

may modify said contract and publish such statement and notice for a period of at least two successive weeks prior to said first Tuesday in August. * * * Such treasurer shall also, at least * * * two weeks previous to said day, cause to be posted up copies of said statement and notice in at least four public places in such county, one of which copies shall be posted up in some conspicuous place in his office; but it shall be unlawful for any county treasurer to publish such statement and notice in any newspaper in his county that has not been regularly and continuously published in such county once in each calendar week for at least two years immediately before the date of such notice, if there be a newspaper which has been so published in such county; and any county treasurer who shall violate the provisions of this section shall forfeit a sum equal to the fees allowed by law for such publications, to be sued for and recovered in a civil action brought in the name of the state of Wisconsin, one-half of such penalty to be paid to the informant and the other half into the school fund.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 30, 1933.

No. 216, S.]

[Published July 1, 1933.

CHAPTER 351.

AN ACT to repeal and recreate section 99.33 of the statutes, relating to marketing of perishable agricultural commodities.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 99.33 of the statutes is repealed.

SECTION 2. A new section is added to the statutes to be numbered and to read: 99.33 (1) When used in this act:

(a) The term "person" includes individuals, partnerships, corporations, and associations.

(b) The term "perishable agricultural commodities" means fresh fruits and fresh vegetables of every kind and character.

(c) The term "commission merchant" means any person engaged in the business of receiving any perishable agricultural commodity for sale on commission, or for or on behalf of another.

(d) The term "dealer" means any person who buys, sells, offers or exposes for sale, or has in his possession with intent to sell, any perishable agricultural commodity, except that (1) no producer

shall be considered a dealer in respect to sales of any such commodity of his own raising; (2) no person buying such commodity solely for sale at retail shall be considered a dealer in respect to such commodity.

(e) The term "broker" means any person engaged in the business of negotiating sales and purchases of any perishable agricultural commodity, for or on behalf of the vendor or the purchaser, respectively.

(2) (a) After July 1, 1933, no person shall at any time, carry on the business of a commission merchant, dealer or broker as herein defined, without a license as herein provided.

(b) Any person desiring any such license shall make application to the department of agriculture and markets, upon blanks to be furnished by said department, upon filing of said application, and pay a fee of five dollars annually for such license.

(c) Whenever an applicant has paid the prescribed fee, the department of agriculture and markets shall issue to such applicant a license, which shall entitle the licensee to do business as a commission merchant and/or broker, and/or dealer, unless and until it is suspended or revoked by the department of agriculture and markets, in accordance with the provisions of this act, but said license shall automatically terminate unless the annual fee is paid within thirty days after notice has been mailed that payment is due.

(d) The department of agriculture and markets may suspend any such license temporarily for failure to comply with the provisions of this section or any rules or regulations made by the department of agriculture and markets, and shall have the power to permanently revoke such license for like cause. Before any such suspension or revocation of a license is made the department of agriculture and markets shall give written notice to the licensee that it contemplates the suspension or revocation of the same and give its reasons therefor. Such notice shall appoint a time for hearing before the department of agriculture and markets and may be sent by registered mail to the licensee. The hearing shall be held in the office of the department of agriculture and markets in the city of Madison. On the day of hearing the licensee may present such evidence as he may desire and after hearing the evidence the department of agriculture and markets shall decide the matter in such manner as to it appears just and right. The act of such department in refusing to grant a license or in suspending or revoking a license granted under this subsection shall be subject

to review by a writ of certiorari issuing from a court of competent jurisdiction.

(3) It shall be unlawful:

(a) For any commission merchant or broker to make any fraudulent charge in respect to any perishable agricultural commodity.

(b) For any dealer to reject or fail to deliver in accordance with the terms of the contract without reasonable cause, any perishable agricultural commodity bought or sold or contracted to be bought or sold by such dealer.

(c) For any commission merchant or broker to discard, dump, or destroy without reasonable cause any perishable agricultural commodity received by such a commission merchant or broker.

(d) For any commission merchant, dealer or broker, to make for a fraudulent purpose or for the purpose of depressing the market of any perishable agricultural commodity, any false or misleading statement concerning the grade, condition, markings, quality, quantity, market quotations, disposition of, or the condition of the market for any perishable agricultural commodity.

(e) For any commission merchant to fail to render a true and itemized statement of the sale or other disposition of any consignment of perishable agricultural commodity with full payment of the gross amount for which such perishable agricultural commodity is sold less the proper, usual, or agreed selling charge, with all other expenses necessarily and actually incurred or agreed to in the handling thereof, and the prompt payment of the purchase price or other amount due the seller in accordance with the terms of the agreement between the parties, or, if no agreement, within fifteen days of receipt of the perishable agricultural commodity.

(f) For any dealer to fail to accept or reject any perishable agricultural commodity promptly. If the dealer fails to notify the vendor by wire or telephone within twenty-four hours after he receives notice of the arrival of the perishable agricultural commodity, that he rejects the same, he will be deemed to have accepted it as being in accordance with the terms of the contract relating to the same.

(g) For any commission merchant, dealer or broker to receive any perishable agricultural commodity from other states or countries for sale or resale within this state and give the purchasers thereof the impression, through any method of advertising, or by any statement, that the perishable agricultural commodity is of Wisconsin origin.

(h) For any commission merchant, dealer or broker, for a fraudulent purpose to remove, alter, or tamper with any card, stencil, stamp, tag, certificate or other notice placed upon any container or railroad car containing perishable agricultural commodities by the original packer or by or under authority of any federal or state inspector, if such card, stencil, stamp, tag, certificate or other notice contains a certificate as to the grower, grade or quality of the commodity contained in such container or railroad car.

(i) For failure of any commission merchant, dealer or broker, to comply with the grading and marking requirements on perishable agricultural commodities, on which legal standards exist, or other state laws, relating to the marketing of perishable agricultural commodities.

(4) The department of agriculture and markets is charged with the enforcement of this section, and is authorized and empowered to make such rules and regulations as may be found necessary to carry out the provisions of and enforce the same.

(5) Any person who violates any of the provisions of paragraph (a) of subsection (2) of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment in the discretion of the court.

(6) If any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SECTION 3. This act shall take effect July 1, 1933.

Approved June 30, 1933.

No. 249, S.]

[Published July 1, 1933.

CHAPTER 352.

AN ACT to amend subsections (10) and (11) of section 85.40 of the statutes, relating to speed restrictions and unlawful operation of vehicles.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows: