Chapter 695

1975 REPLACEMENT PART

Watch and Clock Makers and Dealers

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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 State Board of Watchmakers.

(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695.020[Repealed by 1973 c 832 s 52 (695.021 enacted in lieu of 695.020)]

695.021 Certificate of registration required. Except as provided in paragraph (c) of subsection (1) of this section, unless registered under this chapter as a watchmaker or clockmaker, no person shall:

(1) For profit or compensation of any kind:

(a) Engage in watchmaking or clockmaking 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.

(b) 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 watchmaker or clockmaker in the employ of the person receiving the instrument.

(c) Solicit or receive any watch, clock, chronometer or time-recording instrument for the purpose of delivering to and having the work done by an unlicensed person outside the State of Oregon, except for repair by the manufacturer or manufacturer's guarantee or warranty work.

(2) Advertise or represent to any other person that he is a watchmaker or clockmaker, that he is registered as a watchmaker or clockmaker or that he is qualified to engage in watchmaking or clockmaking.

[1973 c 832 s 53 (enacted in lieu of 695.020)]

695.030 Examination required for certificate, scope, reexaminations. (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 18 years of age, shall posess 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.

[Amended by 1973 c.827 s.77]

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 defined 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 $15. The board may vary the dates of certificate or license renewal by giving to the applicant written notice of the renewal date being assigned and by making prorated adjustments in the renewal fee.
[Amended by 1963 c.5 s 2; 1975 c.429 s.16]

695.060 Apprenticeship 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 suspend or 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) Refusal to return to the person entitled to possession thereof any timepiece delivered into the registrant's possession for repair, upon demand by such person, provided, that such person shall pay for parts and labor expended by the registrant to the time of demand. Nothing in this subsection is intended to prevent the registrant from reasonably requiring proof of right to possess the timepiece in a manner consistent with the regular and customary practice of the registrant.

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

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

(e) 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.

(f) 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.

(g) Employing, directly or indirectly, any unregistered watchmaker or clockmaker to perform any watchmaking or clockmaking.

(h) 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.
[Amended by 1973 c.832 s.54]

695.080[Repealed by 1971 c.734 s.21]

695.085 Certificate denial procedure; promulgation, review of rules and orders. (1) Where the board proposes to refuse to issue or renew a certificate, or proposes to revoke or suspend a certificate, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.500. Not less than 30 days' notice of such hearing shall be given.

(2) Promulgation of rules, conduct of hearings, issuance of orders and judicial review of rules and orders shall be as provided in ORS 183.310 to 183.500.
[1971 c 734 s 158]

Note: 695.085 was not added to and made a part of 695.010 to 695.150 by legislative action.

695.090[Repealed by 1971 c.734 s 21]

695.095 Surrender and voiding of revoked or expired certificates. The board may require any person in possession of a certificate which has been revoked or which

has expired to return the certificate to the board. The board shall thereupon indorse the certificate with the word "void." Upon request, the board may return the certificate after the indorsement.
[1969 c.422 s 3]

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 695.090 and 695.100 to 695.130.

695.110 State Board of Watchmakers. (1) There is created in the Department of Commerce a State Board of Watchmakers.

(2) The board shall consist of five members appointed by the Director of Commerce, with the approval of the Governor. All members of the board shall actually have been engaged in watchmaking or clockmaking, as defined in ORS 695.010, for at least five years immediately preceding their appointment.
[Amended by 1963 c 580 s.36; 1969 c.422 s.4; 1971 c.753 s.37]

695.120[Amended by 1967 c.401 s.6; 1969 c.314 s.96; repealed by 1971 c.753 s.74]

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 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.
[Amended by 1971 c 753 s 38]

695.140[Repealed by 1971 c 753 s.74]

695.145 Remedies for violation of registration requirements. The board may maintain a suit for an injunction against any person violating ORS 695.020. Any person who has been so enjoined may be punished for contempt by the court issuing the injunction. An injunction may be issued without proof of actual damage sustained by any person. An injunction shall not relieve a person from criminal prosecution for violation of ORS 695.020.
[1969 c.422 s.2]

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.

IDENTIFICATION OF REGISTRANTS AND TIMEPIECES

695.160 Use of registered casemark required. All persons registered by the board shall use a registered casemark, as designated by the board, on all timepieces repaired by them.
[1973 c.832 s 50]

695.165 Identification of timepieces required. All persons registered by the board shall tag, or otherwise provide, for adequate identification of the person entitled to possession thereof, on all timepieces delivered to the registrant's possession for repair.
[1973 c.832 s.51]

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 consumer, 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 numbers, 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.

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.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173 170, I, Thomas G Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173 160 and other changes specifically authorized by law

Done at Salem, Oregon,
October 1, 1975.

Thomas G Clifford
Legislative Counsel