

Chapter 695

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WATCH AND CLOCK MAKERS

695.010 Definitions for ORS 695.010 to 695.150. As used in ORS 695.010 to 695.150, unless the context requires otherwise:

(1) "Board" means the Oregon Board of Examiners in Watchmaking and Clockmaking.

(2) "Clockmaking" includes the repairing, replacing, rebuilding, reconditioning, cleaning, adjusting and regulating of the mechanical parts of clocks, and the manufacturing and fitting of parts designed for use or used in nonjewel, lever escapement, pendulum type and mechanical movements in electric clocks, but does not mean the repairing, replacing, rebuilding, reconditioning, cleaning, adjusting or regulating of electric motors or electric circuits in electric clocks.

(3) "Watchmaking" includes the repairing, replacing, rebuilding, reconditioning, cleaning, adjusting and regulating of the mechanical parts of watches, chronometers and time-recording instruments, and the manufacturing and fitting of parts designed for use or used in watches. The term does not include the manufacturing or repairing of watch cases but does include the repairing of any winding mechanism.

695.020 Registration certificate required for watchmakers and clockmakers.

(1) No person shall engage in watchmaking or clockmaking for profit or compensation of any kind without first obtaining a certificate of registration, as provided by ORS 695.010 to 695.100, which certificate shall at all times be conspicuously displayed in the place of business of the registrant.

(2) Unless he is registered as provided in ORS 695.010 to 695.100, no person shall solicit or receive any watch, clock, chronometer or time-recording instrument, for the purpose of his own work or for having the work done by another, unless the person who is to make the repair is a registered watch or clock maker in the employ of the person receiving the instrument, any repairing, replacing, rebuilding, reconditioning, cleaning, adjusting or regulating of the mechanical parts of any chronometer, clock, watch or time-recording instrument, for profit or compensation of any kind.

(3) No person not having a certificate of registration shall hold himself out as a watchmaker or clockmaker or as qualified to do watchmaking or clockmaking.

695.030 Examination required for certificate, scope, re-examinations. (1) An applicant, to be entitled to a certificate, shall pass an examination before the board. The examination shall be confined to such knowledge, practical ability and skill as is essential in the proper repairing of watches, chronometers, clocks and time-recording instruments, as the case may be. It shall include an examination of theoretical knowledge of watch or clock construction and repair, and also a practical demonstration of the applicant's skill in the manipulation of watchmaker's or clockmaker's tools.

(2) The board shall make all necessary rules and regulations for conducting examinations, and shall define the standards of workmanship and skill.

(3) In 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 \$15 fee for watchmakers and a \$10 fee for clockmakers.

695.040 Examination, time and place, applications and fees; applicant's qualifications. (1) Examinations for certificates shall be held at least three times a year at a time and place fixed by the board. Applications for examination shall be filed with the board at least 10 days before the date set for the examination. Applications for watchmakers shall be accompanied by an examination fee of \$25 and applications for clockmakers shall be accompanied by an examination fee of \$15.

(2) The applicant shall be of good moral character, at least 19 years of age, shall possess such general education and knowledge as the board deems necessary and shall have served an apprenticeship of two years or its equivalent as determined by the board.

695.050 Issuance of certificate; reciprocity; renewal of certificates. (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 or clockmaker in good standing, registered and licensed in another state and having engaged in watchmaking or clockmaking therein for two years immediately preceding his application for a certificate, upon filing with the board satisfactory proof thereof, may, in the discretion of the board, provided the standards in such other state are at least as high as those de-

fined and established by the board, be issued a certificate without examination upon payment of a fee of \$25.

(3) Certificates of registration shall expire on December 31 of each year, and may be renewed for one year upon payment of a fee of \$10. Application may be made for renewal after December 15 each year.

695.060 Apprentice certificates, display, fees. Any person 16 years or over, of good moral character, apprenticed to a registered watchmaker or clockmaker, in accordance with the regulations established by the board, may pursue the trade of watchmaking or clockmaking upon obtaining from the board a certificate of registration as an apprentice. The certificate shall be conspicuously displayed at all times at the place of employment of such apprentice. Apprentice watchmakers or clockmakers shall pay a fee of \$2 for the certificate and shall pay a renewal fee of \$2 annually.

695.070 Grounds for revocation of certificates. (1) The board may revoke a certificate of registration:

(a) Upon failure of the holder thereof to pay the annual renewal fee, after 30 days' notice in writing of such proposed revocation.

(b) Obtained through error of the board or by fraud on the part of the applicant.

(c) If the holder is grossly incompetent or guilty of immoral or unethical conduct.

(d) If the holder obtained or sought to obtain anything of value by fraudulent representations in the practice of watchmaking or clockmaking.

(2) "Unethical conduct" includes and means:

(a) Any conduct of a character likely to mislead, deceive or defraud the public.

(b) Advertising of any character in which untruthful or misleading statements are made.

(c) Loaning of certificate of registration to any person.

(d) Representation that a watch or clock has been cleaned although its major parts, train wheels and mainspring have not been disassembled and the capped jewels removed and all parts properly cleaned.

(e) Representation that certain services or parts are necessary or have been or will be used in the repair of a watch, chronometer, clock or time-recording instrument, although such services or parts are not necessary and have not been used in such repairs.

(f) Employing, directly or indirectly, any unregistered watchmaker or clockmaker to perform any watchmaking or clockmaking or estimating of cost of repairs on watches, chronometers, clocks or time-recording instruments.

(g) Noncompliance, within 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 ORS 695.010 to 695.150.

(3) No provision in ORS 695.010 to 695.150 is to be construed as an attempt to fix prices.

695.080 Notice and hearing. The holder of the certificate shall be given 30 days' notice in writing enumerating the charges and specifying the date and place for the hearing on such charges. At the hearing he shall have the opportunity to be represented by counsel, to confront witnesses against him and to produce evidence bearing on such charges. A stenographic record of all proceedings shall be made and a transcript thereof kept on file with the board.

695.090 Appeal from board decision. The holder may, within 30 days after revocation, file with the secretary of the board a written notice of appeal to the circuit court of the county where the licensee resides, and the secretary shall transmit to the court and to the Attorney General a certified copy of the record. The Attorney General shall defend the revocation. The circuit court shall affirm or reverse the revocation and its decision shall be final.

695.100 Reissuance of certificates. The person 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 that person a certificate of registration upon payment of the fees provided for by ORS 695.030 to 695.130.

695.110 Oregon Board of Examiners in Watchmaking and Clockmaking, creation, composition, term, oath, seal, annual list. (1) There hereby is created a board to be known as the Oregon Board of Examiners in Watchmaking and Clockmaking.

(2) The board shall consist of five members, to be appointed by the Governor in such order that the term of one member expires each year. All members of the board

shall have been residents of this state and actually engaged in watchmaking or clockmaking, as defined in ORS 695.010, for at least five years immediately preceding their appointment. With the exception of the first board, each member shall hold office for five years from the date of his appointment. Each member shall hold office until his successor has been appointed and qualified.

(3) Members of the board, before entering upon their duties, shall respectively take and file an official oath. The board shall have a common seal. The president and secretary shall file annually with the Governor a verified list of watchmakers and clockmakers qualified to serve as members on the board.

695.120 Board officers; meetings; quorum; duties of secretary; compensation. (1) The board shall choose annually one of its members as president and one as secretary, who shall each have power to administer oaths, take affidavits and certify thereto under seal of the board.

(2) The board shall meet at least once every six months at a place to be designated by the president, and at such other times and places as the president shall deem necessary.

(3) A majority of the members of the board shall constitute a quorum.

(4) The secretary shall collect all fees and turn them over to the State Treasurer. The secretary shall give such bond as the board shall deem proper. The secretary shall keep a full record of its proceedings, which shall be open to inspection at all reasonable times.

(5) The members and officers of the board shall be paid \$10 per diem for each day actually and necessarily expended in the performance of the duties of the board, and for necessary expenses.

695.130 Board powers and duties. The board shall carry out the provisions of ORS 695.010 to 695.150, and in so doing, it has the power:

(1) To promulgate all necessary rules and regulations and to establish suitable, proper and uniform apprenticeship regulations.

(2) To issue a temporary certificate to an applicant working with a registered watchmaker or clockmaker and to collect a fee of \$2 therefor.

(3) To appoint clerks and assistants, and

fix their salaries, subject to applicable provisions of the State Civil Service Law.

(4) On January 1 of each year, report its proceedings to the Governor, including an account of moneys received and disbursed.

695.140 Disposition of moneys received; payment of expenses. (1) All examination fees and all other moneys received by the board pursuant to the provisions of ORS 695.010 to 695.150 shall be paid to the secretary of the board, who shall pay the same into the State Treasury monthly. The State Treasurer shall place the receipts to the credit of the General Fund, assign them to the State of Oregon and they shall become a part of the General Fund in the hands of the State Treasurer.

(2) All necessary expenses incurred in the administration of ORS 695.010 to 695.150 shall be audited by the Secretary of State and paid in the same manner as other claims against the state are paid, after due approval thereof by the president and secretary of the board.

695.150 Jurisdiction of courts. District courts and justice courts shall have concurrent jurisdiction with circuit courts in all prosecutions under ORS 695.010 to 695.150 and subsection (1) of ORS 695.990.

695.160 to 695.200 [Reserved for expansion]

SECONDHAND WATCH DEALERS

695.210 Definitions for ORS 695.210 to 695.240. As used in ORS 695.210 to 695.240, unless the context requires otherwise:

(1) "Consumer" means a person who buys for his own use, or for the use of another, but not for resale.

(2) "Person" means an individual, firm, partnership, association or corporation engaged in the business of selling watches.

(3) "Secondhand watch" means:

(a) A watch which, as a whole, or the case thereof, or the movement thereof, has been sold to a consumer. However, a watch which has been so sold, and is thereafter returned within a period of six months from the date of the original sale, either through an exchange or for credit, to the same person who sold the watch to the consumer, shall not be deemed to be a secondhand watch for the purpose of ORS 695.210 to 695.240 if the vendor keeps a written record setting forth the name and address of the consumer, the date of the sale to the con-

sumer, the name of the watch or its maker, and the serial number, if any, on the case and the movement of the watch, or other distinguishing numbers or identification marks, such record to be kept for at least three years from the date of the sale of the watch.

(b) Any watch whose case or movement, serial numbers or other distinguishing numbers or identification marks have been erased, defaced, removed, altered or covered.

695.220 Secondhand watches to be tagged. Any person who sells, exchanges, offers to sell or exchange, exposes for sale or exchange, or possesses with intent to sell or exchange, a secondhand watch, shall affix and keep affixed to the same a tag with the words "secondhand" legibly written or printed thereon in the English language.

695.230 Delivery of invoice to vendee, contents, duplicate invoice. Any person who sells a secondhand watch shall deliver to the vendee a written invoice setting forth the name and address of the vendor, the name and address of the vendee, the date of the sale, the name of the watch or its maker, and the serial numbers, if any, or other distinguishing numbers or identification marks on its case and movement. If the serial num-

bers, or other distinguishing numbers or identification marks have been erased, defaced, removed, altered or covered, this shall be set forth in the invoice. A duplicate of the invoice shall be kept on file by the vendor of the secondhand watch for at least one year from the date of the sale thereof.

695.240 Advertising secondhand watches. Any person advertising in any manner secondhand watches for sale shall state clearly in such advertising that the watches so advertised are secondhand watches.

695.250 to 695.980 [Reserved for expansion]

PENALTIES

695.990 Penalties. (1) Violation of any of the provisions of ORS 695.010 to 695.150 is punishable, upon conviction, by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail for not less than 30 days nor more than 90 days, or by both.

(2) Violation of any of the provisions of ORS 695.210 to 695.240 is punishable, upon conviction, by a fine of not more than \$500 or by imprisonment in the county jail for not more than one year.