

Appropriation, how expended.

be used and expended by, and under the direction of, the Columbia River Improvement Commission, according to the terms hereinbefore provided, and the State Auditor is authorized to draw his warrants upon the State Treasurer upon vouchers, in the manner provided by law for the disbursements of general appropriations, made by the executive commissioner when approved in writing by the president of the commission and attested by the secretary, and the State Treasurer shall pay the same.

Passed by the Senate March 6, 1909.

Passed by the House March 8, 1909.

Approved March 23, 1909.

---

## CHAPTER 235.

[S. B. 247.]

### REGULATING THE PRACTICE OF OPTOMETRY.

AN ACT to regulate the practice of optometry and for the appointment of a board of examiners, and providing penalties for the violation thereof.

*Be it enacted by the Legislature of the State of Washington:*

Optometry.

SECTION 1. 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.

Board of examiners.

SEC. 2. That a board to be known as the Board of Examiners in Optometry, for the State of Washington, is hereby established. Said board shall consist of three members, who will possess sufficient knowledge of theoretical and practical optics to practice optometry, and who shall have been residents of this state, actually engaged in the practice of optometry for at least five years. The term of each member of the said board shall be three years, or until his successor is appointed and qualified, and vacancies shall be filled for the unexpired term only; but in the original appointment of the members of the board, one shall be appointed for the term of one year, one for two years, and one for three years, from July 1, 1909. Said board

shall be appointed by the Governor of this state within 90 days after this act shall become effective and annually thereafter as vacancies occur. After the first board has been appointed only licensed optometrists shall be eligible to appointment. No member of said board shall be a stockholder, member of the faculty, or on a board of trustees of any school of optometry, or financially interested in a manufacturing or wholesale optical house.

Qualifica-  
tion  
of members.

SEC. 3. The members of said board shall qualify by taking oath of office before a notary public, or other officer empowered to administer oaths in the county in which each one, respectively, resides. At the first meeting of said board after each annual appointment the board shall elect a president, vice-president and secretary-treasurer. A majority of said board shall at all times constitute a quorum. Regular meetings shall be held at least once a year, at such time and place as shall be deemed most convenient for applicants. Due notice of such meetings shall be given by publication in such papers as may be selected by the board. Special meetings may be held upon a call of two members of the board. The board may prescribe rules, regulations and by-laws, in harmony with the provisions of this act, for its own proceedings and government for the examination of applicants for the practice of optometry. Said board or any member thereof shall have the power to administer oaths for all purposes required in the discharge of its duties and shall adopt a seal to be affixed to all of its official documents.

Officers of  
board.

Seal.

SEC. 4. The Board of Examiners shall preserve a record of its proceedings in a book kept for that purpose, showing name, age, place and duration of residence of each applicant, the time spent in schools of optometry, and in the study and practice of same, and the year and school from which degrees were granted. Said register shall also show whether applicants were rejected or licensed, and shall be *prima facie* evidence of all matters contained therein. The secretary of the board shall, on March 1 of each year, transmit an official copy of said register to the Secretary of State for permanent record,

Records.

Register to  
be filed.

a certified copy of which, with hand and seal of the secretary of said board, or Secretary of State, shall be admitted as evidence in all courts.

Practitioner  
to register  
in county.

SEC. 5. From and after the passage of this act it shall be unlawful for anyone to practice optometry within the limits of this state who has not registered in the district clerk's office of the county in which he resides, and in each county in which he practices, his authority for so practicing, as herein prescribed, together with his age, postoffice address, place of birth, subscribed and certified by oath, which, if wilfully false, shall subject the applicant to conviction and punishment for false swearing as provided by law. The fact of such oath and record shall be indorsed by the district clerk upon the certificate. The holder of the certificate must have the same recorded upon each change of residence or practice to another county, and the absence of such record shall be *prima facie* evidence of the want of possession of such certificate.

County  
clerk to keep  
register.

SEC. 6. It is hereby made the duty of the district clerk of each organized county in this state to purchase a book of suitable size to be known as the "Optometry Register" of such county, and set apart one full page for the registration of each optometrist, and to record in said optometry register the name and record of each optometrist who presents a certificate from the Board of Examiners, issued under this act. The district clerk shall receive the sum of \$1 from each optometrist so registered, which shall be his full compensation for all duties required under this act. When an optometrist shall die or remove to another county, or have his license revoked, it shall be the duty of said clerk to make a note of the fact at the bottom of the page as closing the record. On January 1<sup>st</sup> in each year said clerk shall, upon request of the board, certify to the office of the State Board of Examiners in Optometry a correct list of the optometrists then registered in the county, together with such other information as said board may require. Any district clerk upon conviction of knowingly violating any of the provisions of this act shall be fined not less than \$10 nor more than \$50. A copy from the

Fee for  
registration.

Clerk to  
notify board  
of examiners.

optometry register pertaining to any person, certified to by said district clerk, under the seal of said court, also a certificate issued by said official, certifying that any person named has or has not registered in said office, as required by this act, shall be admitted as evidence in all trial courts.

SEC. 7. Every person desiring to commence or to continue the practice of optometry after January 1, 1910, except as hereinafter provided, upon presentation of satisfactory evidence, verified by oath, that he is more than 21 years of age, of good moral character, has a preliminary education equivalent to at least two years in a public high school, and has also studied at least three years in a registered optometrist's office, or has graduated from a school of optometry, maintaining a standard of not less than 12 months' actual attendance, said 12 months to be divided into at least two equal terms, with an interval of not less than six months separating each term, and satisfactory to the said Board of Examiners in Optometry, shall take an examination before said Board of Examiners in Optometry to determine his qualifications therefor. Every candidate successfully passing examination shall be registered by said Board of Examiners in Optometry as possessing the qualifications required by this act, and shall receive from said Board of Examiners in Optometry a certificate therefor; but any person who shall submit to said Board of Examiners in Optometry satisfactory proof as to his character, competency and qualifications, and that he has been continuously engaged in the practice of optometry in the state for more than two years next prior to the passage of this act, may receive from the said Board of Examiners in Optometry a certificate of exemption from such examination, which certificate shall be registered and entitle him to practice optometry under this act. Every person entitled to a certificate of exemption as herein provided, must make application therefor and present the evidence to entitle him thereto on or before January 1, 1910, or he shall be deemed to have waived his right to such certificate. Before any certificate is issued it shall be num-

Qualifications  
of appli-  
cant.

Examination.

Certificate  
without ex-  
amination.

Registry of  
certificate.

Examina-  
tion fee.

Other fees.

Disposition  
of fees.

Examina-  
tions, how  
conducted.

bered and recorded in a book kept by the secretary of the State Board of Examiners in Optometry, and its number shall be noted upon the certificate. Applications for examination must be made in writing under affidavit to the secretary of the Board of Examiners in Optometry, and on forms prepared by said board, accompanied by a fee of \$25.00. Such applicants shall be given due notice of the date and place of examination. In case any applicant, because of his failure to pass examination, be refused a license, he or she, shall, after six months, be permitted to take a second examination without additional fee. The fee for issuing a certificate of registration shall be \$15, and for a certificate of exemption \$10, to be paid to the Board of Examiners in Optometry.

SEC. 8. The fund realized from the aforesaid fees shall be applied (first) to the payment of all necessary expenses of the Board of Examiners; any remaining funds shall be applied, by order of the board, to compensating members of the board in proportion to their labors: *Provided*, Said compensation shall in no case exceed \$5 each per day for time occupied.

SEC. 9. All examinations shall be conducted in writing and in such manner as shall be entirely fair and impartial to all individuals and every recognized school of optometry, the applicants being known by numbers, without name or other method of identification, on examination papers, by which members of the board may be able to identify such papers until after the applicants have been granted licenses or rejected. Upon satisfactory examination, under the rules of the board, applicants shall be granted licenses to practice optometry. All questions and answers, with grades attached, shall be preserved for one year. All applicants examined at the same time shall be given identical questions. All certificates shall be attested by the official seal, and signed by all members of the board, or a quorum thereof.

SEC. 10. The State Board of Examiners in Optometry may refuse to admit persons to its examinations or to is-

sue the certificates provided for in this act for any of the following causes:

(First) The presentation to the board of any certificate, or testimony, which was illegally or fraudulently obtained, or when fraud or deceit has been practiced in passing the examination. Grounds for refusing certificates.

(Second) Conviction of or charged by indictment with a crime of the grade of a felony, or one which involved moral turpitude.

(Third) Other grossly unprofessional or dishonorable conduct of a character likely to deceive or defraud the public; or for habits of intemperance of [or] drug addiction, calculated to destroy the accuracy of the work of an optometrist: *Providing*, That any applicant who may be refused admittance to examination before said board shall have his right of action to have such issue tried in the district court of the county in which some member of the board shall reside.

SEC. 11. The right herein to practice optometry in this state may be revoked by any court of competent jurisdiction upon proof of the violation of the law in any respect in regard thereto, or for any cause for which the State Board of Examiners in Optometry is authorized to refuse to admit persons to its examinations, as provided in Sec. 10 of this act, and it shall be the duty of the several district and county attorneys of this state to file and prosecute appropriate and judicial proceedings in the name of the state upon request of any member of said board. Revocation of certificate.

SEC. 12. Any person practicing optometry in this state in violation of the provisions of this act, shall, upon conviction thereof, be fined not less than \$50, nor more than \$500, or by imprisonment in the county jail for a term not less than two months nor exceeding six months, or both, and each day of such violation shall constitute a separate offense. Penalty.

SEC. 13. Nothing in this act shall be construed to apply to duly licensed physicians authorized to practice medicine under the laws of the State of Washington, nor Physicians and merchants exempt.

persons who sell spectacles, eye glasses or lenses as merchandise from permanently located and established places of business.

Repeal. SEC. 14. All acts and parts of acts inconsistent with this act are hereby repealed.

Passed by the Senate March 2, 1909.

Passed by the House March 11, 1909.

NOTE BY SECRETARY OF STATE.—This bill filed and allowed to become a law without the signature of the Governor.

SAM. H. NICHOLS, Secretary of State.

CHAPTER 236.

[S. B. 363.]

APPROPRIATION FOR STATE ROADS.

AN ACT making an appropriation for the construction and maintenance of state roads and for the examination and survey of proposed state roads and extensions thereof and apportioning such appropriation.

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

Appropriation \$650,000. SECTION 1. There is hereby appropriated out of the public highway fund, the sum of six hundred and fifty thousand dollars (\$650,000), for the construction and maintenance of state roads and for the examination and survey of proposed state roads and extensions thereof, to be apportioned as hereinafter provided, to-wit:

Distribution.	For state road No. 1, the sum of . . . . .	\$50,000
	For state road No. 2, the sum of . . . . .	25,000
	For state road No. 3, the sum of . . . . .	
	For state road No. 4, the sum of . . . . .	20,000
	For state road No. 5, the sum of . . . . .	60,000
	For state road No. 6, the sum of . . . . .	25,000
	For state road No. 7, the sum of . . . . .	120,000
	For state road No. 8, the sum of . . . . .	60,000
	For state road No. 9, the sum of . . . . .	60,000
	For state road No. 10, the sum of . . . . .	20,000
	For state road No. 11, the sum of . . . . .	30,000
	For state road No. 12, the sum of . . . . .	20,000
	For state road No. 13, the sum of . . . . .	10,000
	For state road No. 14, the sum of . . . . .	35,000
	For state road No. 15, the sum of . . . . .	15,000