



2009 SENATE BILL 295

September 16, 2009 - Introduced by Senators KEDZIE, TAYLOR and SCHULTZ, cosponsored by Representatives KNODL and GUNDERSON. Referred to Committee on Children and Families and Workforce Development.

1 **AN ACT** *to amend* 103.68 (2), 103.78 (1) (intro.) and 103.78 (1) (d) (intro.) of the
2 statutes; **relating to:** permitting a minor to present musical entertainment or
3 perform in a theatrical performance in a roadhouse, cabaret, dance hall, night
4 club, tavern, or similar place.

Analysis by the Legislative Reference Bureau

Under current law, subject to certain exceptions, a minor under 14 years of age may not be permitted to work in any gainful occupation at any time and a minor who is permitted to work must first obtain a permit authorizing the employment of the minor (work permit). Current law, however, permits a minor to sing, play, or perform in any theatrical or musical exhibition, concert, or festival without first obtaining a work permit if the activity is not detrimental to the life, health, safety, or welfare of the minor and does not interfere with the minor's schooling and, if the minor is under 16 years of age, a parent or guardian accompanies the minor, but current law generally prohibits the employment or appearance of any minor in a roadhouse, cabaret, dance hall, night club, tavern, or other similar place.

This bill permits a minor to present musical entertainment or perform in a theatrical performance in a roadhouse, cabaret, dance hall, night club, tavern, or similar place before 10:00 p.m. on a day not preceding a school day or before 9:00 p.m. on a day preceding a school day without a work permit, if the conditions under

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current law for performing in a theatrical or musical exhibition, concert, or festival apply.

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

1 **SECTION 1.** 103.68 (2) of the statutes is amended to read:

2 103.68 (2) No minor under 16 shall be employed or permitted to work in any
3 gainful occupation, other than domestic service or farm labor, for more than 24 hours
4 in any one week, nor, except in domestic service, farm labor, ~~or in~~ public exhibitions
5 as ~~defined~~ provided in s. 103.78, or ~~in~~ street trades, as defined in s. 103.21 (6), before
6 7 a.m. nor after 6 p.m.

7 **SECTION 2.** 103.78 (1) (intro.) of the statutes is amended to read:

8 103.78 (1) (intro.) Nothing contained in ss. 103.64 to 103.82 shall be construed
9 as forbidding any minor ~~under 18 years of age~~ to appear for the purpose of singing,
10 playing, or performing in any studio, circus, theatrical or musical exhibition, concert,
11 or festival, in radio and television broadcasts, or as a live or photographic model.
12 ~~Under~~ Child labor permits shall not be required for such employment or appearances,
13 but no minor ~~under 18 years of age~~ shall be so employed except under the following
14 conditions:

15 **SECTION 3.** 103.78 (1) (d) (intro.) of the statutes is amended to read:

16 103.78 (1) (d) (intro.) ~~The~~ If the employment or appearance ~~shall not be~~ is for
17 the purpose of presenting musical entertainment or performing in a theatrical
18 performance in a roadhouse, cabaret, dance hall, night club, tavern, or other similar
19 place, the employment or appearance shall end before 10:00 p.m. on a day not

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1 ~~preceding a school day or before 9:00 p.m. on a day preceding a school day.~~ This

2 ~~prohibition~~ restriction does not apply to any of the following:

3 (END)