



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRBs0215/1  
GMM:wlj:pg

2  
DME

↑  
Stays

2007

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2007 SENATE BILL 80

Regen

1 AN ACT ~~to amend~~ 21.72 (1) (a) 10., 49.857 (1) (d) 10., 73.0301 (1) (d) 3m., 103.005  
2 (10), 111.322 (2m) (a) and 111.322 (2m) (b); and **to create** 103.34 of the statutes;  
3 **relating to:** the regulation of traveling sales crews, requiring the exercise of  
4 rule-making authority, and providing penalties.

*Analysis by the Legislative Reference Bureau*

**CURRENT LAW**

**HOUSE-TO-HOUSE EMPLOYMENT OF MINORS**

Under current law, no person may employ, offer to employ, or recruit a minor to sell goods or services from house-to-house (house-to-house street trades) without obtaining a house-to-house employer certificate from the Department of Workforce Development (DWD). A person may obtain a house-to-house employer certificate by submitting an application to DWD that contains certain information required under current law, including documentation proving that the person has the ability to pay any compensation owed to a minor employee, which proof may be in the form of a bond, certificate of deposit, escrow account, or irrevocable letter of credit in an amount of at least \$5,000 (proof of financial responsibility). If the applicant establishes proof of financial responsibility and if DWD is satisfied that the applicant will comply with the laws relating to house-to-house street trades, DWD must issue a house-to-house employer certificate, which is valid for a 12-month period.

When a minor applies for a job in house-to-house street trades, the house-to-house employer must inform the minor in writing of the terms and conditions of employment, including the compensation to be paid, the time and manner of payment of compensation, the number of days per week and hours per day that the minor would be required to conduct house-to-house street trades, the nature and frequency of required employment-related meetings and how compensation is paid for attendance at those meetings, whether and how the employer provides transportation, and the expenses that the minor would be required to pay. A house-to-house employer may change those terms and conditions by a supplemental document in writing, if the change applies prospectively only.

DWD may suspend or revoke a house-to-house employer certificate if the employer submits false information in the application, fails to notify DWD of any change in that information within 30 days after the change occurs, fails to comply with the terms and conditions of a written disclosure statement, fails to maintain proof of financial responsibility, or fails to comply with the laws relating to house-to-house street trades.

**THE SUBSTITUTE AMENDMENT**  
**TRAVELING SALES CREWS**

has temporary for at least one month ✓

**Introduction**

This substitute amendment regulates traveling sales crews, which the substitute amendment defines as a group of three or more traveling sales crew members, by doing all of the following:

1. Requiring a traveling sales crew operator to obtain a certificate of registration from DWD before the operator may use a traveling sales crew to engage in the sale of goods or services to consumers from house to house or on any street or in related support work, including operating a motor vehicle, on the person's behalf (traveling sales crew activities) or employ, offer to employ, or otherwise recruit a person to work as a traveling sales crew member.

2. Requiring a traveling sales crew operator to obtain a permit for a traveling sales crew member before the member may be ~~employed or~~ permitted to work in traveling sales crew activities. The substitute amendment defines "traveling sales crew member" as a person who engages in traveling sales crew activities as part of or in association with a traveling sales crew, who travels with the traveling sales crew overnight away from his or her permanent place of residence, and who maintains no fixed place of local residence (lodging in this state at which the person ~~intends to reside for not less than 30 days~~) or fixed retail establishment in this state. The substitute amendment excludes from the definition of "traveling sales crew member" a person who maintains a fixed place of local residence or a fixed retail establishment in this state, who is a reseller of goods that the person buys at wholesale and to which the person takes title, or who sells services that are regulated by ~~a state or federal agency.~~

3. Requiring a traveling sales crew operator to comply with certain obligations to a traveling sales crew member, including obligations relating to the disclosure of certain information, record keeping, payment of compensation, deductions from compensation, and transportation and housing safety.

The Office of the Commissioner of Insurance or the Federal Communications Commission

4. Providing provisions to enforce the substitute amendment, including penalties and injunctive relief for a violation of the substitute amendment, any rules promulgated under the substitute amendment, or any order issued by DWD under the substitute amendment or for hindering or delaying DWD in the performance of its duties, or a law enforcement officer in the performance of his or her duties, under the substitute amendment.

***Traveling sales crew operator registration***

Under the substitute amendment, a person may not use a traveling sales crew to engage in traveling sales crew activities on the person's behalf or ~~employ, offer to employ, or otherwise~~ recruit a person to work as a traveling sales crew member unless the person first obtains a certificate of registration from DWD. A person may obtain a certificate of registration by filing with DWD a written application, meeting the standards under the substitute amendment and under rules promulgated by DWD for issuance of a certificate of registration, and paying a registration fee determined by DWD by rule. The application must contain certain information specified in the substitute amendment, including all of the following:

1. A designation of an agency upon whom service of process may be made in this state.
2. The social security number or federal employer identification number of the applicant.
3. Any other information that DWD considers necessary for the protection of the health, safety, and welfare of the traveling sales crew members working on behalf of the applicant, the consumers of goods or services sold by those members, and the public.

After completing any investigation that DWD considers appropriate, DWD must issue a certificate of registration, which is valid for a 12-month period, if the applicant meets the standards for issuance of a certificate of registration. DWD may deny, suspend, revoke, or refuse to renew a certificate of registration if DWD determines that the applicant has been convicted of any crime.

***Traveling sales crew member permits***

The substitute amendment prohibits a person from being ~~employed or~~ permitted to work as a traveling sales crew member unless the traveling sales crew operator on whose behalf the person will be working first obtains from DWD a traveling sales crew member permit (permit) for the person. A traveling sales crew operator may obtain a permit for a traveling sales crew member by the operator filing with DWD a written application and paying a registration fee determined by DWD by rule and by the member meeting the standards under the substitute amendment and under rules promulgated by DWD for issuance of a permit. The application must contain certain information specified in the substitute amendment, including all of the following:

1. The social security number of the applicant.
2. Any other information that DWD considers necessary for the protection of the health, safety, and welfare of the traveling sales crew members working on behalf of the traveling sales crew operator, the consumers of goods or services sold by those members, and the public.

After completing any investigation that DWD considers appropriate, DWD must issue a permit, which is valid for a 12-month period, if the traveling sales crew member meets the standards for issuance of a certificate of registration. DWD may deny, suspend, revoke, or refuse to renew a permit if DWD determines that the traveling sales crew member has been convicted of any crime.

The bill also requires a traveling sales crew member to carry at all times while engaged in traveling sales crew activities the member's permit and an identification card issued by a state or federal governmental agency that includes, at a minimum, a photograph of the member.

### ***Obligations of traveling sales crew operators to members***

**Disclosure statement.** The substitute amendment requires a traveling sales crew operator to provide a person who is ~~offered employment~~ <sup>recruited to work</sup> as a traveling sales crew member with a written disclosure statement that includes all of the following information:

1. The address of the principal place of business of the traveling sales crew operator or of the agent for service of process.
2. The compensation to be paid.
3. The type or types of work that the person may be required to perform.
4. The frequency of wage payments to traveling sales crew members.
5. The period of ~~employment~~ <sup>engagement</sup>.
6. A description of the transportation, board, lodging, and other benefits to be provided and any costs chargeable to the person for those benefits.

**Records.** The substitute amendment also requires a traveling sales crew operator to keep records, with respect to each traveling sales crew member working on behalf of the traveling sales crew operator, of all of the following information:

1. The basis on which compensation is paid.
2. The number of piecework units earned, if the traveling sales crew member is paid on a piecework basis.
3. The number of hours worked.
4. The total earnings of the traveling sales crew member for a pay period.
5. The specific sums withheld from the traveling sales crew member's pay and the purpose of each sum withheld.
6. The net pay of the traveling sales crew member for a pay period.

The traveling sales crew operator must provide that information to a traveling sales crew member when compensation is paid.

**Payment of compensation; deductions.** In addition, the substitute amendment does all of the following:

1. Requires a traveling sales crew operator to pay all compensation owed to a traveling sales crew member promptly, when due, in U.S. currency or by a negotiable instrument such as a bank check or draft.
2. Permits a traveling sales crew operator to deduct from a traveling sales crew member's compensation the reasonable cost to the operator of furnishing board, lodging, or other facilities to the member, but only if the board, lodging, or other facilities are customarily furnished by the operator to its members and if the amount

deducted does not exceed the fair market value of the board, lodging, or other facilities and does not include any profit to the operator.

3. Prohibits a traveling sales crew operator from imposing on any traveling sales crew member any of the traveling sales crew operator's business expenses, including the cost of maintaining and operating a motor vehicle that is used to transport traveling sales crew members.

**Transportation safety.** Moreover, the substitute amendment requires a traveling sales crew operator to do all of the following:

1. Ensure that each motor vehicle that the operator uses or causes to be used to transport traveling sales crew members conforms to all applicable state and federal safety standards.

2. Ensure that each person who operates a motor vehicle that is used to transport a traveling sales crew member has a valid and appropriate driver's license.

3. Have in force, for each motor vehicle used to transport a traveling sales crew member, a policy of insurance or a liability bond that insures the operator, in an amount prescribed by DWD by rule, against liability for damages to persons and property arising out of the ownership or operation of the motor vehicle for that purpose or out of causing the motor vehicle to be operated for that purpose.

**Housing safety.** Finally, with respect to the obligations of a traveling sales crew operator to a traveling sales crew member, the substitute amendment requires a traveling sales crew operator to ensure that any facility or property that is used to house a traveling sales crew member complies with all federal, state, and local safety and health standards that are applicable to the facility or property.

### ***Enforcement***

Finally, under the substitute amendment:

1. Any person who willfully and knowingly violates the substitute amendment, any rule promulgated under the substitute amendment, or any order issued by DWD under the substitute amendment or who hinders or delays DWD in the performance of its duties or hinders or delays any law enforcement officer in the performance of his or her duties under the substitute amendment (violation) may be fined not more than \$10,000 or imprisoned for not more than one year in the county jail or both and any person who, having been convicted of a prior violation, willfully and knowingly commits a subsequent violation may be fined not more than \$50,000 or imprisoned for not more than three years and six months or both.

2. Any person who commits a violation, but not willfully and knowingly, may be required to forfeit \$10,000, depending on the gravity of the violation and the previous record of the person in terms of compliance with the substitute amendment, any rules promulgated under the substitute amendment, and any orders issued by DWD under the substitute amendment.

3. If DWD determines that any person has committed a violation, DWD may refer the matter to the attorney general or the district attorney of the county in which

the violation occurred, and the attorney general or district attorney may bring a civil action for appropriate injunctive relief.

---

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

1           **SECTION 1.** 21.72 (1) (a) 10. of the statutes is amended to read:

2           21.72 (1) (a) 10. A certificate or permit issued under s. 103.275, 103.34, 103.91,  
3 or 103.92.

4           **SECTION 2.** 49.857 (1) (d) 10. of the statutes is amended to read:

5           49.857 (1) (d) 10. A certificate or permit issued under s. 103.275, 103.34, 103.91,  
6 or 103.92.

7           **SECTION 3.** 73.0301 (1) (d) 3m. of the statutes is amended to read:

8           73.0301 (1) (d) 3m. A license, permit, or certificate issued by the department  
9 of workforce development under s. 102.17 (1) (c), 103.275 (2) (b), 103.34 (2) (c) or (3)  
10 (c), 103.91 (1), 103.92 (3), 104.07 (1) or (2), or 105.13 (1).

11           **SECTION 4.** 103.005 (10) of the statutes is amended to read:

12           103.005 (10) Except as provided in ss. 103.275 (2) (bm) and (br), 103.34 (5) (b)  
13 and (c), 103.91 (4) (b) and (c), 103.92 (6) and (7), 104.07 (5) and (6), and 105.13 (2) and  
14 (3), orders of the department under chs. 103 to 106 shall be subject to review in the  
15 manner provided in ch. 227.

16           **SECTION 5.** 103.34 of the statutes is created to read:

17           **103.34 Regulation of traveling sales crews. (1) DEFINITIONS:** In this  
18 section:

19           (a) "Certificate of registration" means a certificate of registration issued by the  
20 department under sub. (2) (c).

For at least  
has tenancy  
one  
one month

1 (b) "Fixed place of local residence" means a place of lodging in this state at  
2 which a person ~~intends to reside for not less than 30 days.~~

3 (c) "Goods" means wares, products, commodities, or merchandise of any type,  
4 including magazine subscriptions.

5 (d) "Permit" means a permit issued by the department under sub. (3) (c).

6 (e) "Sale" means a transfer for consideration of title to a good or the right to use  
7 a good or service and includes any sale, exchange, contract to sell, consignment for  
8 sale, shipment for sale, or other disposition of goods or services and any attempt to  
9 obtain information for the purpose of making such a sale, exchange, contract,  
10 consignment, shipment, or other disposition of goods or services in the future,  
11 including the taking of an order for future delivery.

12 (f) "Traveling sales crew" means a group of 3 or more traveling sales crew  
13 members, not including an immediate family member of a traveling sales crew  
14 operator.

15 (g) "Traveling sales crew activities" means the sale of goods or services to  
16 consumers from house to house or on any street or related support work, including  
17 operating a motor vehicle.

18 (h) "Traveling sales crew member" means a person who engages in traveling  
19 sales crew activities as part of or in association with a traveling sales crew, who  
20 travels with the traveling sales crew overnight away from his or her permanent place  
21 of residence, and who maintains no fixed place of local residence or fixed retail  
22 establishment in this state. "Traveling sales crew member" does not include a person  
23 who maintains a fixed place of local residence or a fixed retail establishment in this  
24 state, who is a reseller of goods that the person buys at wholesale and to which the  
25 person takes title, or who sells services that are regulated by a state or federal agency.

The office of the commissioner of insurance or the  
federal communications commission

1 (i) "Traveling sales crew operator" means a person who uses a traveling sales  
2 crew to engage in traveling sales crew activities on the person's behalf.

3 (2) TRAVELING SALES CREW OPERATOR REGISTRATION. (a) *Registration required.*

4 No person may use a traveling sales crew to engage in traveling sales crew activities  
5 on the person's behalf or ~~employ, offer to employ, or otherwise~~ recruit an individual  
6 to work as a traveling sales crew member unless the person first obtains a certificate  
7 of registration from the department. To obtain a certificate of registration, a person  
8 shall file with the department a written application under par. (b), meet the  
9 standards specified in par. (c) for issuance of a certificate of registration, and pay a  
10 registration fee determined by the department by rule promulgated under sub. (7).

11 (b) *Application for registration.* To obtain a certificate of registration, a person  
12 shall file with the department a written application prescribed by the department  
13 by rule promulgated under sub. (7) that contains all of the following information:

14 1. A designation of an agency upon whom service of process may be made in this  
15 state. The agent shall be a resident of this state or a corporation authorized to do  
16 business in this state.

17 2. The social security number or federal employer identification number of the  
18 applicant as provided in sub. (5) (a).

19 3. Any other information that the department considers necessary for the  
20 protection of the health, safety, and welfare of the traveling sales crew members  
21 working on behalf of the applicant, the consumers of goods or services sold by those  
22 members, and the public.

23 (c) *Issuance of registration.* Subject to sub. (5) (b) and (c), after completing any  
24 investigation that the department considers appropriate, the department shall issue  
25 a certificate of registration to the applicant if the department determines that the



1 applicant meets the standards under this section and rules promulgated under sub.  
2 (7) for issuance of a certificate of registration. Notwithstanding ss. 111.321, 111.322,  
3 and 111.335, the department may deny, suspend, revoke, or refuse to renew a  
4 certificate of registration if the department determines that the applicant or  
5 registrant has been convicted of any crime.

6 (d) *Registration; transfer, expiration, extension, and renewal.* 1. A certificate  
7 of registration is not transferable or assignable.

8 2. Unless earlier suspended or revoked, a certificate of registration expires 12  
9 months after its date of issuance. The department, in its discretion, may temporarily  
10 extend a certificate of registration if the registrant files an application for temporary  
11 extension not less than 30 days before the expiration of the certificate of registration.

12 3. A registrant may renew a certificate of registration by filing with the  
13 department an application under par. (b) and paying the renewal fee determined by  
14 the department by rule promulgated under sub. (7). The department shall renew the  
15 certificate of registration if the registrant meets the standards specified in par. (c)  
16 for renewal of a certificate of registration.

17 (e) *Notice of changes; amendment of registration.* 1. If during the period for  
18 which a certificate of registration is in effect any change occurs in any of the  
19 information provided to the department under par. (b), the registrant shall notify the  
20 department of that change within 30 days after the change occurs.

21 2. If during the period for which a certificate of registration is in effect the  
22 registrant intends to engage in any form of traveling sales crew activity that is not  
23 identified in the certificate of registration, the registrant shall apply to the  
24 department to amend the certificate of registration.

1           (3) TRAVELING SALES CREW MEMBER PERMIT. (a) *Permit required.* No person may  
2 be ~~employed or~~ permitted to work as a traveling sales crew member unless the  
3 traveling sales crew operator on whose behalf the person will be working first obtains  
4 from the department a permit for the person. To obtain a permit, the traveling sales  
5 crew operator shall file with the department on behalf of the applicant a written  
6 application under par. (b) and pay a permit fee determined by the department by rule  
7 promulgated under sub. (7) and the applicant shall meet the standards specified in  
8 par. (c) for issuance of a permit.

9           (b) *Application for permit.* To obtain a permit for an applicant, a traveling sales  
10 crew operator shall file with the department on behalf of the applicant a written  
11 application prescribed by the department by rule promulgated under sub. (7) that  
12 contains all of the following information:

13           1. The social security number of the applicant as provided in sub. (5) (a).

14           2. Any other information that the department considers necessary for the  
15 protection of the health, safety, and welfare of the traveling sales crew members  
16 working on behalf of the traveling sales crew operator, the consumers of goods or  
17 services sold by those members, and the public.

18           (c) *Issuance of permit.* Subject to sub. (5) (b) and (c), after completing any  
19 investigation that the department considers appropriate, the department shall issue  
20 a permit to the applicant if the department determines that the applicant meets the  
21 standards under this section and rules promulgated under sub. (7) for issuance of a  
22 permit. Notwithstanding ss. 111.321, 111.322, and 111.335, the department may  
23 deny, suspend, revoke, or refuse to renew a permit if the department determines that  
24 the applicant or permit holder has been convicted of any crime.

1           (d) *Permit; transfer, expiration, extension, and renewal.* 1. A permit is not  
2 transferable or assignable.

3           2. Unless earlier suspended or revoked, a permit expires 12 months after its  
4 date of issuance. The department, in its discretion, may temporarily extend a permit  
5 if the traveling sales crew operator on whose behalf the permit holder is working files  
6 an application for temporary extension not less than 30 days before the expiration  
7 of the permit.

8           3. A traveling sales crew operator may renew the permit of a permit holder who  
9 is working on behalf of the traveling sales crew operator by filing with the  
10 department an application under par. (b) and paying the renewal fee determined by  
11 the department by rule promulgated under sub. (7). The department shall renew the  
12 permit if the permit holder meets the standards specified in par. (c) for renewal of a  
13 permit.

14           (e) *Notice of changes; amendment of permit.* 1. If during the period for which  
15 a permit is in effect any change occurs in any of the information provided to the  
16 department under par. (b), the traveling sales crew operator on whose behalf the  
17 permit holder is working shall notify the department of that change within 30 days  
18 after the change occurs.

19           2. If during the period for which a permit is in effect the traveling sales crew  
20 operator intends to have the permit holder engage in any form of traveling sales crew  
21 activity that is not identified in the permit, the traveling sales crew operator shall  
22 apply to the department to amend the permit.

23           (f) *Display of permit.* 1. A traveling sales crew operator shall ensure that a  
24 traveling sales crew member who is performing traveling sales crew activities on  
25 behalf of the traveling sales crew operator possesses at all times while engaging in

1 those activities a valid permit and an identification card issued by a federal or state  
2 governmental agency that includes, at a minimum, a photograph of the traveling  
3 sales crew member.

4 2. A traveling sales crew member shall carry at all times while engaging in  
5 traveling sales crew activities the member's permit and identification card and shall  
6 promptly produce that permit and identification card upon the request of any deputy  
7 of the department, law enforcement officer, or person with whom the member is doing  
8 business.

9 (g) *Validity of permit; compliance with local ordinances.* A permit is valid in  
10 every municipality in this state, but the issuance of a permit does not exempt a  
11 traveling sales crew operator or member from compliance with any municipal  
12 ordinance that requires the operator or member to obtain a solicitor's license or that  
13 prohibits the sale of goods or services to consumers from house to house, on any  
14 street, or in any other place that is open to the public.

15 (4) OBLIGATIONS OF TRAVELING SALES CREW OPERATORS TO MEMBERS. (a) *Disclosure*  
16 *statement.* At the time a person is ~~offered employment as a traveling sales crew~~  
17 ~~member or is otherwise~~ recruited to work as a traveling sales crew member, the  
18 traveling sales crew operator shall provide the person with a written disclosure  
19 statement that includes all of the following information:

20 1. The address of the principal place of business of the traveling sales crew  
21 operator or of the agent for service of process under sub. (2) (b) 1.

22 2. The compensation to be paid.

23 3. The type or types of work that the person may be required to perform.

24 4. The frequency of wage payments to traveling sales crew members.

25 5. The period of ~~employment~~ engagement

1           6. A description of the transportation, board, lodging, and other benefits to be  
2 provided by the traveling sales crew operator to the person and any costs chargeable  
3 to the person for those benefits.

4           (b) *Records.* A traveling sales crew operator shall, with respect to each  
5 traveling sales crew member working on behalf of the traveling sales crew operator,  
6 make, keep, and preserve for 3 years after the end of a pay period all of the following  
7 information:

8           1. The basis on which compensation is paid.

9           2. The number of piecework units earned, if the traveling sales crew member  
10 is paid on a piecework basis.

11           3. The number of hours worked.

12           4. The total earnings of the traveling sales crew member for the pay period.

13           5. The specific sums withheld from the traveling sales crew member's pay and  
14 the purpose of each sum withheld.

15           6. The net pay of the traveling sales crew member for the pay period.

16           (c) *Payment of compensation when due.* A traveling sales crew operator shall  
17 pay all compensation owed to a traveling sales crew member when due as provided  
18 under par. (a) 4. Compensation shall be paid in U.S. currency or by a negotiable  
19 instrument such as a bank check or draft. A traveling sales crew operator shall  
20 provide with each payment of compensation a written statement itemizing the  
21 information specified in par. (b) for the pay period.

22           (d) *Deductions; cost of business expenses.* A traveling sales crew operator may  
23 deduct from a traveling sales crew member's compensation the reasonable cost to the  
24 operator of furnishing board, lodging, or other facilities to the member if the board,  
25 lodging, or other facilities are customarily furnished by the operator to its members

1 and if the amount deducted does not exceed the fair market value of the board,  
2 lodging, or other facilities and does not include any profit to the operator. Except as  
3 provided in this paragraph, a traveling sales crew operator may not impose on any  
4 traveling sales crew member any of the traveling sales crew operator's business  
5 expenses, including the cost of maintaining and operating a motor vehicle that is  
6 used to transport traveling sales crew members.

7 (e) *Transportation safety.* A traveling sales crew operator shall do all of the  
8 following:

9 1. Ensure that each motor vehicle that the operator uses or causes to be used  
10 to transport a traveling sales crew member conforms to all applicable state and  
11 federal safety standards.

12 2. Ensure that each person who operates a motor vehicle that is used to  
13 transport a traveling sales crew member has a valid and appropriate operator's  
14 license issued under ch. 343 or under a comparable law of another state.

15 3. Have in force, for each motor vehicle that is used to transport a traveling  
16 sales crew member, a policy of insurance or a liability bond that insures the operator,  
17 in an amount prescribed by the department by rule promulgated under sub. (7),  
18 against liability for damages to persons and property arising out of the ownership  
19 or operation of the motor vehicle for that purpose or out of causing the motor vehicle  
20 to be operated for that purpose.

21 (f) *Housing safety.* A traveling sales crew operator shall ensure that any facility  
22 or property that is used to house a traveling sales crew member complies with all  
23 federal, state, and local safety and health standards that are applicable to the facility  
24 or property. If the facility or property is not owned or controlled by the traveling sales  
25 crew operator, the operator shall obtain verification that the owner or operator of the

1 facility or property is licensed and insured in accordance with all applicable state and  
2 local laws prior to housing any traveling sales crew member in the facility or  
3 property.

4 (5) CHILD SUPPORT; DELINQUENT TAXES. (a) *Provision of social security or*  
5 *employer identification number.* 1. Except as provided in subd. 3., the department  
6 shall require each applicant for a certificate of registration or permit who is an  
7 individual to provide the department with the applicant's social security number,  
8 and shall require each applicant for a certificate of registration who is not an  
9 individual to provide the department with the applicant's federal employer  
10 identification number, when initially applying for or applying to renew the certificate  
11 of registration or permit.

12 2. If an applicant who is an individual fails to provide the applicant's social  
13 security number to the department or if an applicant who is not an individual fails  
14 to provide the applicant's federal employer identification number to the department,  
15 the department may not issue or renew a certificate of registration or permit to or  
16 for the applicant unless the applicant is an individual who does not have a social  
17 security number and the applicant submits a statement made or subscribed under  
18 oath or affirmation as required under subd. 3.

19 3. If an applicant who is an individual does not have a social security number,  
20 the applicant shall submit a statement made or subscribed under oath or affirmation  
21 to the department that the applicant does not have a social security number. The  
22 form of the statement shall be prescribed by the department. A certificate of  
23 registration or permit issued in reliance upon a false statement submitted under this  
24 subdivision is invalid.

1           4. The department may not disclose the social security number or the federal  
2 employer identification number to any person except to the department of revenue  
3 for the sole purpose of requesting certifications under s. 73.0301 or on the request of  
4 the department of children and families under s. 49.22 (2m).

5           (b) *Child support.* The department shall deny, suspend, refuse to renew, or  
6 otherwise withhold a certificate of registration or permit for failure of the applicant  
7 or registrant to pay court-ordered payments of child or family support, maintenance,  
8 birth expenses, medical expenses, or other expenses related to the support of a child  
9 or former spouse or for failure of the applicant or registrant to comply, after  
10 appropriate notice, with a subpoena or warrant issued by the department of children  
11 and families or a county child support agency under s. 59.53 (5) and related to  
12 paternity or child support proceedings, as provided in a memorandum of  
13 understanding entered into under s. 49.857. Notwithstanding s. 103.005 (10), an  
14 action taken under this paragraph is subject to review only as provided in the  
15 memorandum of understanding entered into under s. 49.857 and not as provided in  
16 ch. 227.

17           (c) *Delinquent taxes.* The department shall deny an application for the issuance  
18 or renewal of a certificate of registration or permit, or revoke a certificate of  
19 registration or permit already issued, if the department of revenue certifies under  
20 s. 73.0301 that the applicant or registrant is liable for delinquent taxes.  
21 Notwithstanding s. 103.005 (10), an action taken under this paragraph is subject to  
22 review only as provided under s. 73.0301 (5) and not as provided in ch. 227.

23           **(6) ENFORCEMENT.** (a) *Criminal penalties.* 1. Any person who willfully and  
24 knowingly violates this section, any rule promulgated under sub. (7), or any order  
25 issued under this section or who hinders or delays the department in the



1 performance of its duties or hinders or delays any law enforcement officer in the  
2 performance of his or her duties under this section may be fined not more than  
3 \$10,000 or imprisoned for not more than one year in the county jail or both.

4 2. Whoever, having been convicted of a prior violation described in subd. 1.,  
5 willfully and knowingly commits a violation described in subd. 1. is guilty of a Class  
6 I felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (i),  
7 the person may be fined not more than \$50,000.

8 (b) *Forfeitures.* Any person who violates this section, any rule promulgated  
9 under sub. (7), or any order issued under this section or who hinders or delays the  
10 department in the performance of its duties or hinders or delays any law enforcement  
11 officer in the performance of his or her duties under this section may be required to  
12 forfeit \$10,000. Each day of continued violation constitutes a separate offense. In  
13 determining the amount of a forfeiture under this paragraph, the court shall  
14 consider the gravity of the violation and the previous record of the person in terms  
15 of compliance with this section, any rules promulgated under sub. (7), and any orders  
16 issued under this section.

17 (c) *Injunctive relief.* In addition to any other remedy under this subsection, if  
18 the department determines that any person has violated this section, any rule  
19 promulgated under sub. (7), or any order issued under this section or has hindered  
20 or delayed the department in the performance of its duties or hindered or delayed any  
21 law enforcement officer in the performance of his or her duties under this section, the  
22 department may refer the matter to the attorney general or the district attorney of  
23 the county in which the violation occurred, and the attorney general or district  
24 attorney may bring a civil action for injunctive relief as may be appropriate to compel  
25 compliance with this section, the rule, or the order or to permit the performance of

1 those duties. In addition to any injunctive relief ordered in an action under this  
2 paragraph, the court, notwithstanding s. 814.01 (1), shall award to a party that  
3 obtains the injunctive relief reasonable actual attorney fees and other actual costs  
4 as may be incurred in the action.

5 (d) *Referral for prosecution.* The department may refer violations of this  
6 section, of any rules promulgated under sub. (7), or of any orders issued under this  
7 section for prosecution by the attorney general or the district attorney of the county  
8 in which the violation occurred.

9 (7) RULES. The department shall promulgate rules to implement this section.  
10 Those rules shall include all of the following:

11 (a) The information that an applicant for a certificate of registration or permit  
12 is required to provide in an application under sub. (2) (b) or (3) (b).

13 (b) A fee for obtaining, renewing, or extending a certificate of registration or  
14 permit. The department shall determine the fee based on the cost of issuing  
15 certificates of registration and permits.

16 (c) Standards for the issuance of a certificate of registration or permit.

17 (d) The amount of liability insurance or of a liability bond that a traveling sales  
18 crew operator shall have in force under sub. (4) (e) 3.

19 (8) NONAPPLICABILITY. This section does not apply to the employment of a  
20 person in a fund-raising sale for a nonprofit organization, as defined in s. 103.21 (2),  
21 a public school, as defined in s. 103.21 (5), or a private school, as defined in s. 103.21  
22 (4).

23 **SECTION 6.** 111.322 (2m) (a) of the statutes is amended to read:

24 111.322 (2m) (a) The individual files a complaint or attempts to enforce any  
25 right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.34, 103.455, 103.50,

1 104.12, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599 or 103.64 to  
2 103.82.

3 **SECTION 7.** 111.322 (2m) (b) of the statutes is amended to read:

4 111.322 (2m) (b) The individual testifies or assists in any action or proceeding  
5 held under or to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32,  
6 103.34, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to  
7 101.599 or 103.64 to 103.82.

8 **SECTION 8. Nonstatutory provisions.**

9 (1) RULE MAKING. The department of workforce development shall submit in  
10 proposed form the rules required under section 103.34 (7) of the statutes, as created  
11 by this act, to the legislative council staff under section 227.15 (1) of the statutes no  
12 later than the first day of the 6th month beginning after the effective date of this  
13 subsection. Notwithstanding section 227.137 (2) of the statutes, the secretary of  
14 administration may not require the department of workforce development to prepare  
15 an economic impact report for those rules.

16 **SECTION 9. Effective dates.** This act takes effect on the first day of the 12th  
17 month beginning after publication, except as follows:

18 (1) RULE MAKING. SECTION 8 (1) of this act takes effect on the day after  
19 publication.

20

(END)

## Malaise, Gordon

---

**From:** Seaholm, Matthew  
**Sent:** Friday, February 15, 2008 1:32 PM  
**To:** Malaise, Gordon  
**Subject:** A few other changes to sub amendment to SB 80

Hi Gordon,

In Senate Bill 80, there are a number of prohibited practices that we removed in our substitute amendment (LRB s0215/2). Would you be able to make our sub a /3 and insert the following list as prohibited practices? I will send the amendment jacket back for the changes. Let me know if you have any questions. We really need this by Monday afternoon if that's possible.

Thanks,  
Matt

Matt Seaholm  
Office of Rep. Moulton  
6-9172

1. Employing a minor on a traveling sales crew. Employing an adult who has been adjudged incompetent on a traveling sales crew unless the person's guardian has approved the employment.
2. Requiring a traveling sales crew member to engage in any in-person sales or solicitation activities before 9 a.m. or after 9 p.m.
3. Requiring a traveling sales crew member to relinquish custody of any of his or her personal property to the employer or any person.
4. Prohibiting or restricting a traveling sales crew worker from contacting their family.
5. Intentionally inflicting or threatening to inflict any bodily harm on a traveling sales crew worker or damage to the worker's property.
6. Advising or counseling a traveling sales crew worker to make false representations to a person to whom he or she is offering goods or services for sale.
7. Discharging or discriminating against a traveling sales crew worker for opposing any practice prohibited under this bill.



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRBs0215/2  
GMM:wlj/rs

MON 2/19 Noon

3  
MR  
§CS

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2007 SENATE BILL 80

SA 1

Regen Cat

1 AN ACT *to amend* 21.72 (1) (a) 10., 49.857 (1) (d) 10., 73.0301 (1) (d) 3m., 103.005  
2 (10), 111.322 (2m) (a) and 111.322 (2m) (b); and *to create* 103.34 of the statutes;  
3 **relating to:** the regulation of traveling sales crews, requiring the exercise of  
4 rule-making authority, and providing penalties.

*Analysis by the Legislative Reference Bureau*

**CURRENT LAW**

**HOUSE-TO-HOUSE EMPLOYMENT OF MINORS**

Under current law, no person may employ, offer to employ, or recruit a minor to sell goods or services from house-to-house (house-to-house street trades) without obtaining a house-to-house employer certificate from the Department of Workforce Development (DWD). A person may obtain a house-to-house employer certificate by submitting an application to DWD that contains certain information required under current law, including documentation proving that the person has the ability to pay any compensation owed to a minor employee, which proof may be in the form of a bond, certificate of deposit, escrow account, or irrevocable letter of credit in an amount of at least \$5,000 (proof of financial responsibility). If the applicant establishes proof of financial responsibility and if DWD is satisfied that the applicant will comply with the laws relating to house-to-house street trades, DWD must issue a house-to-house employer certificate, which is valid for a 12-month period.

Sales crew member from contacting his or her family,

inflicting or threatening to inflict bodily harm on a traveling sales crew member, advising a traveling sales crew member to make false representations in offering goods or services for sale, and discharging or discriminating against any person for opposing a practice prohibited under the substitute amendment.

When a minor applies for a job in house-to-house street trades, the house-to-house employer must inform the minor in writing of the terms and conditions of employment, including the compensation to be paid, the time and manner of payment of compensation, the number of days per week and hours per day that the minor would be required to conduct house-to-house street trades, the nature and frequency of required employment-related meetings and how compensation is paid for attendance at those meetings, whether and how the employer provides transportation, and the expenses that the minor would be required to pay. A house-to-house employer may change those terms and conditions by a supplemental document in writing, if the change applies prospectively only.

DWD may suspend or revoke a house-to-house employer certificate if the employer submits false information in the application, fails to notify DWD of any change in that information within 30 days after the change occurs, fails to comply with the terms and conditions of a written disclosure statement, fails to maintain proof of financial responsibility, or fails to comply with the laws relating to house-to-house street trades.

### THE SUBSTITUTE AMENDMENT TRAVELING SALES CREWS

#### Introduction

This substitute amendment regulates traveling sales crews, which the substitute amendment defines as a group of three or more traveling sales crew members, by doing all of the following:

1. Requiring a traveling sales crew operator to obtain a certificate of registration from DWD before the operator may use a traveling sales crew to engage in the sale of goods or services to consumers from house to house or on any street or in related support work, including operating a motor vehicle, on the person's behalf (traveling sales crew activities) or employ, offer to employ, or otherwise recruit a person to work as a traveling sales crew member.

2. Requiring a traveling sales crew operator to obtain a permit for a traveling sales crew member before the member may be permitted to work in traveling sales crew activities. The substitute amendment defines "traveling sales crew member" as a person who engages in traveling sales crew activities as part of or in association with a traveling sales crew, who travels with the traveling sales crew overnight away from his or her permanent place of residence, and who maintains no fixed place of local residence (lodging in this state at which the person has tenancy for at least one month) or fixed retail establishment in this state. The substitute amendment excludes from the definition of "traveling sales crew member" a person who maintains a fixed place of local residence or a fixed retail establishment in this state, who is a reseller of goods that the person buys at wholesale and to which the person takes title, or who sells services that are regulated by the office of the Commissioner of Insurance or the Federal Communications Commission.

3. Requiring a traveling sales crew operator to comply with certain obligations to a traveling sales crew member, including obligations relating to the disclosure of certain information, record keeping, payment of compensation, deductions from compensation, and transportation and housing safety.

4. Prohibiting a traveling sales crew operator from engaging in certain prohibited practices, such as permitting a minor or incompetent adult to work on a traveling sales crew, requiring a traveling sales crew member to work during certain hours or to relinquish custody of his or her property, prohibiting a traveling A

4. Providing provisions to enforce the substitute amendment, including penalties and injunctive relief for a violation of the substitute amendment, any rules promulgated under the substitute amendment, or any order issued by DWD under the substitute amendment or for hindering or delaying DWD in the performance of its duties, or a law enforcement officer in the performance of his or her duties, under the substitute amendment.

### ***Traveling sales crew operator registration***

Under the substitute amendment, a person may not use a traveling sales crew to engage in traveling sales crew activities on the person's behalf or recruit a person to work as a traveling sales crew member unless the person first obtains a certificate of registration from DWD. A person may obtain a certificate of registration by filing with DWD a written application, meeting the standards under the substitute amendment and under rules promulgated by DWD for issuance of a certificate of registration, and paying a registration fee determined by DWD by rule. The application must contain certain information specified in the substitute amendment, including all of the following:

1. A designation of an agency upon whom service of process may be made in this state.
2. The social security number or federal employer identification number of the applicant.
3. Any other information that DWD considers necessary for the protection of the health, safety, and welfare of the traveling sales crew members working on behalf of the applicant, the consumers of goods or services sold by those members, and the public.

After completing any investigation that DWD considers appropriate, DWD must issue a certificate of registration, which is valid for a 12-month period, if the applicant meets the standards for issuance of a certificate of registration. DWD may deny, suspend, revoke, or refuse to renew a certificate of registration if DWD determines that the applicant has been convicted of any crime.

### ***Traveling sales crew member permits***

The substitute amendment prohibits a person from being permitted to work as a traveling sales crew member unless the traveling sales crew operator on whose behalf the person will be working first obtains from DWD a traveling sales crew member permit (permit) for the person. A traveling sales crew operator may obtain a permit for a traveling sales crew member by the operator filing with DWD a written application and paying a registration fee determined by DWD by rule and by the member meeting the standards under the substitute amendment and under rules promulgated by DWD for issuance of a permit. The application must contain certain information specified in the substitute amendment, including all of the following:

1. The social security number of the applicant.
2. Any other information that DWD considers necessary for the protection of the health, safety, and welfare of the traveling sales crew members working on behalf of the traveling sales crew operator, the consumers of goods or services sold by those members, and the public.

After completing any investigation that DWD considers appropriate, DWD must issue a permit, which is valid for a 12-month period, if the traveling sales crew member meets the standards for issuance of a certificate of registration. DWD may deny, suspend, revoke, or refuse to renew a permit if DWD determines that the traveling sales crew member has been convicted of any crime.

The bill also requires a traveling sales crew member to carry at all times while engaged in traveling sales crew activities the member's permit and an identification card issued by a state or federal governmental agency that includes, at a minimum, a photograph of the member.

### ***Obligations of traveling sales crew operators to members***

**Disclosure statement.** The substitute amendment requires a traveling sales crew operator to provide a person who is recruited to work as a traveling sales crew member with a written disclosure statement that includes all of the following information:

1. The address of the principal place of business of the traveling sales crew operator or of the agent for service of process.
2. The compensation to be paid.
3. The type or types of work that the person may be required to perform.
4. The frequency of wage payments to traveling sales crew members.
5. The period of engagement.
6. A description of the transportation, board, lodging, and other benefits to be provided and any costs chargeable to the person for those benefits.

**Records.** The substitute amendment also requires a traveling sales crew operator to keep records, with respect to each traveling sales crew member working on behalf of the traveling sales crew operator, of all of the following information:

1. The basis on which compensation is paid.
2. The number of piecework units earned, if the traveling sales crew member is paid on a piecework basis.
3. The number of hours worked.
4. The total earnings of the traveling sales crew member for a pay period.
5. The specific sums withheld from the traveling sales crew member's pay and the purpose of each sum withheld.
6. The net pay of the traveling sales crew member for a pay period.

The traveling sales crew operator must provide that information to a traveling sales crew member when compensation is paid.

**Payment of compensation; deductions.** In addition, the substitute amendment does all of the following:

1. Requires a traveling sales crew operator to pay all compensation owed to a traveling sales crew member promptly, when due, in U.S. currency or by a negotiable instrument such as a bank check or draft.
2. Permits a traveling sales crew operator to deduct from a traveling sales crew member's compensation the reasonable cost to the operator of furnishing board, lodging, or other facilities to the member, but only if the board, lodging, or other facilities are customarily furnished by the operator to its members and if the amount



deducted does not exceed the fair market value of the board, lodging, or other facilities and does not include any profit to the operator.

3. Prohibits a traveling sales crew operator from imposing on any traveling sales crew member any of the traveling sales crew operator's business expenses, including the cost of maintaining and operating a motor vehicle that is used to transport traveling sales crew members.

**Transportation safety.** Moreover, the substitute amendment requires a traveling sales crew operator to do all of the following:

1. Ensure that each motor vehicle that the operator uses or causes to be used to transport traveling sales crew members conforms to all applicable state and federal safety standards.

2. Ensure that each person who operates a motor vehicle that is used to transport a traveling sales crew member has a valid and appropriate driver's license.

3. Have in force, for each motor vehicle used to transport a traveling sales crew member, a policy of insurance or a liability bond that insures the operator, in an amount prescribed by DWD by rule, against liability for damages to persons and property arising out of the ownership or operation of the motor vehicle for that purpose or out of causing the motor vehicle to be operated for that purpose.

**Housing safety.** Finally, with respect to the obligations of a traveling sales crew operator to a traveling sales crew member, the substitute amendment requires a traveling sales crew operator to ensure that any facility or property that is used to house a traveling sales crew member complies with all federal, state, and local safety and health standards that are applicable to the facility or property.

✓  
Insert  
A

**Enforcement**

Finally, under the substitute amendment:

1. Any person who willfully and knowingly violates the substitute amendment, any rule promulgated under the substitute amendment, or any order issued by DWD under the substitute amendment or who hinders or delays DWD in the performance of its duties or hinders or delays any law enforcement officer in the performance of his or her duties under the substitute amendment (violation) may be fined not more than \$10,000 or imprisoned for not more than one year in the county jail or both and any person who, having been convicted of a prior violation, willfully and knowingly commits a subsequent violation may be fined not more than \$50,000 or imprisoned for not more than three years and six months or both.

2. Any person who commits a violation, but not willfully and knowingly, may be required to forfeit \$10,000, depending on the gravity of the violation and the previous record of the person in terms of compliance with the substitute amendment, any rules promulgated under the substitute amendment, and any orders issued by DWD under the substitute amendment.

3. If DWD determines that any person has committed a violation, DWD may refer the matter to the attorney general or the district attorney of the county in which

the violation occurred, and the attorney general or district attorney may bring a civil action for appropriate injunctive relief.

---

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

1           **SECTION 1.** 21.72 (1) (a) 10. of the statutes is amended to read:

2           21.72 (1) (a) 10. A certificate or permit issued under s. 103.275, 103.34, 103.91,  
3 or 103.92.

4           **SECTION 2.** 49.857 (1) (d) 10. of the statutes is amended to read:

5           49.857 (1) (d) 10. A certificate or permit issued under s. 103.275, 103.34, 103.91,  
6 or 103.92.

7           **SECTION 3.** 73.0301 (1) (d) 3m. of the statutes is amended to read:

8           73.0301 (1) (d) 3m. A license, permit, or certificate issued by the department  
9 of workforce development under s. 102.17 (1) (c), 103.275 (2) (b), 103.34 (2) (c) or (3)  
10 (c), 103.91 (1), 103.92 (3), 104.07 (1) or (2), or 105.13 (1).

11           **SECTION 4.** 103.005 (10) of the statutes is amended to read:

12           103.005 (10) Except as provided in ss. 103.275 (2) (bm) and (br), 103.34 (5) (b)  
13 and (c), 103.91 (4) (b) and (c), 103.92 (6) and (7), 104.07 (5) and (6), and 105.13 (2) and  
14 (3), orders of the department under chs. 103 to 106 shall be subject to review in the  
15 manner provided in ch. 227.

16           **SECTION 5.** 103.34 of the statutes is created to read:

17           **103.34 Regulation of traveling sales crews. (1) DEFINITIONS:** In this  
18 section:

19           (a) "Certificate of registration" means a certificate of registration issued by the  
20 department under sub. (2) (c).

1 (b) "Fixed place of local residence" means a place of lodging in this state at  
2 which a person has tenancy for at least one month.

3 (c) "Goods" means wares, products, commodities, or merchandise of any type,  
4 including magazine subscriptions.

5 (d) "Permit" means a permit issued by the department under sub. (3) (c).

6 (e) "Sale" means a transfer for consideration of title to a good or the right to use  
7 a good or service and includes any sale, exchange, contract to sell, consignment for  
8 sale, shipment for sale, or other disposition of goods or services and any attempt to  
9 obtain information for the purpose of making such a sale, exchange, contract,  
10 consignment, shipment, or other disposition of goods or services in the future,  
11 including the taking of an order for future delivery.

12 (f) "Traveling sales crew" means a group of 3 or more traveling sales crew  
13 members, not including an immediate family member of a traveling sales crew  
14 operator.

15 (g) "Traveling sales crew activities" means the sale of goods or services to  
16 consumers from house to house or on any street or related support work, including  
17 operating a motor vehicle.

18 (h) "Traveling sales crew member" means a person who engages in traveling  
19 sales crew activities as part of or in association with a traveling sales crew, who  
20 travels with the traveling sales crew overnight away from his or her permanent place  
21 of residence, and who maintains no fixed place of local residence or fixed retail  
22 establishment in this state. "Traveling sales crew member" does not include a person  
23 who maintains a fixed place of local residence or a fixed retail establishment in this  
24 state, who is a reseller of goods that the person buys at wholesale and to which the

1 person takes title, or who sells services that are regulated by the office of the  
2 commissioner of insurance of the federal communications commission.

3 (i) "Traveling sales crew operator" means a person who uses a traveling sales  
4 crew to engage in traveling sales crew activities on the person's behalf.

5 (2) TRAVELING SALES CREW OPERATOR REGISTRATION. (a) *Registration required.*  
6 No person may use a traveling sales crew to engage in traveling sales crew activities  
7 on the person's behalf or recruit an individual to work as a traveling sales crew  
8 member unless the person first obtains a certificate of registration from the  
9 department. To obtain a certificate of registration, a person shall file with the  
10 department a written application under par. (b), meet the standards specified in par.  
11 (c) for issuance of a certificate of registration, and pay a registration fee determined  
12 by the department by rule promulgated under sub. ~~(7)~~ <sup>(9)</sup>.

13 (b) *Application for registration.* To obtain a certificate of registration, a person  
14 shall file with the department a written application prescribed by the department  
15 by rule promulgated under sub. ~~(7)~~ <sup>(8)</sup> that contains all of the following information:

16 1. A designation of an agency upon whom service of process may be made in this  
17 state. The agent shall be a resident of this state or a corporation authorized to do  
18 business in this state.

19 2. The social security number or federal employer identification number of the  
20 applicant as provided in sub. ~~(5)~~ <sup>(6)</sup> (a).

21 3. Any other information that the department considers necessary for the  
22 protection of the health, safety, and welfare of the traveling sales crew members  
23 working on behalf of the applicant, the consumers of goods or services sold by those  
24 members, and the public.

(6)  
1 (c) *Issuance of registration.* Subject to sub. (5) (b) and (c), after completing any  
2 investigation that the department considers appropriate, the department shall issue  
3 a certificate of registration to the applicant if the department determines that the  
4 applicant meets the standards under this section and rules promulgated under sub.  
5 (7) for issuance of a certificate of registration. Notwithstanding ss. 111.321, 111.322,  
6 and 111.335, the department may deny, suspend, revoke, or refuse to renew a  
7 certificate of registration if the department determines that the applicant or  
8 registrant has been convicted of any crime.

9 (d) *Registration; transfer, expiration, extension, and renewal.* 1. A certificate  
10 of registration is not transferable or assignable.

11 2. Unless earlier suspended or revoked, a certificate of registration expires 12  
12 months after its date of issuance. The department, in its discretion, may temporarily  
13 extend a certificate of registration if the registrant files an application for temporary  
14 extension not less than 30 days before the expiration of the certificate of registration.

15 3. A registrant may renew a certificate of registration by filing with the  
16 department an application under par. (b) and paying the renewal fee determined by  
17 the department by rule promulgated under sub. (7). The department shall renew the  
18 certificate of registration if the registrant meets the standards specified in par. (c)  
19 for renewal of a certificate of registration.

20 (e) *Notice of changes; amendment of registration.* 1. If during the period for  
21 which a certificate of registration is in effect any change occurs in any of the  
22 information provided to the department under par. (b), the registrant shall notify the  
23 department of that change within 30 days after the change occurs.

24 2. If during the period for which a certificate of registration is in effect the  
25 registrant intends to engage in any form of traveling sales crew activity that is not

1 identified in the certificate of registration, the registrant shall apply to the  
2 department to amend the certificate of registration.

3 (3) TRAVELING SALES CREW MEMBER PERMIT. (a) *Permit required.* No person may  
4 be permitted to work as a traveling sales crew member unless the traveling sales  
5 crew operator on whose behalf the person will be working first obtains from the  
6 department a permit for the person. To obtain a permit, the traveling sales crew  
7 operator shall file with the department on behalf of the applicant a written  
8 application under par. (b) and pay a permit fee determined by the department by rule  
9 promulgated under sub. ~~(7)~~<sup>(8)</sup> and the applicant shall meet the standards specified in  
10 par. (c) for issuance of a permit.

11 (b) *Application for permit.* To obtain a permit for an applicant, a traveling sales  
12 crew operator shall file with the department on behalf of the applicant a written  
13 application prescribed by the department by rule promulgated under sub. ~~(7)~~<sup>(8)</sup> that  
14 contains all of the following information:

15 1. The social security number of the applicant as provided in sub. ~~(5)~~<sup>(6)</sup> (a).

16 2. Any other information that the department considers necessary for the  
17 protection of the health, safety, and welfare of the traveling sales crew members  
18 working on behalf of the traveling sales crew operator, the consumers of goods or  
19 services sold by those members, and the public. ~~(6)~~<sup>(6)</sup>

20 (c) *Issuance of permit.* Subject to sub. ~~(5)~~<sup>(6)</sup> (b) and (c), after completing any  
21 investigation that the department considers appropriate, the department shall issue  
22 a permit to the applicant if the department determines that the applicant meets the  
23 standards under this section and rules promulgated under sub. ~~(7)~~<sup>(8)</sup> for issuance of a  
24 permit. Notwithstanding ss. 111.321, 111.322, and 111.335, the department may

1 deny, suspend, revoke, or refuse to renew a permit if the department determines that  
2 the applicant or permit holder has been convicted of any crime.

3 (d) *Permit; transfer, expiration, extension, and renewal.* 1. A permit is not  
4 transferable or assignable.

5 2. Unless earlier suspended or revoked, a permit expires 12 months after its  
6 date of issuance. The department, in its discretion, may temporarily extend a permit  
7 if the traveling sales crew operator on whose behalf the permit holder is working files  
8 an application for temporary extension not less than 30 days before the expiration  
9 of the permit.

10 3. A traveling sales crew operator may renew the permit of a permit holder who  
11 is working on behalf of the traveling sales crew operator by filing with the  
12 department an application under par. (b) and paying the renewal fee determined by  
13 the department by rule promulgated under sub. (7). The department shall renew the  
14 permit if the permit holder meets the standards specified in par. (c) for renewal of a  
15 permit.

16 (e) *Notice of changes; amendment of permit.* 1. If during the period for which  
17 a permit is in effect any change occurs in any of the information provided to the  
18 department under par. (b), the traveling sales crew operator on whose behalf the  
19 permit holder is working shall notify the department of that change within 30 days  
20 after the change occurs.

21 2. If during the period for which a permit is in effect the traveling sales crew  
22 operator intends to have the permit holder engage in any form of traveling sales crew  
23 activity that is not identified in the permit, the traveling sales crew operator shall  
24 apply to the department to amend the permit.

1           (f) *Display of permit.* 1. A traveling sales crew operator shall ensure that a  
2 traveling sales crew member who is performing traveling sales crew activities on  
3 behalf of the traveling sales crew operator possesses at all times while engaging in  
4 those activities a valid permit and an identification card issued by a federal or state  
5 governmental agency that includes, at a minimum, a photograph of the traveling  
6 sales crew member.

7           2. A traveling sales crew member shall carry at all times while engaging in  
8 traveling sales crew activities the member's permit and identification card and shall  
9 promptly produce that permit and identification card upon the request of any deputy  
10 of the department, law enforcement officer, or person with whom the member is doing  
11 business.

12           (g) *Validity of permit; compliance with local ordinances.* A permit is valid in  
13 every municipality in this state, but the issuance of a permit does not exempt a  
14 traveling sales crew operator or member from compliance with any municipal  
15 ordinance that requires the operator or member to obtain a solicitor's license or that  
16 prohibits the sale of goods or services to consumers from house to house, on any  
17 street, or in any other place that is open to the public.

18           (4) OBLIGATIONS OF TRAVELING SALES CREW OPERATORS TO MEMBERS. (a) *Disclosure*  
19 *statement.* At the time a person is recruited to work as a traveling sales crew member,  
20 the traveling sales crew operator shall provide the person with a written disclosure  
21 statement that includes all of the following information:

22           1. The address of the principal place of business of the traveling sales crew  
23 operator or of the agent for service of process under sub. (2) (b) 1.

24           2. The compensation to be paid.

25           3. The type or types of work that the person may be required to perform.



1           4. The frequency of wage payments to traveling sales crew members.

2           5. The period of engagement.

3           6. A description of the transportation, board, lodging, and other benefits to be  
4 provided by the traveling sales crew operator to the person and any costs chargeable  
5 to the person for those benefits.

6           (b) *Records.* A traveling sales crew operator shall, with respect to each  
7 traveling sales crew member working on behalf of the traveling sales crew operator,  
8 make, keep, and preserve for 3 years after the end of a pay period all of the following  
9 information:

10           1. The basis on which compensation is paid.

11           2. The number of piecework units earned, if the traveling sales crew member  
12 is paid on a piecework basis.

13           3. The number of hours worked.

14           4. The total earnings of the traveling sales crew member for the pay period.

15           5. The specific sums withheld from the traveling sales crew member's pay and  
16 the purpose of each sum withheld.

17           6. The net pay of the traveling sales crew member for the pay period.

18           (c) *Payment of compensation when due.* A traveling sales crew operator shall  
19 pay all compensation owed to a traveling sales crew member when due as provided  
20 under par. (a) 4. Compensation shall be paid in U.S. currency or by a negotiable  
21 instrument such as a bank check or draft. A traveling sales crew operator shall  
22 provide with each payment of compensation a written statement itemizing the  
23 information specified in par. (b) for the pay period.

24           (d) *Deductions; cost of business expenses.* A traveling sales crew operator may  
25 deduct from a traveling sales crew member's compensation the reasonable cost to the

1 operator of furnishing board, lodging, or other facilities to the member if the board,  
2 lodging, or other facilities are customarily furnished by the operator to its members  
3 and if the amount deducted does not exceed the fair market value of the board,  
4 lodging, or other facilities and does not include any profit to the operator. Except as  
5 provided in this paragraph, a traveling sales crew operator may not impose on any  
6 traveling sales crew member any of the traveling sales crew operator's business  
7 expenses, including the cost of maintaining and operating a motor vehicle that is  
8 used to transport traveling sales crew members.

9 (e) *Transportation safety.* A traveling sales crew operator shall do all of the  
10 following:

11 1. Ensure that each motor vehicle that the operator uses or causes to be used  
12 to transport a traveling sales crew member conforms to all applicable state and  
13 federal safety standards.

14 2. Ensure that each person who operates a motor vehicle that is used to  
15 transport a traveling sales crew member has a valid and appropriate operator's  
16 license issued under ch. 343 or under a comparable law of another state.

17 3. Have in force, for each motor vehicle that is used to transport a traveling  
18 sales crew member, a policy of insurance or a liability bond that insures the operator,  
19 in an amount prescribed by the department by rule promulgated under sub. (7),  
20 against liability for damages to persons and property arising out of the ownership  
21 or operation of the motor vehicle for that purpose or out of causing the motor vehicle  
22 to be operated for that purpose.

23 (f) *Housing safety.* A traveling sales crew operator shall ensure that any facility  
24 or property that is used to house a traveling sales crew member complies with all  
25 federal, state, and local safety and health standards that are applicable to the facility

Handwritten notes in a box: "NS" and "15-5"

1 or property. If the facility or property is not owned or controlled by the traveling sales  
2 crew operator, the operator shall obtain verification that the owner or operator of the  
3 facility or property is licensed and insured in accordance with all applicable state and  
4 local laws prior to housing any traveling sales crew member in the facility or  
5 property.

6 (6) (5) CHILD SUPPORT; DELINQUENT TAXES. (a) *Provision of social security or  
7 employer identification number.* 1. Except as provided in subd. 3., the department  
8 shall require each applicant for a certificate of registration or permit who is an  
9 individual to provide the department with the applicant's social security number,  
10 and shall require each applicant for a certificate of registration who is not an  
11 individual to provide the department with the applicant's federal employer  
12 identification number, when initially applying for or applying to renew the certificate  
13 of registration or permit.

14 2. If an applicant who is an individual fails to provide the applicant's social  
15 security number to the department or if an applicant who is not an individual fails  
16 to provide the applicant's federal employer identification number to the department,  
17 the department may not issue or renew a certificate of registration or permit to or  
18 for the applicant unless the applicant is an individual who does not have a social  
19 security number and the applicant submits a statement made or subscribed under  
20 oath or affirmation as required under subd. 3.

21 3. If an applicant who is an individual does not have a social security number,  
22 the applicant shall submit a statement made or subscribed under oath or affirmation  
23 to the department that the applicant does not have a social security number. The  
24 form of the statement shall be prescribed by the department. A certificate of

1 registration or permit issued in reliance upon a false statement submitted under this  
2 subdivision is invalid.

3 4. The department may not disclose the social security number or the federal  
4 employer identification number to any person except to the department of revenue  
5 for the sole purpose of requesting certifications under s. 73.0301 or on the request of  
6 the department of children and families under s. 49.22 (2m).

7 (b) *Child support.* The department shall deny, suspend, refuse to renew, or  
8 otherwise withhold a certificate of registration or permit for failure of the applicant  
9 or registrant to pay court-ordered payments of child or family support, maintenance,  
10 birth expenses, medical expenses, or other expenses related to the support of a child  
11 or former spouse or for failure of the applicant or registrant to comply, after  
12 appropriate notice, with a subpoena or warrant issued by the department of children  
13 and families or a county child support agency under s. 59.53 (5) and related to  
14 paternity or child support proceedings, as provided in a memorandum of  
15 understanding entered into under s. 49.857. Notwithstanding s. 103.005 (10), an  
16 action taken under this paragraph is subject to review only as provided in the  
17 memorandum of understanding entered into under s. 49.857 and not as provided in  
18 ch. 227.

19 (c) *Delinquent taxes.* The department shall deny an application for the issuance  
20 or renewal of a certificate of registration or permit, or revoke a certificate of  
21 registration or permit already issued, if the department of revenue certifies under  
22 s. 73.0301 that the applicant or registrant is liable for delinquent taxes.  
23 Notwithstanding s. 103.005 (10), an action taken under this paragraph is subject to  
24 review only as provided under s. 73.0301 (5) and not as provided in ch. 227.

B (7)

1 (6) ENFORCEMENT. (a) *Criminal penalties.* 1. Any person who willfully and  
2 knowingly violates this section, any rule promulgated under sub. (7), or any order  
3 issued under this section or who hinders or delays the department in the  
4 performance of its duties or hinders or delays any law enforcement officer in the  
5 performance of his or her duties under this section may be fined not more than  
6 \$10,000 or imprisoned for not more than one year in the county jail or both.

7 2. Whoever, having been convicted of a prior violation described in subd. 1.,  
8 willfully and knowingly commits a violation described in subd. 1. is guilty of a Class  
9 I felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (i),  
10 the person may be fined not more than \$50,000.

11 (b) *Forfeitures.* Any person who violates this section, any rule promulgated  
12 under sub. (7), or any order issued under this section or who hinders or delays the  
13 department in the performance of its duties or hinders or delays any law enforcement  
14 officer in the performance of his or her duties under this section may be required to  
15 forfeit \$10,000. Each day of continued violation constitutes a separate offense. In  
16 determining the amount of a forfeiture under this paragraph, the court shall  
17 consider the gravity of the violation and the previous record of the person in terms  
18 of compliance with this section, any rules promulgated under sub. (7), and any orders  
19 issued under this section.

20 (c) *Injunctive relief.* In addition to any other remedy under this subsection, if  
21 the department determines that any person has violated this section, any rule  
22 promulgated under sub. (7), or any order issued under this section or has hindered  
23 or delayed the department in the performance of its duties or hindered or delayed any  
24 law enforcement officer in the performance of his or her duties under this section, the  
25 department may refer the matter to the attorney general or the district attorney of

1 the county in which the violation occurred, and the attorney general or district  
2 attorney may bring a civil action for injunctive relief as may be appropriate to compel  
3 compliance with this section, the rule, or the order or to permit the performance of  
4 those duties. In addition to any injunctive relief ordered in an action under this  
5 paragraph, the court, notwithstanding s. 814.01 (1), shall award to a party that  
6 obtains the injunctive relief reasonable actual attorney fees and other actual costs  
7 as may be incurred in the action.

8 (d) *Referral for prosecution.* The department may refer violations of this  
9 section, of any rules promulgated under sub. ~~(7)~~<sup>(8)</sup>, or of any orders issued under this  
10 section for prosecution by the attorney general or the district attorney of the county  
11 in which the violation occurred.

12 ~~(7)~~<sup>(8)</sup> **(7)** RULES. The department shall promulgate rules to implement this section.  
13 Those rules shall include all of the following:

14 (a) The information that an applicant for a certificate of registration or permit  
15 is required to provide in an application under sub. (2) (b) or (3) (b).

16 (b) A fee for obtaining, renewing, or extending a certificate of registration or  
17 permit. The department shall determine the fee based on the cost of issuing  
18 certificates of registration and permits.

19 (c) Standards for the issuance of a certificate of registration or permit.

20 (d) The amount of liability insurance or of a liability bond that a traveling sales  
21 crew operator shall have in force under sub. (4) (e) 3.

22 ~~(8)~~<sup>(9)</sup> **(8)** NONAPPLICABILITY. This section does not apply to the employment of a  
23 person in a fund-raising sale for a nonprofit organization, as defined in s. 103.21 (2),  
24 a public school, as defined in s. 103.21 (5), or a private school, as defined in s. 103.21  
25 (4).

1           **SECTION 6.** 111.322 (2m) (a) of the statutes is amended to read:

2           111.322 (2m) (a) The individual files a complaint or attempts to enforce any  
3 right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.34, 103.455, 103.50,  
4 104.12, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599 or 103.64 to  
5 103.82.

6           **SECTION 7.** 111.322 (2m) (b) of the statutes is amended to read:

7           111.322 (2m) (b) The individual testifies or assists in any action or proceeding  
8 held under or to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32,  
9 103.34, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to  
10 101.599 or 103.64 to 103.82.

11           **SECTION 8. Nonstatutory provisions.**

12           (1) RULE MAKING. The department of workforce development shall submit in  
13 proposed form the rules required under section 103.34 ~~of~~ of the statutes, as created  
14 by this act, to the legislative council staff under section 227.15 (1) of the statutes no  
15 later than the first day of the 6th month beginning after the effective date of this  
16 subsection. Notwithstanding section 227.137 (2) of the statutes, the secretary of  
17 administration may not require the department of workforce development to prepare  
18 an economic impact report for those rules.

19           **SECTION 9. Effective dates.** This act takes effect on the first day of the 12th  
20 month beginning after publication, except as follows:

21           (1) RULE MAKING. SECTION 8 (1) of this act takes effect on the day after  
22 publication.

23

(END)

Insert A

**SENATE BILL 80**

records of that information for three years after the worker leaves the employ of the employer.

2. Maintain and operate any motor vehicle used to transport traveling sales crews in compliance with all state and federal safety standards that are applicable to the motor vehicle, including any additional safety standards relating specifically to the transportation of sales crews prescribed by DWD by rule.

3. If the duties of a traveling sales crew worker will involve the storage, handling, or transportation of hazardous materials or might otherwise result in exposure of the traveling sales crew worker to hazardous materials, ensure that the hazardous materials are stored, handled, and transported, and that the worker is trained in the storage, handling, and transportation of hazardous materials, in compliance with all state and federal safety standards that are applicable to the hazardous materials, including any additional safety standards relating specifically to the storage, handling, and transportation of hazardous materials by traveling sales crews prescribed by DWD by rule.

4. Have in force a motor vehicle liability insurance policy and an insurance policy covering the negligent acts or omissions of the employer and the employer's employees, agents, and representatives and, if required to do so under the worker's compensation law, provide worker's compensation coverage. (Generally, an employer is required to provide worker's compensation coverage if the employer employs three or more employees or pays wages of \$500 or more in any calendar quarter.)

substitute amendment

operator or any other person on behalf of a traveling sales crew operator

**Prohibited practices**

The bill prohibits an employer and any employee, agent, or representative of an employer who supervises or transports traveling sales crew workers from doing any of the following:

Permitting to work

member

permitted to work

1. Employing as a traveling sales crew worker a minor or employing as a traveling sales crew worker an adult who has been adjudged incompetent without the permission of the person's guardian.

2. Requiring a traveling sales crew worker to engage in any in-person sales or solicitation activities before 9:00 a.m. or after 9:00 p.m.

3. Considering a traveling sales crew worker to be an independent contractor rather than an employee.

4. Requiring a traveling sales crew worker to purchase any goods or services solely from the employer or to pay any of the employer's business expenses, except that an employer may deduct from a worker's compensation the cost of furnishing board, lodging, or other facilities if those facilities are customarily furnished to the employer's traveling sales crew workers; the amount deducted does not exceed the fair market value of those facilities and does not include any profit to the employer; and the traveling sales crew worker has previously authorized the deduction in the written disclosure statement.

5. Abandoning a traveling sales crew worker who is unable to work due to illness or injury or who is discharged from employment for reasons other than misconduct without providing for the return of the traveling sales crew worker to his or her permanent place of residence.



**SENATE BILL 80**

SISTA

member working on behalf of the operator, or to any other person

operator

6. Abandoning a traveling sales crew worker who has been arrested and is being held in custody in connection with a violation of the bill or a local ordinance regulating the conduct regulated by the bill.

7. Requiring a traveling sales crew worker to relinquish custody of any of his or her personal property to the employer, to any employee, agent, or representative of the employer who supervises or transports traveling sales crew workers, or to any other traveling sales crew worker of the employer.

8. Prohibiting or restricting a traveling sales crew worker from contacting any family member, friend, or other person while traveling with the traveling sales crew.

9. Intentionally inflicting or threatening to inflict any bodily harm on a traveling sales crew worker, or damage to the property of a traveling sales crew worker as a means of discipline or motivation.

10. Advising or counseling a traveling sales crew worker to make false representations to a person to whom he or she is offering goods or services concerning his or her motivation for selling those goods or services.

11. Discharging or discriminating against any person for opposing any practice prohibited under the bill.

Member

Member

Member

for sale

substitute amendment

period stays

**Traveling sales crew worker permits**

The bill prohibits an individual from being employed or permitted to work as a traveling sales crew worker unless the employer of the individual first obtains from DWD a traveling sales crew worker permit (permit) for the individual and the individual first obtains from DWD an identification card. The bill requires the permit and identification card to include at a minimum the name and permanent home address of the traveling sales crew worker and the name, address, and phone number of his or her employer.

The bill also requires an employer of a traveling sales crew worker and all employees, agents, or representatives of that employer who supervise or transport traveling sales crew workers to carry at all times while engaged in traveling sales crew activities a copy of the permit obtained for each traveling sales crew worker of the employer and a traveling sales crew worker to carry at all times while engaged in traveling sales crew activities a copy of the identification card.

In addition, the bill requires a traveling sales crew employer to keep a copy of the permit for each traveling sales crew worker of the employer for at least three years after the traveling sales crew worker leaves the employ of the employer, to keep a list of the names of all cities, villages, or towns where traveling sales crew workers of the employer engaged in traveling sales crew activities within the last three years, and at the request of DWD, to provide a list of all cities, villages, or towns where the employer intends to employ traveling sales crews in traveling sales crew activities for the six-month period beginning on the date of the request.

Under the bill, before an employer may permit a traveling sales crew worker of the employer to engage in traveling sales crew activities in any city, village, or town, the employer must obtain from the clerk of the city, village, or town a stamp or endorsement on the permit of the traveling sales crew worker. The bill requires an employer who obtains that stamp or endorsement to provide notice to local law

edit insert

Insert 15-5

SENATE BILL 80

1 2. The extent to which a proposed safety standard would cause an undue  
2 burden to traveling sales crew employers.

3 3. Any safety standards prescribed by the federal secretary of transportation  
4 under 49 USC 5101 to 5128 or by the federal occupational safety and health  
5 administration under 29 USC 651 to 678 that are applicable to the storage, handling,  
6 and transportation of hazardous materials by a traveling sales crew worker or to any  
7 other exposure of a traveling sales crew worker to hazardous materials.

8 (8) INSURANCE COVERAGE. The employer of a traveling sales crew worker shall  
9 have in force a policy of insurance that insures the employer, in an amount prescribed  
10 by the department by rule promulgated under sub. (13), against liability for damages  
11 to persons and property arising out of the ownership or operation by the employer  
12 or by any employee, agent, or representative of the employer of a motor vehicle that  
13 is used to transport a traveling sales crew worker and a policy of insurance that  
14 insures the employer, in an amount prescribed by the department by rule  
15 promulgated under sub. (13), against liability for damages to persons and property  
16 arising out of any negligent act or omission of the employer or of any employee, agent,  
17 or representative of the employer. If the employer is required under s. 102.28 (2) to  
18 provide worker's compensation coverage for its employees, the employer shall also  
19 provide that coverage.

traveling sales crew operator or any other person  
on behalf of a traveling sales crew operator

20 (5) (9) PROHIBITED PRACTICES. No ~~employer of a traveling sales crew worker and~~  
21 ~~no employee, agent, or representative of that employer who supervises or transports~~  
22 ~~traveling sales crew workers~~ may do any of the following:

23 (a) ~~Employ or permit~~ to work as a traveling sales crew ~~worker~~ a person under  
24 18 years of age or ~~employ or~~ permit to work as a traveling sales crew ~~worker~~ a person

Use Permit

Member

Member



SENATE BILL 80

1 18 years of age or over who has been adjudged incompetent under ch. 54 without the  
2 permission of the person's guardian.

3 (b) Require a traveling sales crew ~~worker~~ <sup>member</sup> to engage in any in-person sales or  
4 solicitation activities before 9 a.m. or after 9 p.m.

5 ~~(c) Consider a traveling sales crew worker to be an independent contractor  
6 rather than an employee.~~

7 (d) Require a traveling sales crew worker to purchase any goods or services  
8 solely from the employer or to pay any of the employer's business expenses, except  
9 as permitted under sub. (6) (b).

10 (e) Abandon a traveling sales crew worker who is unable to work due to illness  
11 or injury or who is discharged from employment for reasons other than misconduct  
12 without providing for the return of the traveling sales crew worker to his or her  
13 permanent place of residence.

14 (f) Abandon a traveling sales crew worker who has been arrested and is being  
15 held in custody in connection with a violation of sub. (11) (a) 3. or a local ordinance  
16 regulating that conduct.

17 (g) Require a traveling sales crew ~~worker~~ <sup>member</sup> to relinquish custody of any of his or  
18 her personal property to the ~~employer, to any employee, agent, or representative of~~  
19 ~~the employer who supervises or transports~~ <sup>the</sup> traveling sales crew ~~workers,~~ <sup>member working on behalf of operator,</sup> or to any  
20 other traveling sales crew ~~worker of the employer~~ <sup>or to any other person</sup>

21 (h) Prohibit or restrict a traveling sales crew ~~worker~~ <sup>member</sup> from contacting any family  
22 member, friend, or other person while traveling with a traveling sales crew.

23 (i) Intentionally inflict or threaten to inflict any bodily harm on a traveling  
24 sales crew ~~worker~~ <sup>member</sup> or damage to the property of a traveling sales crew ~~worker~~ <sup>as a</sup>

25 ~~means of discipline or motivation.~~ <sup>member</sup>

SENATE BILL 80

member

for sale

1 (f) Advise or counsel a traveling sales crew worker to make false  
2 representations to a person to whom he or she is offering goods or services concerning

3 ~~this or her motivation for selling those goods or services~~ period stays

4 (g) Discharge or discriminate against any person for opposing a practice  
5 prohibited under this section. Section 111.322 (2m) applies to discharge and other  
6 discriminatory acts arising in connection with any proceeding under this section.

7 (10) CHILD SUPPORT; DELINQUENT TAXES. (a) 1. Except as provided in subd. 3.,  
8 the department shall require each applicant for a certificate of registration who is  
9 an individual to provide the department with the applicant's social security number,  
10 and shall require each applicant for a certificate of registration who is not an  
11 individual to provide the department with the applicant's federal employer  
12 identification number, when initially applying for or applying to renew the certificate  
13 of registration.

14 2. If an applicant who is an individual fails to provide the applicant's social  
15 security number to the department or if an applicant who is not an individual fails  
16 to provide the applicant's federal employer identification number to the department,  
17 the department may not issue or renew a certificate of registration to or for the  
18 applicant unless the applicant is an individual who does not have a social security  
19 number and the applicant submits a statement made or subscribed under oath or  
20 affirmation as required under subd. 3.

21 3. If an applicant who is an individual does not have a social security number,  
22 the applicant shall submit a statement made or subscribed under oath or affirmation  
23 to the department that the applicant does not have a social security number. The  
24 form of the statement shall be prescribed by the department. A certificate of

(end of insert)