

1999 SENATE BILL 41

February 16, 1999 – Introduced by Senators WIRCH, SCHULTZ, BRESKE, ROESSLER, GEORGE, RUDE, FARROW and A. LASEE, cosponsored by Representatives POWERS, BOCK, FREESE, GARD, HANDRICK, HOVEN, HUNDERTMARK, JESKEWITZ, KELSO, KREUSER, F. LASEE, OWENS, PORTER, RYBA, SERATTI, SKINDRUD, STONE, SYKORA, TURNER, YOUNG, ZIEGELBAUER and GUNDRUM. Referred to Committee on Labor.

1 **AN ACT to renumber** 103.23 (2); **to renumber and amend** 103.71 (2) (a); **to**
2 **amend** 103.21 (1), 103.21 (6), 103.25 (3m) (c), 103.275 (8), 103.30, 103.67 (2) (c),
3 103.71 (2) (b) (intro.) and 103.81 (1); and **to create** 103.21 (1v), 103.21 (5r),
4 103.23 (2) (b), 103.64 (1v), 103.64 (6) and 103.71 (2) (a) 2. of the statutes;
5 **relating to:** employment of minors 11 years of age in the sale or distribution
6 of newspapers or shoppers guides.

Analysis by the Legislative Reference Bureau

Under current law, a minor may be employed in a street trade such as the sale or distribution of newspapers or magazines only if the minor is at least 12 years of age, except that a minor under 12 years of age may work in fund-raising sales for a nonprofit organization, a public school or a private school. To be employed in a street trade, a minor must obtain an identification card and the minor's employer must obtain a permit from the department of workforce development (DWD) or from a local permit officer designated by DWD. A minor may be employed only during certain hours designated by DWD so that the minor's employment does not interfere with school attendance.

This bill permits a minor who is at least 11 years of age to be employed in the sale or distribution of newspapers or shoppers guides if the usual permit procedure is followed. Work in street trades other than newspaper or shoppers guide sales or

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distribution and fund-raising sales remains limited to those minors who are at least 12 years of age.

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

1 **SECTION 1.** 103.21 (1) of the statutes is amended to read:

2 103.21 **(1)** Every minor selling or distributing newspapers, shoppers guides or
3 magazines on the streets any street or other public place, or from house to house, is
4 in an “employment” and an “~~employe,~~” “employee”; and each independent news
5 agency ~~or (in or, in the absence of all such agencies),~~ each selling agency of a publisher
6 ~~or (in or, in the absence of all such agencies),~~ each publisher, whose newspapers,
7 shoppers guides or magazines the minor sells or distributes, is an “employer” of the
8 minor. Every minor engaged in any other street trade is in an “employment” and an
9 “~~employe,~~” “employee”; and each person furnishing the minor articles for sale or
10 distribution or regularly furnishing the minor material for blacking boots is the
11 minor’s “employer”.

12 **SECTION 2.** 103.21 (1v) of the statutes is created to read:

13 103.21 **(1v)** “Newspaper” means a publication that is printed and distributed
14 at daily, weekly or other short, periodic intervals for the dissemination of current
15 news and information of a general character and of a general interest to the public.

16 **SECTION 3.** 103.21 (5r) of the statutes is created to read:

17 103.21 **(5r)** “Shoppers guide” has the meaning given in s. 77.54 (15).

18 **SECTION 4.** 103.21 (6) of the statutes is amended to read:

19 103.21 **(6)** “Street trade” means the selling, offering for sale, soliciting for,
20 collecting for, displaying or distributing any articles, goods, merchandise,

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1 commercial service, posters, circulars, newspapers, shoppers guides or magazines,
2 or the blacking of boots, on any street or other public place or from house to house.

3 **SECTION 5.** 103.23 (2) of the statutes is renumbered 103.23 (2) (a).

4 **SECTION 6.** 103.23 (2) (b) of the statutes is created to read:

5 103.23 (2) (b) A minor who is 11 years of age or over may be employed or
6 permitted to work in the sale or distribution of newspapers or shoppers guides.

7 **SECTION 7.** 103.25 (3m) (c) of the statutes is amended to read:

8 103.25 (3m) (c) This subsection does not apply to employment of a minor by a
9 newspaper or shoppers guide publisher or in a fund-raising sale for a nonprofit
10 organization, a public school or a private school.

11 **SECTION 8.** 103.275 (8) of the statutes is amended to read:

12 103.275 (8) EXCEPTION. This section does not apply to the employment of a
13 minor by a newspaper or shoppers guide publisher or in a fund-raising sale for a
14 nonprofit organization, a public school or a private school.

15 **SECTION 9.** 103.30 of the statutes is amended to read:

16 **103.30 Penalty on newspapers and shoppers guides for allowing**
17 **minors to loiter around premises.** A newspaper or shoppers guide publisher or
18 printer or person having for sale or distribution newspapers, shoppers guides or
19 magazines shall may not permit any minor under 18 years of age to loiter or remain
20 around any premises where the newspapers, shoppers guides or magazines are
21 printed, assembled, prepared for sale or distribution, distributed or sold when the
22 minor is required under s. 118.15 to attend school. Any person violating this section
23 is subject to the penalties specified in s. 103.29.

24 **SECTION 10.** 103.64 (1v) of the statutes is created to read:

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1 103.64 (1v) “Newspaper” means a publication that is printed and distributed
2 at daily, weekly or other short, periodic intervals for the dissemination of current
3 news and information of a general character and of a general interest to the public.

4 **SECTION 11.** 103.64 (6) of the statutes is created to read:

5 103.64 (6) “Shoppers guide” has the meaning given in s. 77.54 (15).

6 **SECTION 12.** 103.67 (2) (c) of the statutes is amended to read:

7 103.67 (2) (c) Minors 11 years of age or older may be employed in the sale or
8 distribution of newspapers or shoppers guides, minors 12 years of age or older may
9 be employed in other street trades, and any minor may work in fund-raising sales
10 for nonprofit organizations, public schools or private schools, as provided in ss.
11 103.21 to 103.31.

12 **SECTION 13.** 103.71 (2) (a) of the statutes is renumbered 103.71 (2) (a) (intro.)
13 and amended to read:

14 103.71 (2) (a) (intro.) The employment of minors 11 to 13 years of age as follows:
15 1. As ball monitors at high school football games as provided in s. 103.67 (2) (i).

16 **SECTION 14.** 103.71 (2) (a) 2. of the statutes is created to read:

17 103.71 (2) (a) 2. In the sale or distribution of newspapers or shoppers guides
18 as provided in s. 103.67 (2) (c).

19 **SECTION 15.** 103.71 (2) (b) (intro.) of the statutes is amended to read:

20 103.71 (2) (b) (intro.) The employment of minors 12 years of age and over as
21 follows:

22 **SECTION 16.** 103.81 (1) of the statutes is amended to read:

23 103.81 (1) During the term that the public schools are in session, ~~a person shall~~
24 ~~not~~ no person may advertise or cause or permit any advertisement to be published
25 in any newspaper or shoppers guide for the labor or services of any minor during

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1 school hours in any employment for which a child labor permit is required under s.
2 103.70 which does not specifically state the minimum age of the minor whose services
3 are desired, which age must be 18 years or over.

4 (END)