

1971 Assembly Bill 63

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CHAPTER 271, Laws of 1971

AN ACT to repeal 103.25 (3) and (5), 103.74 (4), 103.75 (3) and 103.77; to renumber 103.21 (4), 103.25 (4) and (6), 103.64 (3) and 103.74 (3); to renumber and amend 103.67 (3) and (4); to amend 103.21 (intro.) and (2), 103.22, 103.23, 103.25 (1) and (2), 103.27, 103.28, 103.29 (1) (a) and (2), 103.30, 103.31, 103.64 (title), 103.65 (1), 103.66, 103.67 (1) and (2), 103.70, 103.71 (1) (intro.) and (2), 103.73 (2), 103.74 (intro.) and (1), 103.75 (1) and (2), 103.78 (1) (d), (2), (3) and (4), 103.79 (2), 103.81 and 103.82 (1) (a), (2) and (3); to repeal and recreate 103.24, 103.69 and 103.805; and to create 15.227 (5) and 103.32 of the statutes, relating to alterations in child labor laws and creating a council on child labor in the department of industry, labor and human relations.

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

PREFATORY NOTE: This bill is a recodification of Wisconsin's child labor laws, located in ch. 103. The department of industry, labor and human relations has, over the past several years, sought a revision of this chapter, which has long been in need of streamlining and modernization due to changing conditions in industrial and agricultural technology, working conditions, the labor market, educational standards and the overall economy of the state. Changes in supervision and enforcement policies, along with a need to facilitate certain administrative procedures and cure various statutory defects, have also motivated the department in seeking this revision.

Further impetus for this draft came from the 1969 Assembly Select Committee on Inner City Problems which recommended, among other things, that the state's child labor laws be studied with a view toward removing any impediment in our laws which may prevent or in some manner discourage the employment or employability of minors from disadvantaged or low-income backgrounds.

Briefly, the major substantive changes contained in this proposal are, as follows:

(1) A council on child labor is established to conduct a biennial review of the child labor laws and submit recommendations to the department. The council will consist of legislative members, department representatives, public members, and a commissioner of the department who shall serve as chairman.

(2) The statutory age for boys employed in street trades is lowered from 13 to 12.

(3) The statutory amounts charged to minors as fees for issuing street trade permits, identification cards, work permits and certificates of age have been eliminated.

(4) Responsibility for the payment of the fee for the issuance of work permits has been shifted from the minor to the employer. The minor is permitted to advance the fee, but must be reimbursed by the employer by the end of the first pay period.

(5) The department is given authority to sue on behalf of a minor to recover back wages resulting from a violation of the chapter.

(6) Certain administrative procedures are streamlined or eliminated entirely to make it easier for minors to obtain the various permits and ID cards required by law.

These and other substantive provisions of the bill are explained in detail in the legislative council notes following each section.

The bill also contains a number of provisions that are purely correctional in nature. Some of these changes update statutory language to conform with present drafting practices, while others involve the removal of certain references which have become outdated due to recent governmental reorganization.

SECTION 1. 15.227 (5) of the statutes is created to read:

15.227 (5) COUNCIL ON CHILD LABOR. There is created in the department of industry, labor and human relations a council on child labor to consist of the following:

(a) An industry, labor and human relations commissioner, designated by the commission, who shall serve as chairman of the council.

(b) A representative of the department, designated by the commission.

(c) Two senators and 2 representatives to the assembly, each representing one of the 2 major political parties in each house, appointed as are members of standing committees in each house.

(d) Such number of public members, including representatives from labor and management, as the commission chooses, designated by the commission. Public members shall be knowledgeable in the field of child labor and problems related to the employment of minors.

NOTE: This section creates a council on child labor within the department of industry, labor and human relations to conduct a biennial review of the child labor laws and recommend modifications when needed.

Its membership will include agency personnel, legislators, public members and a commissioner of the department who shall serve as chairman of the council.

For detailed information as to the duties and function of the council, see SECTION 24.

SECTION 2. 103.21 (intro.) and (2) of the statutes are amended to read:

103.21 (intro.) As used in sections ss. 103.21 to 103.31:

(2) Every minor selling or distributing newspapers or magazines on the streets or other public place, or from house to house, ~~shall be deemed is~~ in an "employment" and an "employee," and each independent news agency or (in the absence of all such agencies) each selling agency of a publisher or (in the absence of all such agencies) each publisher, whose newspapers or magazines he sells or distributes, ~~shall be deemed is~~ an "employer" of such the minor. Every minor engaged in any other street trade ~~as defined in subsection (1) of this section shall be deemed is~~ in an "employment" and an "employee," and each person, ~~partnership or corporation~~ furnishing him articles for sale or distribution or regularly furnishing him material for blacking boots ~~shall be deemed is~~ his "employer".

NOTE: This section has been amended to update the language to conform with present statutory drafting practices and contains no substantive changes.

SECTION 3. 103.21 (4) of the statutes is renumbered 103.21 (3).

NOTE: This section is correctional in nature and contains no substantive changes.

SECTION 4. 103.22 of the statutes is amended to read:

103.22 The general standards for the employment of minors set forth in ~~section s.~~ 103.65 shall apply to the employment of minors in street trades, and in relation to such that employment the department ~~shall have~~ has the powers and duties specified in ~~section s.~~ 103.66. Except as the department ~~may from time to time exercise~~ such exercises those powers, the employment of minors in street trades shall be in accordance with ~~sections ss.~~ 103.23 to 103.31.

NOTE: This section updates language to conform with present statutory drafting practices and contains no substantive changes.

SECTION 5. 103.23 of the statutes is amended to read:

103.23 (1) ~~No~~ A girl under ~~eighteen~~ 18 years of age shall ~~not~~ be employed or permitted to work at any time in any street trade.

(2) ~~No~~ A boy under ~~13~~ 12 years of age shall ~~not~~ be employed or permitted to work at any time in any street trade. ~~Provided, however, that during the effective period of the selective service~~

~~act of 1948, as amended, or other compulsory military service law of the United States, and for 6 months thereafter, the department, in its discretion and subject to such conditions and restrictions as it may impose for the health and welfare of the boy in any individual case, may issue permits to boys to engage in house-to-house street trades in residential areas when such boys have reached the age of 12 years.~~

NOTE: This section lowers the statutory age for permitting boys to work in street trades from 13 to 12. For some time, the department, by administrative rule, has permitted boys age 12 to deliver newspapers and engage in other suitable street trades. Thus, the section simply conforms the statutes to present practices of the department and, it is hoped, will aid in stimulating opportunities for youngsters seeking employment in street trades.

The section also eliminates antiquated language relating to selective service and wartime provisions which are no longer applicable in Wisconsin.

SECTION 6. 103.24 of the statutes is repealed and recreated to read:

103.24 HOURS OF WORK. The department shall determine and fix reasonable hours of employment for minors in street trades.

NOTE: This section removes the statutory listing of permissible hours of work in street trades and restates present law which allows the department to fix and determine reasonable hours of employment by administrative rule.

SECTION 7. 103.25 (1) and (2) of the statutes are amended to read:

103.25 (1) ~~In cities and villages having a population of 1,000 or over no~~ A boy under 18 years of age shall not be employed or permitted to work at any street trade unless his employer first obtains from the department or a designated permit officer a street trade permit and the boy first obtains an identification card, both issued in accordance with this section.

(2) If upon investigation, the department ~~shall ascertain and determine~~ determines that there are practical difficulties or unnecessary hardships in carrying out ~~the provisions of subsection sub. (1),~~ the department may by general or special order make reasonable exceptions ~~therefrom,~~ or modifications ~~thereof,~~ having with due regard for the life, health, safety and welfare of boys employed in street trades. ~~Such~~ The investigation and orders shall be made pursuant to ~~sections ss. 101.01 to 101.28, and shall have the same force and effect as orders issued pursuant to said those sections. Such order shall be~~ These orders are subject to review ~~in the manner as provided in chapter ch. 227.~~

NOTE: Sub. (1) extends the street trade permit requirement to minors employed in cities and villages under 1,000 population. Conditions justifying the continuation of street trade permit exemptions for small towns and rural areas no longer exist. For some time, the larger newspaper publishers have required permits for these areas. Furthermore, a permit requirement would aid in reducing the department's workload in handling accident reports and would enable greater supervision of certain forms of door-to-door solicitation, thus establishing greater employer responsibility in this area.

Sub. (2) updates language to conform with present statutory drafting practices, and contains no substantive changes.

SECTION 8. 103.25 (3) of the statutes is repealed.

NOTE: Section 103.25 (3) which sets forth certain procedures for obtaining a street trade permit is repealed. Under its rule-making authority, the department has changed its procedures for obtaining permits. This section merely eliminates old statutory provisions to conform with present departmental practices.

SECTION 9. 103.25 (4) of the statutes is renumbered 103.25 (3) and amended to read:

~~103.25 (3) The form and requisites of street trade permits shall be the same as those specified for child labor permits in s. 103.73, except that the permits may be issued on special street trade permit blanks of a form determined by the department. Each boy for whom a street trade permit is issued shall be provided by the department or the permit officer issuing such the permit with a street trade identification card of a form determined by the department. He shall carry such the identification card while engaged in street trades trade employment and shall not transfer such identification card it to any other person. If he ceases to be employed in street trades or reaches the age of 18, he shall return such identification card to the permit officer. The department shall have power to fix and to collect, directly or through its permit officers, a fee of not to exceed 25 cents for each street trade identification card; such fee to be deposited by each boy obtaining such identification card and refunded to him on the return of the identification card.~~

NOTE: This section authorizes the department to determine the proper form for street trade permits issued to minors.

It further eliminates the 25¢ fee for the issuance of a street trade identification card. Because a street trade permit fee is already required, it is felt that the additional fee for the identification card creates an unnecessary burden on boys seeking employment and should be eliminated.

This section also removes the requirement that a minor return the identification card to the department upon reaching age 18 or the termination of street trade employment.

SECTION 10. 103.25 (5) of the statutes is repealed.

NOTE: Section 103.25 (5) is repealed to conform with changes made in s. 103.25 (1) extending street trade permit requirements to small towns and rural areas.

SECTION 11. 103.25 (6) of the statutes is renumbered 103.25 (4) and amended to read:

103.25 (4) In relation to employment in street trades a permit issued under this section ~~shall have~~ has the same force and effect as a permit issued under ~~sections ss. 103.64 to 103.82; and the failure to obtain a permit when required under this section shall make subjects~~ the employer ~~subject~~ to the same penalties and liabilities as failure to obtain a permit when required under ~~sections ss. 103.64 to 103.82.~~

NOTE: This section updates language to conform with present drafting practices. No substantive changes have been made.

SECTION 12. 103.27 of the statutes is amended to read:

103.27 (1) Every employer of a ~~boy under eighteen~~ boys in a street ~~trade~~ trades shall keep a record for each ~~such~~ boy of his name, address, and date of birth.

(2) Every employer of a ~~boy for whom a street trade permit is required under section 103.25~~ shall receive and file a street trade permit authorizing employment of each ~~such~~ boy by ~~such~~ employer him before the boy is permitted to work; and shall keep ~~such~~ the permit on file ~~so long as such boy is employed~~; and shall allow inspection of ~~such~~ the permit at any time by the department or any police or truant officer.

NOTE: This section updates language to conform to present drafting practices. No substantive changes have been made.

SECTION 13. 103.28 of the statutes is amended to read:

103.28 (1) Sections 103.21 to 103.31 shall be enforced by the department. Police and truant officers of cities, towns and villages shall assist the department in ~~such~~ enforcement by questioning minors seen on the streets engaged in street trades and reporting to the department all cases of minors apparently engaged in street trades in violation of ~~sections ss.~~ 103.21 to 103.31.

(2) The failure of an employer to produce for inspection by the department or any truant or police officer a permit required for a boy employed in street trades ~~shall be~~ is prima facie evidence of unlawful employment of ~~such~~ the boy.

NOTE: This section updates language to conform to present drafting practices. No substantive changes have been made.

SECTION 14. 103.29 (1) (a) and (2) of the statutes are amended to read:

103.29 (1) (a) Any employer who ~~shall employ~~ employs or ~~permit~~ permits the employment of any minor in street trades in violation of ~~any of the provisions of sections ss.~~ 103.21 to 103.31 or of any order issued thereunder or ~~shall hinder who~~ hinders or ~~delay~~ delays the department or any truant ~~officer~~ or police officer in the performance of their duties under these sections ~~shall be guilty of a misdemeanor, and upon conviction thereof, shall~~ may be fined not less than ~~ten dollars~~ \$10 nor more than ~~one hundred dollars~~ \$100 for each offense, or imprisoned in the county jail not ~~longer~~ more than ~~thirty~~ 30 days. Every day during which ~~such~~ the violation continues ~~shall constitute~~ constitutes a separate and ~~distinct~~ offense.

(2) The state may enforce the penalties specified in subsection sub. (1) of this section in a criminal prosecution, or, in its discretion, it may recover a forfeiture of not less than ~~ten dollars~~ \$10 nor more than ~~one hundred dollars~~ \$100 for each offense. ~~Such~~ The forfeiture shall be recovered in an action of debt in any court of competent jurisdiction.

NOTE: This section updates language to conform to present drafting practices. No substantive changes have been made.

SECTION 15. 103.30 of the statutes is amended to read:

103.30 ~~No~~ A newspaper publisher or printer or person having for sale newspapers or magazines shall not permit any boy under ~~eighteen~~ 18 years of age to loiter or remain around any premises where ~~such papers~~ the newspapers or magazines are printed, assembled, prepared for sale or sold when ~~such~~ the boy is required under s. 118.15 to attend school. Any person violating this ~~provision shall be~~ section is guilty of a misdemeanor, and ~~upon conviction thereof shall be~~ subject to the penalties specified in s. 103.29.

NOTE: This section updates language to conform to present drafting practices. No substantive changes have been made.

SECTION 16. 103.31 of the statutes is amended to read:

103.31 Any parent or guardian who suffers or permits a minor to be employed in violation of ~~any of the provisions of sections ss. 103.21 to 103.31~~ or of any order of the department issued thereunder, ~~shall be guilty of a misdemeanor, and upon conviction thereof, shall may be~~ fined not less than ~~five~~ \$5 nor more than ~~twenty five dollars~~ \$25 for each offense, or imprisoned in ~~the county jail~~ not longer more than 30 days.

NOTE: This section updates language to conform to present drafting practices. No substantive changes have been made.

SECTION 17. 103.32 of the statutes is created to read:

103.32 RECOVERY OF ARREARS OF WAGES. The department, on behalf of the minor, may sue the employer under s. 101.10 (14) for the recovery of any arrears of wages to which the minor is entitled under this chapter.

NOTE: This section is new and gives the department authority to sue an employer on behalf of a minor to recover any arrears of wages under the state's child labor laws.

The department feels this power is necessary to enable the division of labor standards to fully and properly enforce the child labor laws. Presently, only the minor may sue an employer for back wages, which means that, in many cases of economic hardship, no real enforcement procedure exists. This section would give the department the initiative in aiding the minor in recovering back wages when an investigation indicates that wage claims resulting from violations of the law are justified.

SECTION 18. 103.64 (title) of the statutes is amended to read:

103.64 (title) EMPLOYMENT OF MINORS; DEFINITIONS.

NOTE: This section removes references to the employment of women from the child labor laws. Present federal and state laws adhere to a policy of equal treatment of the sexes in employment. Accordingly, references to women or females are deleted so that ch. 103 will apply solely to "minors".

SECTION 19. 103.64 (3) of the statutes is renumbered 103.64 (2).

NOTE: Certain subsections are renumbered for correctional purposes only. No substantive changes are made.

SECTION 20. 103.65 (1) of the statutes is amended to read:

103.65 (title) GENERAL STANDARDS FOR EMPLOYMENT OF MINORS. (1) ~~No A minor or female shall not~~ be employed or permitted to work at any employment or in any place of employment dangerous or prejudicial to the life, health, safety, or welfare of ~~such the minor or such female~~, or where the employment of ~~such the~~ minor may be dangerous or prejudicial to the life, health, safety or welfare of other employes or frequenters.

NOTE: This section deletes statutory references to females. See the note following SECTION 18.

SECTION 21. 103.66 of the statutes is amended to read:

103.66 (1) The department ~~shall have power, jurisdiction and authority to~~ may investigate, determine and fix reasonable classifications of employments and places of employment and minimum ages for hazardous employment for minors ~~and females~~, and ~~to may~~ issue general or special orders prohibiting the employment of ~~such~~ minors or ~~females~~ in employments or places of employment prejudicial to the life, health, safety or welfare of ~~such~~ minors or ~~females~~, and ~~to may~~ carry out the purposes of ~~sections ss.~~ 103.64 to 103.82.

(2) The department ~~shall have power, jurisdiction and authority to~~ may investigate, ~~determine~~ and fix reasonable classifications of employments and hours of employment for minors and ~~to may~~ issue general or special orders fixing ~~such~~ maximum hours of employment for minors per day and per week, ~~and such~~ maximum days of employment per week ~~and such~~ hours at which employment shall begin and end and ~~such the~~ duration of lunch and other rest periods as are necessary to protect the life, health, safety, and welfare of minors.

(3) The investigations, classifications and orders provided for in ~~subsections subs.~~ (1) and (2) shall be made pursuant to the procedure specified in ~~sections ss.~~ 101.01 to 101.28. Every order of the department ~~shall have~~ has the same force and effect as the orders issued pursuant to ~~sections ss.~~ 101.01 to 101.28. ~~Such These~~ orders ~~shall be~~ are subject to review ~~in the manner as~~ provided in ~~chapter ch.~~ 227.

NOTE: This section restates present law giving the department authority to determine and fix classifications of employments, hours of employment and suitable places of employment for minors. The section also permits the department to set minimum ages for hazardous employments and to issue general and special orders pursuant to its rule-making authority.

References to the employment of females are also deleted, and various language changes are made to conform with present statutory drafting practices.

SECTION 22. 103.67 (1) and (2) of the statutes are amended to read:

103.67 (1) ~~No A~~ minor ~~under 16 14 to 18~~ years of age shall not be employed or permitted to work in any gainful occupation during the hours he is required to attend school under s. 118.15 unless he has completed ~~the most advanced course of study available to him in the public schools as provided in s. 103.71; high school~~, except that minors under ~~16 18~~ may be employed in ~~agricultural pur~~

~~suits as provided in s. 103.77 and in public exhibitions as provided in s. 103.78.~~

(2) ~~No A~~ minor under 14 years of age shall not be employed ; or permitted to work in any gainful occupation at any time ; ~~except that minors under 14 may be employed in agricultural pursuits as provided in s. 103.77, minors from :~~

(a) Minors 12 to 14 and over may be employed during school vacations as provided in sub. (3) and in school lunch programs of the school which they attend.

(b) Minors under 14 may be employed in public exhibitions as provided in s. 103.78, boys of 13.

(c) Boys 12 and over may be employed in street trades and boys of 12 may be employed in house-to-house street trades, as provided in ss. 103.21 to 103.31, and boys.

(d) Minors 12 or over and 13 may be employed as caddies on golf courses, if they use caddy carts.

(e) Minors 12 and over may be employed in agricultural pursuits.

SECTION 23. 103.67 (3) and (4) of the statutes are renumbered 103.67 (2) (e) and (3) and amended to read:

103.67 (2) (e) ~~Minors from 12 to 14 years of age and over may be employed during the vacations of the public or equivalent school in the school district or city of their residence in and around a home in work usual to the home of the employer, provided if such work is not in connection with or a part of the business, trade or profession of the employer and provided further that such the type of employment shall is not be specifically prohibited by any provision of sections ss. 103.64 to 103.82 or by any order of the department.~~

(3) ~~Nothing in sections Sections 103.64 to 103.82 shall be construed to do not~~ apply to the employment of a minor engaged in domestic or farm work performed outside school hours in connection with the minor's own home and directly for his parent or guardian.

NOTE: This section permits minors age 12 and over to work in domestic employment, i.e., shoveling snow, lawn mowing and other work, during the school year if not in conflict with any other provisions of ch. 103 or order of the department.

The section also updates language to conform with present statutory drafting practices.

SECTION 24. 103.69 of the statutes is repealed and recreated to read:

103.69 COUNCIL ON CHILD LABOR. The council on child labor shall review biennially the hours of employment for minors and the minimum ages for hazardous employment determined by the department under s. 103.66 and make recommendations to the department it deems necessary to protect the life, health, safety and welfare of minors. The department may, by orders issued under s. 103.66, give effect to the recommendations of the council.

NOTE: Under present law, s. 103.69 contains a long list of prohibited employments for minors and minimum ages for certain hazardous employments. Because the department has the authority to add, remove or modify this

statutory listing by administrative rule, the statute does not accurately reflect present law on the subject. The continued existence of this outdated statute has caused considerable confusion for people in government, attorneys and the general public, and has also created administrative problems for the department.

This provision repeals the statutory listing and provides instead that the council on child labor (see note following SECTION 1) shall conduct a biennial review of department rules relating to hours of employment and minimum ages for hazardous employments and make recommendations for change to the department. Under this section, the department may effectuate the council's recommendations through orders issued under s. 103.66.

This proposal, by establishing a procedure for periodic review, would assure a modern and flexible child labor law that may be continually revised to meet the demands of a changing job market for youth and an ever-changing technology in industry and agriculture. Also, the confusion and uncertainty surrounding the present statutory listing of minimum ages for hazardous employments is eliminated.

SECTION 25. 103.70 of the statutes is amended to read:

103.70 (1) Except as otherwise provided in subsection sub. (2) ~~of this section and in sections 103.77 and ss. 103.21 to 103.31, and as may be provided under section s. 103.79, no~~ a minor under 18 years of age, unless indentured as an apprentice in accordance with section s. 106.01, shall not be employed or permitted to work at any gainful occupation or employment unless there is first obtained from the department, or from ~~some~~ a person designated by the department, a written permit authorizing the employment of ~~such the~~ minor within such those periods of time as ~~may be~~ stated therein, which shall not exceed the maximum hours prescribed by law.

(2) Minors may be employed without permits ~~during the vacations of the public or equivalent schools in the city or school district of their residence and during school terms outside the school hours of such schools, provided that such in any~~ employment is limited to work in or around a home in work usual to the home of the employer and if the employment is not in connection with or a part of the business, trade or profession of the employer, and ~~provided further that such employment shall be~~ is in accordance with the minimum ages age stated in section s. 103.67 (2) (d) and shall ~~is not be~~ specifically prohibited by any ~~provision of sections ss. 103.64 to 103.82 or by any order of the department.~~

NOTE: This section updates language to conform with present statutory drafting practices and contains no substantive changes.

SECTION 26. 103.71 (1) (intro.) and (2) of the statutes are amended to read:

103.71 (1) (intro.) Except as provided in s. 103.78, ~~no~~ a permit shall not be issued authorizing any minor ~~under 16 14 to 18~~ years of age to be employed during the hours he is required to attend school under s. 118.15, unless he has completed ~~the most advanced course of study offered in the public schools of the school district or city of his residence or of the school district or city in which he is to be employed, whichever offers the more advanced course, or unless he has completed the equivalent of such course in some other high~~ school. The department and its designated permit

officers shall accept as evidence of the minor's completion of such ~~course, or its equivalent, as the case may be,~~ high school either:

(2) ~~No~~ A permit shall not be issued authorizing the employment of any minor under 14 years of age at any time; ~~except minors under 14 as provided in s. 103.78, minors 12 and over in school lunch programs, boys 13 years of age 12 and over in street trades, boys 12 years of age in house to house street trades,~~ as provided in ss. 103.21 to 103.31, and boys 12 years of age ~~or and~~ over employed as caddies on golf courses.

NOTE: This section has been revised to be uniform with s. 118.15, the compulsory school attendance law. Also, the minimum age for which permits may be issued is lowered from 16 to 14 to conform with revised s. 103.67 (1) (SECTION 22 of this bill).

This provision also sets forth certain exceptions whereby minors under 14 may be issued work permits. These exceptions include public exhibitions under s. 103.78, minors 12 and over working in school lunch programs and boys 12 and over working in street trades and as caddies on golf courses.

SECTION 27. 103.73 (2) of the statutes is amended to read:

103.73 (2) The permits provided under s. 103.70 shall be issued upon blanks furnished by the department and ~~shall be made in quadruplicate, showing the character and substance of the evidence offered prior to the issuance of such permit. One copy shall be sent to the department, 2 copies of the permit shall be sent by the permit officer to the prospective employer of the minor for whom the permit was issued and one copy shall be retained by the issuing officer.~~

NOTE: This section removes certain detailed statutory procedures for the administrative handling of work permits so that the department may determine the proper forms and procedures to continually promote departmental efficiency and economy.

SECTION 28. 103.74 (intro.) and (1) of the statutes are amended to read:

103.74 (intro.) Every employer employing a minor under ~~eighteen~~ 18 for whom a permit is required, except in street trades, shall:

(1) Receive and file a child labor permit authorizing employment of ~~such the~~ minor by ~~such employer~~ him before the minor is permitted to do any work, and shall keep the same permit on file ~~during the entire period of the employment of the minor and subject at all times to the inspection of the department or any truant officer~~ allow inspection of the permit at any time by the department or any truant officer. A permit shall be valid only for the employer for whom issued.

NOTE: This section has been revised to update statutory language and contains no substantive changes.

SECTION 29. 103.74 (3) of the statutes is renumbered 103.74 (2).

NOTE: This section contains no substantive changes.

SECTION 30. 103.74 (4) of the statutes is repealed.

NOTE: This section removes the requirement that an employer return the work permit to the department upon the termination of the minor's employment. The department feels that this practice no longer serves any useful purpose and, therefore, should be discontinued. In addition, this new provision would permit a minor to engage in seasonal employment without the need to renew his permit on a continuing basis.

SECTION 31. 103.75 (1) and (2) of the statutes are amended to read:

103.75 (1) The department ~~and or~~ persons designated by it ~~for this purpose shall have the power to may~~ issue certificates of age for minors under such rules and ~~regulations as~~ the department deems necessary. ~~Such~~ The certificate ~~shall be~~ is conclusive evidence of the age of the minor to whom ~~it was issued~~ ; in any proceeding under any of the labor laws and under the workmen's compensation act of this state ; as to any act or thing occurring subsequent to the date ~~such~~ the certificate was issued.

(2) Any person who knowingly offers or assists in offering false evidence of age for the purpose of obtaining an age certificate or who alters, forges, fraudulently obtains, uses, or refuses to surrender upon demand of the department a certificate of age ; ~~shall be guilty of a misdemeanor and upon conviction shall may~~ be fined not more than ~~one hundred dollars~~ \$100 or imprisoned not to exceed ~~three~~ 3 months.

NOTE: This section updates language to conform with present statutory drafting practices. No substantive changes have been made.

SECTION 32. 103.75 (3) of the statutes is repealed.

NOTE: This section eliminates the 25¢ fee charged to minors for the issuance of certificates of age. The department feels that this change will ease some of the financial burdens minors presently face in obtaining work permits, especially in some urban areas where the department has already waived this fee in cases involving disadvantaged youth.

SECTION 33. 103.77 of the statutes is repealed.

NOTE: This section removes the exemption of agricultural pursuits from the child labor laws, so that only the home farm exemption still remains. Also see the note following SECTION 22 for further explanation.

SECTION 34. 103.78 (1) (d), (2), (3) and (4) of the statutes are amended to read:

103.78 (1) (d) ~~Except as provided in s. 103.69 (3), the~~ The employment or appearance shall at no time be in a roadhouse, cabaret, dance hall, night club, tavern or other similar place. This prohibition ~~shall~~ does not apply to minors presenting musical entertainment at dances held in any hall on Friday, Saturday or on any other day not followed by a school day or before midnight on Sunday, if the hall was rented for the purpose of celebrating a special event, including but not limited to a wedding, holiday, birthday or anniversary ; nor does it apply to dances held solely for minors conducted by private clubs or civic organizations where admission is limited to the membership of the club or by their invitation and the general public is excluded.

(2) The penalties ~~as provided~~ in section s. 103.82 (1) and (2) ~~shall~~ apply to any employer who violates ~~any of the provisions~~ of this section.

(3) The penalties ~~provided~~ in section s. 103.82 (3) ~~shall~~ apply to any parent or guardian who suffers or permits a minor to engage in activities in violation ~~of any of the provisions~~ of this section.

(4) Treble the amount of compensation otherwise recoverable as provided in section s. 102.60 (4) and wage loss as provided in section s. 102.60 (6) ~~shall become~~ are payable to a minor under 18 years of age injured during the course of his employment or appearance in violation of this section.

NOTE: This section adds a provision to the public exhibition section of ch. 103 which incorporates the legislative intent embodied in chapter 236, laws of 1967. That act amended s. 103.69, which has been repealed and recreated by this bill, and excluded teenage dances from the general prohibition against performances by minors in nightclubs and taverns.

SECTION 35. 103.79 (2) of the statutes is amended to read:

103.79 (2) The department ~~shall have power, jurisdiction and authority to~~ may investigate, ~~determine~~ and fix by general or special order reasonable regulations relative to the employment of boys under 18 years of age as caddies on golf courses. ~~Such~~ The regulations may include a waiver or modification of permit requirements for ~~such~~ caddies. ~~Such~~ The investigations and orders shall be made pursuant to sections ss. 101.01 to 101.28, and every ~~such~~ order of ~~the department shall have~~ has the same force and effect as ~~the~~ orders issued pursuant to sections ss. 101.01 to 101.28. ~~Such~~ The orders ~~shall be~~ are subject to review ~~in the manner~~ as provided in chapter ch. 227.

NOTE: This section contains no substantive changes but merely updates language to conform with present statutory drafting practices.

SECTION 36. 103.305 of the statutes is repealed and recreated to read:

103.805 FEES; PERMITS AND CERTIFICATES OF AGE.

(1) The department shall fix and collect a reasonable fee based on the cost of issuance of permits under ss. 103.25 and 103.71 and certificates of age under s. 103.75. The department may authorize the retention of the fees by the person designated to issue permits and certificates of age as compensation for his services if the person is not on the payroll of the division administering this chapter. The permit officer shall account for all fees collected as the department prescribes.

(2) The fee for issuance of permits and certificates of age shall be paid by the employer, but when the minor advances the fee to the permit officer he shall be reimbursed by his employer not later than at the end of his first pay period.

NOTE: This section removes the statutory 25¢ permit and age certificate fees and instead gives the department authority to fix and collect a fee sufficient to cover the costs of administration. This section also authorizes the retention of fees as compensation to the issuing officer, provided he is not on the payroll of the division.

This change was made because the present 25¢ maximum fee has never been sufficient to cover the general costs of administration for the issuance of work permits and age certificates. This change would also permit the department to raise or lower these fees when administrative costs or other economic factors indicate that a change is necessary.

Another important feature of this section is that the employer rather than the minor is responsible for payment of the fee. The minor, under this new provision, may advance the fee. However, the employer must reimburse the minor no later than the end of the first pay period.

This feature of the bill was added to ease the financial burden of lower-income youth in seeking part-time and summer employment. The department has indicated that many of the large employers have already assumed the cost of permits for the minors they employ, and it is contemplated that most other employers would be willing to do likewise. The department holds the view that since these fees would never be a burdensome amount, the shift to an employer-paid fee would be a positive step towards encouraging youth to seek gainful employment, especially among the disadvantaged and minority groups who most urgently need employment and job skills.

SECTION 37. 103.81 of the statutes is amended to read:

103.81 (1) ~~No person, firm or corporation, during~~ During the term that the public schools are in session, a person shall ~~not~~ advertise or cause or permit any advertisement to be published in any newspaper for the labor or services of any minor during school hours in any employment for which a child labor permit is required ~~under the provisions of section s. 103.70~~ which does not specifically state the minimum age of the minor whose services are desired, which age must be ~~sixteen~~ 18 years or over.

(2) ~~No A person, firm or corporation, or paid agent thereof,~~ shall ~~not~~ solicit in the schools or homes of this state, minors of permit age to leave school and enter their employment, if a child labor permit is required for ~~such~~ that employment by ~~section s. 103.70.~~

(3) Any person, ~~firm or corporation~~ who shall ~~violate any of the provisions of~~ violates this section, shall forfeit and pay into the state treasury a sum not less than ~~ten dollars~~ \$10 nor more than ~~one hundred dollars~~ \$100 for each such offense. Every day during which any person, ~~firm or corporation~~ violates ~~any of the provisions of~~ this section, shall constitute a separate and distinct offense.

NOTE: This section updates language to conform with present statutory drafting practices. No substantive changes have been made.

SECTION 38. 103.82 (1) (a), (2) and (3) of the statutes are amended to read:

103.82 (1) (a) Any employer who ~~shall employ,~~ employs or ~~permit~~ permits any minor or ~~any female~~ to work in any employment in violation of ~~any of the provisions of sections ss. 103.64 to 103.82,~~ or of any order of the department issued under ~~the provisions of~~ said those sections, or ~~shall hinder who hinders or delay~~ delays the department or truant officers in the performance of their duties, or ~~refuse who refuses~~ to admit or ~~lock~~ locks out ~~any such~~ the officer from any place required to be inspected under ~~the provisions of sec-~~

~~tions ss. 103.64 to 103.82 ; shall be guilty of a misdemeanor, and upon conviction thereof, shall may be fined not less than ten dollars \$10 nor more than one hundred dollars \$100 for each offense, or imprisoned in the county jail not longer more than thirty 30 days. Every day during which such the violation continues shall constitute constitutes a separate and distinct offense.~~

(2) The state may enforce the penalties specified in subsection ~~sub. (1) of this section~~ in a criminal prosecution ; or, in its discretion, it may recover a forfeiture of not less than ~~ten dollars \$10~~ nor more than ~~one hundred dollars \$100~~ for each offense. ~~Such~~ The forfeiture shall be recovered in an action of debt in any court of competent jurisdiction.

(3) Any parent or guardian who ~~suffers or~~ permits a minor to be employed or to work in violation of ~~any of the provisions of sections ss. 103.64 to 103.82, or of any order of the department issued under the provisions of said those sections, shall be guilty of a misdemeanor, and upon conviction thereof, shall may be fined not less than five \$5 nor more than twenty five dollars \$25 for each offense, or imprisoned in the county jail not longer more than 30 days.~~

NOTE: This provision updates language to conform with present statutory drafting practices. It also deletes certain references to the employment of females.
