

home, provided there is no person legally dependent upon such person who has need of such excess for support and maintenance.

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa. Approved April 7, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 9, A. D. 1909.

W. C. HAYWARD,
Secretary of State.

CHAPTER 167.

THE PRACTICE OF OPTOMETRY.

S. F. 91.

AN ACT to define and regulate the practice of optometry and for creation of a board of examiners in optometry. [Additional to title twelve (XII) of the code, relating to the police of the state.]

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Practice of optometry defined.** The practice of optometry is defined to be the employment of any means other than the use of drugs for the measurement of the powers of vision and the adaptation of lenses for the aid thereof.

SEC. 2. **Board of optometry examiners—term—vacancies.** The board of optometry examiners shall be appointed by the governor and consist of three optometrists who have been engaged in the practice of optometry not less than five years in the state of Iowa, and are recommended by the Iowa state association of optometrists, one physician member of the state board of health, and the secretary of the state board of health. They shall be appointed on or before July 1st, 1909, and each year thereafter and their terms of office shall be one year from July 1st of each year. Vacancies shall be filled by the governor, but the number of optometrists shall neither be increased nor diminished by any appointment to fill vacancy.

SEC. 3. **Organization—meetings—quorum—regulations.** The board shall organize by selecting one of its members as president and the secretary of the state board of health shall serve as the secretary for the board. They shall meet at least once each year the second Tuesday in July and at such other times as they may deem necessary in the office of the state board of health. A majority of the board shall constitute a quorum and its meetings shall at all reasonable times be open to the public. This board shall have power to make all needed regulations for its government and proper discharge of its duties in accordance with this act.

SEC. 4. **Who not eligible to appointment.** No members of the faculty of any optical school or college, or members of any wholesale or jobbing optical house shall be eligible to an appointment upon the state board of examiners in optometry.

SEC. 5. **Examination—license or certificate—record kept.** The board shall, at any regular meeting, and may, at any special meeting, examine applicants for a license to practice optometry. Such examination shall be confined to such knowledge and requirements as are essential to the practice of optometry. Said board shall issue a license or certificate duly authorizing such as are found to be qualified to practice optometry. Such certificate shall be conclusive as to the rights of the lawful holders of same to practice optometry in the state of Iowa. The name, age, nativity, location, number of years of

practice of the person to whom a license is given, the number of the license and the date of registration thereof shall be entered in a book kept in the office of the secretary of the board, which shall be open to the inspection of the public, and the number of the book and page containing such entries shall be noted on the face of the license.

SEC. 6. Qualifications—examination—existing practitioners. On and after October 1st, 1909, every person desiring to begin or continue the practice of optometry in this state, must furnish satisfactory evidence that he is twenty-one years of age and of good moral character; that he has a preliminary education equivalent to at least two years study in an accredited high school; that he has studied three years in the office of a registered optometrist or is a graduate from a standard school of optometry, before he shall be eligible to examination by the board. A standard school of optometry shall include a course of instruction of not less than two years duration and the terms of schooling shall be not less than three months each year. And he shall not be entitled to be registered or to receive a license from the board unless he shall show proficiency in the following subjects—physiology, medical physics, practical optometry, anatomy of the eye and ophthalmology. Every person successfully passing such examination shall be registered by the board and receive a license. But any person who is a bona fide resident of Iowa who shall have continuously engaged in the practice of optometry for more than five (5) years in the state prior to the passage of this act, shall (upon submitting proof of same) be entitled to receive from said board a license to practice and a certificate of exemption from examination.

SEC. 7. Certificate of exemption—revocation of license or certificate—public hearing. Every person entitled to a certificate of exemption from examination as herein provided must make application therefor and present the evidence to entitle him thereto on or before six months after the passage of this act or he shall be deemed to have waived his right to such certificate. Any license issued by said board of examiners may be revoked by said board for violation of the law, incompetency, immorality or inebriety. Provided that before any certificate or license shall be revoked, the holder thereof shall have notice in writing of the charge or charges against him, and at a day specified in said notice, and at least five (5) days after the service thereof, be given a public hearing and have ample opportunity to produce testimony in his behalf and confront the witnesses against him. Any person whose certificate has been revoked may, after the expiration of ninety (90) days, apply to have same regranted upon a satisfactory showing that the disqualification has ceased.

SEC. 8. Fees. The fee for said examination shall be fifteen (\$15.00) dollars, for which a license shall be issued, to practice optometry in this state. Fee payable in advance to secretary of the board. Should the applicant fail in his first examination he shall have the right to appear at the next meeting of the board for another examination free of charge. For a certificate of exemption a fee of ten dollars (\$10.00) shall be paid to the secretary of the board of examiners, for which a license shall be issued to practice optometry in this state; said fees constitute a fund for expenses made necessary by this act. From this fund the board shall cause to be paid all necessary expenses incurred in the administration of this act.

SEC. 9. License filed with clerk of district court—fee. Every person to whom a license is issued under this act shall file the same for record with the clerk of the district court in the county or counties in which he desires to practice optometry and the clerk of the district court shall be entitled to a fee of fifty cents (50c) for recording such license.

SEC. 10. Compensation—expenses. Each member of the board of examiners (except the secretary) shall be paid five dollars (\$5.00) for each day actually engaged in the duties of his office with actual expenses incurred by

him in the discharge of such duties, from the fund created by the payment of fees by applicants for examination. Secretary shall receive his necessary expenses incurred for services which cannot be performed at the capitol. All printing, postage and other contingent expenses necessarily incurred under the provisions of this act shall be paid from said fund. All expenses incurred under the provisions of this act shall be itemized thereupon and audited and a warrant drawn therefor on the optometrists fund in the same manner as other expenses of the state board of health.

SEC. 11. **Not applicable to merchants or dealers—unlawful practice.** This act shall not be construed to apply to merchants or dealers who sell glasses as merchandise and who do not profess to be optometrists or practice optometry as herein defined. Any person practicing optometry shall be prohibited from using the prefix doctor to his name, unless he is a duly registered and licensed physician and surgeon and his rights to such being allowed by the state board of medical examiners, nor shall he advertise himself in such a manner as to lead the public to believe him to be different than an optometrist as defined in this section.

SEC. 12. **Penalty.** Any person who shall practice optometry in this state in violation of the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars (\$100.00) or imprisonment in the county jail not more than thirty (30) days.

SEC. 13. **Unappropriated funds turned into state treasury.** All unappropriated funds arising under this act shall be accounted for and turned into the state treasury on June thirtieth of each year.

Approved March 27, A. D. 1909.

CHAPTER 168.

HOTELS, INNS AND LODGING HOUSES.

H. F. 190.

AN ACT relating to hotels, inns and public lodging houses, defining the same and prescribing rules for their operations and maintenance, so as to insure the safety and health of employes and patrons of the same; providing for inspection thereof, fees for same and fixing fines and penalties for violation of such rules and regulations. [Additional to title twelve (XII) of the code, relating to the police of the state.]

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Hotel defined.** Every building or structure kept, used, advertised as or held out to the public to be an inn, hotel or public lodging house, or place where sleeping accommodations are furnished for hire to transient guests, whether with or without meals in which ten (10) or more sleeping rooms are used for the accommodation of such guests, shall for the purpose of this act be defined to be a hotel, and wherever the word "hotel" shall occur in this act, it shall be construed to mean and cover every such building or structure as is described in this section, except as herein provided.

SEC. 2. **Fire escapes—manilla ropes.** Every hotel of three or more stories in height shall be provided and equipped with a fire escape or fire escapes of the style and character and in the manner described in section four thousand nine hundred and ninety-nine-a-eight (4999-a-8) of the supplement to the code, 1907, and in addition thereto, every bed-room or sleeping apartment which has no other approved fire escape above the ground floor except in