

**1999 DRAFTING REQUEST**

**Bill**

Received: **06/14/99**

Received By: **malaigm**

Wanted: **As time permits**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing: **Sue**

This file may be shown to any legislator: **NO**

Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Employ Priv - child labor**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Work permits for minors; driver's license as acceptable proof of age

**Instructions:**

Provide that a minor's driver's license is an acceptable proof of age for purposes of obtaining a work permit.

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm 06/15/99	wjackson 06/15/99		_____			S&L
/1			martykr 06/15/99	_____	lrb_docadmin 06/15/99	lrb_docadmin 06/17/99 lrb_docadmin 06/17/99	

FE Sent For:

<END>

**1999 DRAFTING REQUEST**

**Bill**

Received: 06/14/99

Received By: malaigm

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: Sue

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Alt. Drafters:

Subject: **Employ Priv - child labor**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Work permits for minors; driver's license as acceptable proof of age

**Instructions:**

Provide that a minor's driver's license is an acceptable proof of age for purposes of obtaining a work permit.

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm 06/15/99	wjackson 06/15/99		_____			S&L
/1			martykr 06/15/99	_____	lrb_docadmin 06/15/99		

FE Sent For:

<END>

**1999 DRAFTING REQUEST**

**Bill**

Received: **06/14/99**

Received By: **malaigm**

Wanted: **As time permits**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing: **Sue**

This file may be shown to any legislator: **NO**

Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Employ Priv - child labor**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Work permits for minors; driver's license as acceptable proof of age

**Instructions:**

Provide that a minor's driver's license is an acceptable proof of age for purposes of obtaining a work permit.

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	malaigm	1 WJ 6/15	Koz 6/15	JTB 6/15			

FE Sent For:

<END>



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3208/1  
GMM.....

Wlj

1 *Gen Cat*  
AN ACT /...; relating to: proof of age of a minor for purposes of the child labor laws  
2 and granting rule-making authority.

---

*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 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.

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

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

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

History: 1971 c. 271; 1975 c. 147 s. 54; 1979 c. 89; 1993 a. 492.

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

103.73 (1) (a) Such evidence as is required by the department showing the age of the minor. The department shall formulate and publish rules and regulations promulgate rules governing the proof of age of minors who apply for labor permits, and such rules and regulations that shall bind all persons authorized by law to issue such permits. In promulgating those rules, the department shall include a requirement that the department and its permit officers shall accept as evidence of a minor's age a duly attested birth certificate, a verified baptismal certificate, a valid operator's license issued under ch. 343 that contains the photograph of the license holder or an identification card issued under s. 343.50. Those rules shall also require the department and its permit officers to accept as evidence of a minor's age a valid

1 operator's license issued under ch. 343<sup>✓</sup> that contains the photograph of the license  
 2 holder or an identification card issued under s. 343.50<sup>✓</sup> without requiring proof that  
 3 the minor's birth certificate or baptismal certificate cannot be secured.

History: 1971 c. 271; 1975 c. 147 s. 54; 1979 c. 89; 1993 a. 4<sup>2</sup>.

4 **SECTION 3.** 103.75 (1)<sup>✓</sup> of the statutes is amended to read:

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

History: 1971 c. 271; 1975 c. 147 s. 54; 1979 c. 89, 17<sup>1</sup>.

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

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

History: 1975 c. 147 s. 54; 1979 c. 89.

24

(END)

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU**  
**Legal Section Telephone: 266-3561**  
**5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 6/15/99

To: Representative Schneider

Relating to LRB drafting number: LRB-3208

**Topic**

Work permits for minors; driver's license as acceptable proof of age

**Subject(s)**

Employ Priv - child labor

1. **JACKET** the draft for introduction MSJ

in the **Senate** \_\_\_\_ or the **Assembly** \_\_\_\_ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached \_\_\_\_\_.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Gordon M. Malaise, Senior Legislative Attorney  
Telephone: (608) 266-9738