

## 1999 ASSEMBLY BILL 400

July 8, 1999 – Introduced by Representative SCHNEIDER. Referred to Committee on Labor and Employment.

1     **AN ACT to amend** 103.73 (1) (intro.), 103.73 (1) (a), 103.75 (1) and 103.76 of the  
2             **statutes; relating to:** proof of age of a minor for purposes of the child labor laws  
3             and granting rule-making authority.

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### *Analysis by the Legislative Reference Bureau*

Under current law, subject to certain exceptions, a minor may not be permitted to work at any gainful occupation unless the department of workforce development (DWD) or a permit officer has issued a written permit authorizing the employment of the minor (work permit). Before DWD or a permit officer may issue a work permit, DWD or the permit officer must examine and approve such evidence as is required by DWD by rule showing the age of the minor. Under current DWD rules, DWD and permit officers must accept as evidence of a minor's age for purposes of issuing a work permit the minor's birth certificate or baptismal certificate, in that order, or, if those proofs of age are not obtainable, certain other proofs of age such as the minor's passport, a life insurance policy on the minor or the record of age stated in the first school enrollment of the minor.

This bill requires DWD, in promulgating rules governing proof of age of minors applying for work permits, to include a requirement that DWD and its permit officers accept as evidence of a minor's age a valid operator's license issued by the department of transportation (DOT) that contains the photograph of the license holder (driver's license) or an identification card issued by DOT, without requiring proof that the minor's birth certificate or baptismal certificate cannot be secured.

Current law also authorizes DWD or a person designated by DWD to issue a certificate of age for a minor. A certificate of age and a minor's work permit are

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conclusive evidence of the minor's age in any court proceeding under any labor law or the worker's compensation law. If in such a proceeding there is doubt as to a minor's age and a work permit or certificate of age cannot be produced, the minor's birth certificate or baptismal certificate must be produced and filed with the court or, if those proofs of age cannot be secured, the record of age stated in the first school enrollment of the minor is admissible as evidence of the minor's age.

This bill requires DWD or a person designated by DWD, in issuing a certificate of age to a minor, to accept as evidence of the minor's age the minor's driver's license or an identification card issued by DOT in the same manner as DWD or a permit officer must accept that proof of age for purposes of issuing a work permit. The bill also permits a minor's driver's license or identification card issued by DOT to be produced as evidence of the minor's age in a court proceeding under any labor law or the worker's compensation law when there is doubt as to a minor's age and a work permit or certificate of age cannot be produced.

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

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

1           **SECTION 1.** 103.73 (1) (intro.) of the statutes is amended to read:

2           103.73 (1) (intro.) The permit provided under s. 103.70 shall state the name and  
3 the date and place of birth of the minor and that the following evidence, records and  
4 papers have been examined, approved and filed:

5           **SECTION 2.** 103.73 (1) (a) of the statutes is amended to read:

6           103.73 (1) (a) Such evidence as is required by the department showing the age  
7 of the minor. The department shall ~~formulate and publish rules and regulations~~  
8 promulgate rules governing the proof of age of minors who apply for labor permits,  
9 ~~and such rules and regulations~~ that shall bind all persons authorized by law to issue  
10 such permits. In promulgating those rules, the department shall include a  
11 requirement that the department and its permit officers shall accept as evidence of  
12 a minor's age a duly attested birth certificate, a verified baptismal certificate, a valid  
13 operator's license issued under ch. 343 that contains the photograph of the license

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1 holder or an identification card issued under s. 343.50. Those rules shall also require  
2 the department and its permit officers to accept as evidence of a minor's age a valid  
3 operator's license issued under ch. 343 that contains the photograph of the license  
4 holder or an identification card issued under s. 343.50 without requiring proof that  
5 the minor's birth certificate or baptismal certificate cannot be secured.

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

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

15 **SECTION 4.** 103.76 of the statutes is amended to read:

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

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**SECTION 4**

1 record of age stated in the first school enrollment of the child shall be admissible as  
2 evidence thereof of the minor's age.

3 (END)