

Sec. 20. **Inconsistent acts repealed.**—All acts and parts of acts, whether general or special, inconsistent with the provisions of this act are hereby repealed.

Sec. 21. This act shall take effect and be in force from and after its passage.

Approved April 15, 1915.

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CHAPTER 126—S. F. No. 478.

*An Act entitled "An Act legalizing proceedings had under Chapter 254, General Laws, 1911, relating to state rural highways."*

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

Section 1. **Proceedings under Chapter 254, G. L. 1911, legalized.**—In all cases where a petition for the laying out, construction or substantial improvement of a state rural highway has heretofore been approved by the appropriate county board or county boards and by the State Highway Commission in attempted compliance with the provisions of Chapter 254, General Laws, 1911, such petition and approval, and all subsequent proceedings in reference to such highway, and to the laying out, construction or substantial improvement thereof whether taken by such county board or county boards, or by the county auditor of any such county, by said State Highway Commission or by any district court, are hereby legalized and declared valid.

Sec. 2. This act shall not apply to or affect the right of appeal from said proceedings as now provided by law, or any actions or appeals now pending in which the validity of said proceedings is called in question.

Approved April 15, 1915.

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CHAPTER 127—H. F. No. 31.

*An Act to regulate the practice of optometry.*

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

Section 1. **Governor to appoint board of five members.**—The State Board of Optometry shall consist of five qualified optometrists appointed by the governor, each for the term of three years, or such part thereof as will provide for the expiration of the terms of two members January 1, 1916, one member January 1, 1917, and two members January 1, 1918, and until their successors qualify.

Vacancies in such board shall be filled by like appointment for unexpired terms.

**Sec. 2. Board to adopt rules.**—Said Board of Optometry shall make such rules and regulations, not inconsistent with the law, as may be necessary for the proper performance of its duties. Any member of the board may, upon being duly designated by the board, or a majority thereof, administer oaths or take testimony concerning any matter within the jurisdiction of the board.

**Sec. 3. Officers and members to meet once each year in St. Paul.**—The board shall elect from among its members a president and may adopt a seal.

A secretary or assistant may be employed who need not necessarily be a member of said board.

For the purpose of examining applicants for licenses to practise optometry, the board shall meet at least once each year in St. Paul and may hold other meetings at its pleasure.

**Sec. 4. Compensation of members and secretary.**—Each member shall receive from the funds of the board five dollars (\$5.00) a day for actual services, three cents a mile for necessary travel and allowance for necessary expenses of attending meetings, not to exceed two dollars and fifty cents (\$2.50) a day.

For clerical services the secretary shall receive such compensation as the board may deem just and proper, such compensation to be not more than four hundred dollars (\$400.00) per year. The board may employ an attorney and other necessary assistants to aid in the enforcement of the provisions of this act, the attendant expense to be met from the funds of the board. The secretary shall keep a record of all proceedings, including therein the name of every applicant for examination or registration, which record shall be open to public inspection.

**Sec. 5. Definition of practice of optometry.**—Any person shall be deemed to be practicing optometry within the meaning of this act who shall display a sign or in any way advertise himself as an optometrist, or who shall employ any means for the measurement of the powers of vision or the adaptation of lenses for the aid thereof, or who shall in the sale of spectacles or eyeglasses or lenses, use in the testing of the eyes therefor, lenses other than the lenses actually sold.

It shall be unlawful for glasses to be vended as merchandise except from permanently located and established places of business.

It shall be unlawful for any person to engage in the practice of optometry without first procuring and filing for record a certificate of registration as a licensed optometrist pursuant to this subdivision.

**Sec. 6. Qualifications of registered optometrists, and proceedings in examination for registry.**—The persons entitled to

practise optometry in Minnesota who are not already registered shall be:

Every person of the full age of twenty-one years who furnishes the board with satisfactory evidence of

(a) His age and moral character;

(b) That he possesses the knowledge essential to the practice of optometry;

(c) Having served an apprenticeship of not less than two years under a practising optometrist acceptable to the board, or shall be a graduate of an optometry school or college approved by this board, requiring an attendance of not less than one year's course;

(d) Having passed satisfactorily an examination by the board as to his qualifications for the practice of optometry, upon the completion of which he shall receive from said board a license certificate entitling him to practise. Any person desiring to be examined by said board must fill out and swear to an application furnished by the board, and must file the same with the secretary of said board at least two weeks prior to the holding of an examination which the applicant is desirous of taking.

The applicant shall pay to the board a fee of twenty dollars (\$20.00) before examination and five dollars (\$5.00) upon the issuance of certificate. In the event of failure on the part of a candidate to pass the first examination, he may within fifteen months have another trial; upon the payment of five dollars (\$5.00) additional.

Any applicant may be registered and given a certificate of registration if he shall present a certified copy or certificate of registration or license which has been issued to said applicant by any other state, where the requirements for registration shall be deemed by said board to be equivalent to those of this act; provided that such state shall accord a like privilege to holders of certificates of said board.

The fee for registering such applicants shall be fifteen dollars (\$15.00).

The board upon a hearing of which the accused shall have a ten days' notice, may revoke the certificate of any person under conviction of crime or shown to be grossly incompetent, afflicted with contagious or infectious disease or who employs misrepresentation, fraud or house-to-house canvassing in order to fit or sell glasses, or who has been guilty of habitual drunkenness for six months immediately preceding the accusation. After one year upon application and proof that the disqualification has ceased, the board may reinstate such person.

**Sec. 7. Where certificate is to be filed.**—The holder of every such certificate of registration shall file the same for record with the clerk of district court in the county where he resides, and

after record shall display it conspicuously at his place of business. Upon removal to another county he shall there in like manner file his certificate before engaging in business therein.

Such clerk's fee shall be fifty cents (50c) for recording and one dollar (\$1.00) for a certified copy. A failure on the part of the holder to comply with any of the foregoing provisions for six months after issuance of the certificate shall forfeit the same.

**Sec. 8. Annual fee of \$2.**—Before April first in each year, every authorized optometrist shall pay to the board a fee of two dollars (\$2.00), in default of which, the board, upon a hearing and after twenty days' notice, may revoke the certificate of any optometrist so in default; but the payment of such fee at or before the time of hearing, with such additional sum, not exceeding five dollars (\$5.00), as may be fixed by the board, shall excuse the default. The board may collect such fee by suit.

**Sec. 9. Fees to be held by secretary—Annual report of board**—All fees collected under this subdivision shall be received and held by the secretary and devoted to the uses of the board. The secretary shall give such bond as the board shall from time to time require. Before the first Monday in January, annually, the board shall report to the governor its proceedings, and the items of its receipts and disbursements.

**Sec. 10. Penalty for violation.**—Every person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00), or confinement in the county jail for not less than thirty (30) days nor more than ninety (90) days.

**Sec. 11. Invalidation of one section not to affect remainder.**—In case for any reason any paragraph or any provision of this act shall be questioned in any court of last resort and shall be held by such court to be unconstitutional or invalid the same shall not be held to affect any other paragraph or provision of this act.

**Sec. 12. Certain section R. L. 1905 repealed.**—That Sections 2320, 2321, 2322, 2323, 2324, 2325 and 2326 of the Revised Laws of 1905 and all amendments to said sections or any of them are hereby repealed.

**Sec. 13.** This act shall take effect and be in force from and after its passage.

Approved April 15, 1915.