keep a full record of the proceedings of the
28 board which shall be opened for inspection at all reasonable
29 times. The members of the board shall be compensated as follows:
30 Each member of the board shall be paid a per diem of ten
31 dollars (\$10.00) during sessions of the board, not to exceed,
32 however, two days time at any meeting; also, they shall be
33 paid their actual traveling expenses in attending the meeting;
34 the Secretary in addition to such per diem and expenses may be
35 paid annually a salary to be fixed by the board. The per diem
36 allowed each member of the board shall not exceed the sum of
37 three hundred dollars (\$300.00) in any year. (3) The board
38 shall have power to adopt rules and regulations to carry out
39 the intent of this chapter. The Secretary shall collect the
40 fees and shall pay the same quarterly to the Treasurer of the
41 State of Iowa. (4) The board may appoint such clerks and
42 assistants as it may deem necessary for the execution of its
43 functions and fix their salaries. (5) The board shall on the
44 thirtieth day of June of each year report its proceedings to
45 the State Comptroller including an account of moneys received
46 and disbursed.

1 Sec. 4. The board shall adopt a seal which shall
2 be used to authenticate all of its proceedings and records and
3 licenses to be issued which seal shall be under the control
4 of the Secretary.

1 Sec. 5. Fees and Expenses. All examination, license and
2 renewal fees received from such persons licensed to practice
3 watchmaking shall be paid to and collected by the Secretary
4 of the board, who shall remit to the Treasurer of the State
5 quarterly all fees collected, and at the same time render to
6 the State Comptroller an itemized and verified report showing
7 the source from which said fees were obtained. All such fees
8 collected and remitted shall be placed in a special fund by
9 the Treasurer of State and the State Comptroller to be known
10 as the "Watchmaker's fund", to be used by the board to
11 administer and enforce the laws relating to the practice of
12 watchmaking, to elevate the standards of schools of watchmaking,
13 and to promote the educational and professional standards of
14 watchmakers and watchmaking in this state, and no part of
15 such expense shall be paid out of the general fund of the state.
16 Any remainder in said fund at the end of each fiscal year, after
17 all expense in carrying out the provisions of this chapter,
18 have been paid, or a sum sufficient for payment thereof set
19 apart, shall be paid into the general fund of the state.
20 Said fund shall be subject at all times to the warrant of the
21 State Comptroller, drawn upon written requisition of the chairman
22 of the board and attested by the secretary, for the payment

23 of all salaries and other expenses necessary to carry out
24 the provisions of this chapter, but in no event shall the
25 total expenses therefor exceed the total fees collected and
26 deposited to the credit of said fund.

1 Sec. 6. Application. Applicants for certificates shall
2 be examined at a time and place fixed by the board. Applications
3 for examination shall be filed with the board at least ten
4 days before the time set for the examination and shall be
5 accompanied by an examination fee of ten dollars (\$10.00).
6 The applicant shall be of good moral character and shall
7 furnish an affidavit in support of the same from at least
8 two reputable citizens in the community in which he lives;
9 shall be at least nineteen years of age and shall have at
10 least three years previous experience at the bench under the
11 supervision of a watchmaker, holding a certificate under the
12 provisions of this chapter, or said applicant shall have had
13 at least one year's schooling in a recognized watchmaker's
14 school, together with one year's experience at the bench under
15 the provisions of this chapter or at least two years schooling
16 in a recognized watchmaker's school.

1 Sec. 7. Examination. An applicant to be entitled to a
2 certificate otherwise provided in this chapter shall pass an
3 examination before the board, which examination shall be con-
4 fined to such knowledge, practical ability, and skill as is
5 essential in the proper repairing of watches, clocks, and time-
6 recording instruments, and shall include an examination of

7 theoretical knowledge of watch construction and repair, and
8 also a practical demonstration of the applicant's skill in
9 the manipulation of watchmaker's tools. The board shall make
10 rules and regulations for conducting examinations, and shall
11 define the standards of workmanship and skill. In case of
12 failure at any examination, the applicant shall have the
13 privilege of taking another examination at any other examination
14 period upon the payment of a fee of five (\$5.00) dollars and
15 the board shall conduct such examinations at least twice in
16 each year.

1 Sec. 8. Certificates of Registration. (1) If the
2 Applicant successfully passes the examination, the Secretary
3 of the board shall register such fact and shall issue to him
4 a certificate of registration. (2) A watchmaker who is not a
5 resident of the State of Iowa, may, in the discretion of the
6 board, be issued a certificate without the examination upon
7 the payment of a fee of ten (\$10.00) dollars and upon filing
8 a written application with the board, together with evidence
9 of five years practice as a watchmaker in some other state
10 immediately previous to the time of the application by furnishing
11 such evidence in connection with his skill as a watchmaker
12 as the board may require. (3) Persons actually engaged in
13 watchmaking within this state prior to the effective date
14 of this chapter shall be exempt from taking the examination
15 herein provided, upon making application for a certificate
16 of registration within six months after said date, accompanied

17 by an application fee of five (\$5.00) dollars and the affidavit
18 of the applicant setting forth the fact of his having actually
19 engaged in watchmaking, together with the affidavits of two
20 freeholders in this state setting forth that they know that the
21 applicant has been so engaged in watchmaking and if the board
22 shall be satisfied that such applicant is entitled thereto, it
23 shall cause its secretary to so register such applicant and
24 issue to such person a certificate of registration on a form
25 to be designed by the board. (4) Certificates of registration
26 shall expire on the 30th day of June of each year. Upon the
27 payment of a fee of five (\$5.00) dollars an application for
28 a removal of the certificate of registration may be made after
29 the 15th day of June in each year. If any applicant upon the
30 effective date of this act is in any branch of the military or
31 naval service of the United States and actively engaged therein
32 or if the applicant at such time is actively employed in national
33 defense work in connection with the war effort then he shall
34 have the right to make application for a certificate
35 under the provisions of this chapter at any time within a
36 period of six months after he is discharged from such military
37 or naval service or discontinues his employment in national
38 defense work.

1 Sec. 9. Apprentice Watchmakers. Any person sixteen years
2 of age or over, of good moral character, apprenticed to a
3 registered watchmaker, may pursue the trade of watchmaking
4 upon obtaining from the board a certificate of registration

5 as an apprenticed watchmaker, which certificate shall be
6 conspicuously displayed at all times in the place of employment
7 of such apprentice. No apprentice certificate shall be renewed
8 unless the application therefor shall be accompanied by a
9 sworn statement of the employer or employers as to the length
10 of time the applicant has been actually employed under his
11 certificate in the pursuit of the watchmaking trade. Apprentice
12 watchmakers shall pay a fee of One Dollar (\$1.00) for the certifi-
13 cate which shall expire on June 30th of each year and shall
14 pay a renewal fee of One Dollar (\$1.00) annually. Any applicant
15 for a certificate of registration as a watchmaker who fails
16 to pass the examination provided for herein may in the discretion
17 of the board be issued a certificate as an apprentice watchmaker.

1 Sec. 10. Revocation. (1) The board may revoke a
2 certificate of registration obtained through error of the
3 board or fraud of the applicant, or if the holder is grossly
4 incompetent, guilty of immoral or unethical conduct, or
5 obtained, or sought anything of value by fraudulent representation
6 in the practice of watchmaking. The holder of such certificate
7 shall be given thirty days' notice in writing enumerating the
8 charges and fixing a date for the hearing thereon. Such
9 notice shall be given to the certificate holder by registered
10 mail addressed to him at his last known address as shown by
11 the Secretary. At the hearing he shall have the opportunity
12 to defend himself against the charges and to introduce
13 evidence tending to disprove the charges. (2) One whose

14 certificate has been revoked may, upon the expiration of one
15 year after such satisfactory proof that the cause of revocation
16 no longer exists the board may, in its discretion, issue to
17 said person a certificate of registration upon payment of
18 the fee herein provided. The action of the board upon such
19 charges shall be final.

1 Sec. 11. Duplicates. A duplicate of any certificate
2 provided by this chapter shall be issued upon filing with the
3 Secretary a sworn statement that the original certificate has
4 been lost or destroyed, and upon payment of One Dollar (\$1.00)
5 for the issuance of the same.

1 Sec. 12. Conflicting Statutes. No provisions of law
2 in conflict with the provisions of this chapter shall have any
3 effect thereon or upon the rights of any person licensed
4 hereunder.

1 Sec. 13. Penalty. Anyone not having a certificate of
2 registration shall hold himself out as a watchmaker or as one
3 qualified to do watchmaking or anyone who shall violate any
4 of the provisions of this chapter shall be guilty of a
5 misdemeanor and shall be punished by a fine of not more than
6 One Hundred (\$100.00) Dollars or by imprisonment in the
7 County Jail for not more than thirty days or by both such
8 fine and imprisonment.