



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1497/1
MED:kjf

2017 SENATE BILL 11

January 26, 2017 - Introduced by Senators KAPENGA, CRAIG, DARLING, FEYEN, HARSDF, MARKLEIN and STROEBEL, cosponsored by Representatives LOUDENBECK, BALLWEG, BERNIER, BOWEN, BRANDTJEN, E. BROOKS, R. BROOKS, DOYLE, DUCHOW, HORLACHER, HUTTON, JACQUE, JAGLER, JARCHOW, KITCHENS, KNODL, KOOYENGA, KREMER, KRUG, KULP, MILROY, MURSAU, OHNSTAD, PETERSEN, PETRYK, QUINN, RODRIGUEZ, ROHRKASTE, SKOWRONSKI, SPIROS, SWEARINGEN, C. TAYLOR, THIESFELDT, TITTL, TRANEL, TUSLER and WEATHERSTON. Referred to Committee on Public Benefits, Licensing and State-Federal Relations.

1 **AN ACT to repeal** 103.19, 103.70 (2) (c) and 103.71 (1) (a) and (b); **to renumber**
2 **and amend** 103.71 (1) (intro.); **to amend** 20.445 (1) (gk), 103.005 (14) (a),
3 103.25 (1), 103.25 (3), 103.27 (2), 103.28 (2), 103.64 (3), 103.70 (1), 103.70 (2) (a),
4 103.70 (2) (b) (intro.), 103.73 (3), 103.74 (intro.), 103.74 (1), 103.75 (1), 103.76,
5 103.80 (2), 103.81 (1), 103.81 (2), 118.56 (3) (a), 120.13 (34) and 948.015 (1); **to**
6 **repeal and recreate** 103.20; and **to create** 103.81 (2m) of the statutes;
7 **relating to:** child labor permits and modifying references to child labor in the
8 statutes.

Analysis by the Legislative Reference Bureau

Subject to certain exceptions, current law prohibits a minor from being employed or permitted to work at any employment unless the minor's employer obtains a written permit authorizing the employment of the minor. Subject to certain exceptions, current law also prohibits a minor from being permitted to work at any "street trade" unless 1) the minor's employer obtains a street trade permit; and 2) the minor obtains an identification card. Street trade permits must contain certain information but otherwise be in the same format as child labor permits. Such permits are issued by the Department of Workforce Development or by certain other permit officers designated by DWD.

SENATE BILL 11

This bill eliminates the requirements to obtain such permits and identification cards for minors who are 16 years of age or older.

The bill also changes terminology in current law to refer to “the employment of minors” instead of “child labor” and repeals an obsolete provision regarding certain performances featuring children.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 20.445 (1) (gk) of the statutes is amended to read:

2 20.445 (1) (gk) ~~Child labor permit~~ Permit system for employment of minors; fees.

3 The amounts in the schedule to fund the cost of the department’s information
4 technology systems, including the department’s ~~child labor permit system~~ for the
5 employment of minors, and to fund other operational expenses of the division of
6 equal rights in the department. All moneys received from fees collected under s.
7 103.805 (1) shall be credited to this appropriation account.

8 **SECTION 2.** 103.005 (14) (a) of the statutes is amended to read:

9 103.005 (14) (a) The department shall administer and enforce, ~~so far as not~~
10 except where otherwise provided for in the statutes, the laws relating to ~~child labor,~~
11 employment, and employment offices ~~and all other laws relating to the regulation of~~
12 employment.

13 **SECTION 3.** 103.19 of the statutes is repealed.

14 **SECTION 4.** 103.20 of the statutes is repealed and recreated to read:

15 **103.20 Penalty.** Any person who violates s. 103.15 (2) or (3), 103.17, or 103.18
16 shall be fined not more than \$100.

17 **SECTION 5.** 103.25 (1) of the statutes is amended to read:

SENATE BILL 11

1 103.25 (1) A minor under 16 years of age shall not be employed or permitted
2 to work at any street trade unless the minor's employer first obtains from the
3 department or a permit officer a street trade permit and the minor first obtains an
4 identification card, both issued in accordance with this section.

5 **SECTION 6.** 103.25 (3) of the statutes is amended to read:

6 103.25 (3) The form and requisites of street trade permits shall be the same as
7 those specified for ~~child labor permits in~~ authorizing the employment of minors
8 under s. 103.73, except as provided in sub. (3m) and except that the permits may be
9 issued on special street trade permit forms, in a form determined by the department.
10 Each minor for whom a street trade permit is issued shall be provided by the
11 department or the permit officer issuing the permit with a street trade identification
12 card, in a form determined by the department. The minor shall carry the
13 identification card while engaged in street trade employment and ~~shall~~ may not
14 transfer it to any other person.

15 **SECTION 7.** 103.27 (2) of the statutes is amended to read:

16 103.27 (2) Every employer shall receive and file a street trade permit
17 authorizing employment of each minor under 16 years of age by ~~him or her~~ the
18 employer before the minor is permitted to work; and shall keep the permit on file and
19 allow inspection of the permit at any time by the department or any police or school
20 attendance officer.

21 **SECTION 8.** 103.28 (2) of the statutes is amended to read:

22 103.28 (2) The failure of an employer to produce for inspection by the
23 department or any school attendance or police officer a permit required for a minor
24 under 16 years of age employed in street trades is prima facie evidence of unlawful
25 employment of the minor.

SENATE BILL 11**SECTION 9**

1 **SECTION 9.** 103.64 (3) of the statutes is amended to read:

2 103.64 (3) “Permit officer” shall ~~mean any~~ means a person designated by the
3 department to issue ~~child labor permits~~ authorizing the employment of minors.

4 **SECTION 10.** 103.70 (1) of the statutes is amended to read:

5 103.70 (1) Except as otherwise provided in sub. (2) and in ss. 103.21 to 103.31,
6 103.78, 938.245 (2) (a) 5. b., 938.32 (1t) (a) 2., and 938.34 (5) (b) and (5g) (c), and as
7 may be provided under s. 103.79, a minor under 16 years of age may not be employed
8 or permitted to work at any gainful occupation or employment, ~~unless employed~~
9 ~~under an apprentice contract under s. 106.01~~, unless 12 years and over and engaged
10 in farming, unless 14 years and over and enrolled in a youth apprenticeship program
11 under s. 106.13, or unless there is first obtained from the department or a permit
12 officer a written permit authorizing the employment of the minor within those
13 periods of time stated in the permit, which may not exceed the maximum hours
14 prescribed by law.

15 **SECTION 11.** 103.70 (2) (a) of the statutes is amended to read:

16 103.70 (2) (a) A minor under 16 years of age may be employed without a permit
17 in or around a home in work usual to the home of the employer, if the work is not in
18 connection with or a part of the business, trade, or profession of the employer; is in
19 accordance with the minimum age stated in s. 103.67 (2) (f); and is not specifically
20 prohibited by ss. 103.64 to 103.82 or by an order of the department.

21 **SECTION 12.** 103.70 (2) (b) (intro.) of the statutes is amended to read:

22 103.70 (2) (b) (intro.) A minor under 16 years of age may be employed without
23 a permit by a nonprofit organization in and around the home of an elderly person or
24 a person with a disability to perform snow shoveling, lawn mowing, leaf raking, or

SENATE BILL 11

1 other similar work usual to the home of the elderly person or person with a disability,
2 if all of the following apply:

3 **SECTION 13.** 103.70 (2) (c) of the statutes is repealed.

4 **SECTION 14.** 103.71 (1) (intro.) of the statutes is renumbered 103.71 (1) and
5 amended to read:

6 103.71 (1) Except as provided in s. 103.78, a permit shall not be issued
7 authorizing any minor ~~14 to 18 years of age~~ to be employed during the hours that the
8 minor is required to attend school under s. 118.15, ~~unless the minor has completed~~
9 ~~high school. The department and its permit officers shall accept as evidence of the~~
10 ~~minor's completion of high school either:~~

11 **SECTION 15.** 103.71 (1) (a) and (b) of the statutes are repealed.

12 **SECTION 16.** 103.73 (3) of the statutes is amended to read:

13 103.73 (3) A ~~child labor~~ permit duly issued authorizing the employment of a
14 minor issued under s. 103.70 shall be conclusive evidence of the age of the minor for
15 whom it was issued in any proceeding under any of the labor laws and under ch. 102,
16 as to any act or thing occurring subsequent to the date ~~such~~ the permit was issued.

17 **SECTION 17.** 103.74 (intro.) of the statutes is amended to read:

18 **103.74 Duties of employers of minors.** (intro.) Every employer employing
19 a minor under ~~18~~ 16 years of age for whom a permit is required, except in street
20 trades, shall:

21 **SECTION 18.** 103.74 (1) of the statutes is amended to read:

22 103.74 (1) Receive and file a ~~child labor~~ permit authorizing employment of the
23 minor by ~~him or her~~ the employer before the minor is permitted to do any work, and
24 shall keep the permit on file and allow inspection of the permit at any time by the

SENATE BILL 11**SECTION 18**

1 department or any school attendance officer. A permit shall be valid only for the
2 employer for whom which it is issued.

3 **SECTION 19.** 103.75 (1) of the statutes is amended to read:

4 103.75 (1) The department or persons designated by the department may issue
5 certificates of age for minors under 16 years of age under rules the department deems
6 necessary. In issuing a certificate of age for such a minor, the department or person
7 designated by the department shall accept as evidence of the minor's age the
8 evidence specified in s. 103.73 (1) (a) in the manner specified in s. 103.73 (1) (a). The
9 certificate is conclusive evidence of the age of the minor to whom issued in any
10 proceeding under any of the labor laws and under ch. 102 as to any act or thing
11 occurring subsequent to the date the certificate was issued.

12 **SECTION 20.** 103.76 of the statutes is amended to read:

13 **103.76 Proof of age in court.** Whenever in any proceeding in any court under
14 any of the labor laws or under ch. 102 there is any doubt of the age of a minor, a ~~duly~~
15 ~~issued child labor permit~~ authorizing the employment of the minor issued under s.
16 103.70 or an age certificate for the minor issued under s. 103.75 shall be conclusive
17 evidence. In the absence of such permit or certificate, a ~~duly attested~~ birth
18 certificate, a verified baptismal certificate, a valid operator's license issued under ch.
19 343 that contains the photograph of the license holder, or an identification card
20 issued under s. 343.50 shall be produced and filed with the court. Upon proof that
21 the birth certificate, baptismal certificate, operator's license or identification card
22 cannot be secured, the record of age stated in the first school enrollment of the child
23 shall be admissible as evidence of the minor's age.

24 **SECTION 21.** 103.80 (2) of the statutes is amended to read:

SENATE BILL 11

1 103.80 (2) The failure of any employer to produce for inspection to ~~be~~ by the
2 department, or school attendance officers, ~~the a permit provided for in~~ required for
3 a minor under 16 years of age under s. 103.70 shall be prima facie evidence of
4 unlawful employment of the minor. The presence of any minor in any factory,
5 workshop or other place of employment shall be prima facie evidence of the
6 employment of the minor.

7 **SECTION 22.** 103.81 (1) of the statutes is amended to read:

8 103.81 (1) ~~During~~ Except as provided in sub. (2m), during the term that the
9 public schools are in session, a person shall not advertise or cause or permit any
10 advertisement to be published in any newspaper for the labor or services of any minor
11 during school hours in any employment ~~for which a child labor permit is required~~
12 ~~under s. 103.70 which does not specifically state the minimum age of the minor whose~~
13 ~~services are desired, which age must be 18 years or over.~~

14 **SECTION 23.** 103.81 (2) of the statutes is amended to read:

15 103.81 (2) ~~A~~ Except as provided in sub. (2m), a person shall not solicit in the
16 schools or homes of this state, minors of ~~permit~~ age to leave school and enter their
17 employment, ~~if a child labor permit is required for that employment by s. 103.70.~~

18 **SECTION 24.** 103.81 (2m) of the statutes is created to read:

19 103.81 (2m) Subsections (1) and (2) do not apply with respect to any of the
20 following:

21 (a) Employment as an election inspector as provided in s. 7.30 (2) (am).

22 (b) Employment during school hours when permitted under s. 103.67.

23 (c) Employment described under s. 103.70 (2).

24 (d) Employment described under s. 103.78.

25 **SECTION 25.** 118.56 (3) (a) of the statutes is amended to read:

