



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0094/en
CMH:ahe

2017 ASSEMBLY BILL 25

1 **AN ACT** *to repeal* 103.19, 103.70 (2) (c) and 103.71 (1) (a) and (b); *to renumber*
2 *and amend* 103.71 (1) (intro.); *to amend* 20.445 (1) (gk), 102.60 (1m) (c),
3 103.005 (14) (a), 103.25 (1), 103.25 (3), 103.27 (2), 103.28 (2), 103.64 (3), 103.70
4 (1), 103.70 (2) (a), 103.70 (2) (b) (intro.), 103.73 (3), 103.74 (intro.), 103.74 (1),
5 103.75 (1), 103.76, 103.80 (2), 103.805 (2), 103.81 (1), 103.81 (2), 118.56 (3) (a),
6 120.13 (34) and 948.015 (1); *to repeal and recreate* 103.20; and *to create*
7 103.81 (2m) of the statutes; **relating to:** child labor permits and modifying
8 references to child labor in the statutes.

Analysis by the Legislative Reference Bureau

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

9 **SECTION 1.** 20.445 (1) (gk) of the statutes is amended to read:
10 20.445 (1) (gk) *Child labor permit Permit system for employment of minors; fees.*
11 The amounts in the schedule to fund the cost of the department's information

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1 technology systems, including the department's ~~child labor~~ permit system for the
2 employment of minors, and to fund other operational expenses of the division of
3 equal rights in the department. All moneys received from fees collected under s.
4 103.805 (1) shall be credited to this appropriation account.

5 **SECTION 1m.** 102.60 (1m) (c) of the statutes is amended to read:

6 102.60 (**1m**) (c) An amount equal to double the amount recoverable by the
7 injured employee, but not to exceed \$15,000, if the injured employee is a minor of
8 permit age or older and at the time of the injury is employed, required, suffered, or
9 permitted to work at prohibited employment.

10 **SECTION 2.** 103.005 (14) (a) of the statutes is amended to read:

11 103.005 (**14**) (a) The department shall administer and enforce, ~~so far as not~~
12 except where otherwise provided for in the statutes, the laws relating to ~~child labor,~~
13 employment, and employment offices ~~and all other laws relating to the regulation of~~
14 employment.

15 **SECTION 3.** 103.19 of the statutes is repealed.

16 **SECTION 4.** 103.20 of the statutes is repealed and recreated to read:

17 **103.20 Penalty.** Any person who violates s. 103.15 (2) or (3), 103.17, or 103.18
18 shall be fined not more than \$100.

19 **SECTION 5.** 103.25 (1) of the statutes is amended to read:

20 103.25 (**1**) A minor under 16 years of age shall not be employed or permitted
21 to work at any street trade unless the minor's employer first obtains from the
22 department or a permit officer a street trade permit and the minor first obtains an
23 identification card, both issued in accordance with this section.

24 **SECTION 6.** 103.25 (3) of the statutes is amended to read:

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1 103.25 (3) The form and requisites of street trade permits shall be the same as
2 those specified for ~~child labor permits in~~ authorizing the employment of minors
3 under s. 103.73, except as provided in sub. (3m) and except that the permits may be
4 issued on special street trade permit forms, in a form determined by the department.
5 Each minor for whom a street trade permit is issued shall be provided by the
6 department or the permit officer issuing the permit with a street trade identification
7 card, in a form determined by the department. The minor shall carry the
8 identification card while engaged in street trade employment and shall may not
9 transfer it to any other person.

10 **SECTION 7.** 103.27 (2) of the statutes is amended to read:

11 103.27 (2) Every employer shall receive and file a street trade permit
12 authorizing employment of each minor under 16 years of age by ~~him or her~~ the
13 employer before the minor is permitted to work; and shall keep the permit on file and
14 allow inspection of the permit at any time by the department or any police or school
15 attendance officer.

16 **SECTION 8.** 103.28 (2) of the statutes is amended to read:

17 103.28 (2) The failure of an employer to produce for inspection by the
18 department or any school attendance or police officer a permit required for a minor
19 under 16 years of age employed in street trades is prima facie evidence of unlawful
20 employment of the minor.

21 **SECTION 9.** 103.64 (3) of the statutes is amended to read:

22 103.64 (3) "Permit officer" ~~shall mean any~~ means a person designated by the
23 department to issue ~~child labor permits~~ authorizing the employment of minors.

24 **SECTION 10.** 103.70 (1) of the statutes is amended to read:

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1 103.70 (1) Except as otherwise provided in sub. (2) and in ss. 103.21 to 103.31,
2 103.78, 938.245 (2) (a) 5. b., 938.32 (1t) (a) 2., and 938.34 (5) (b) and (5g) (c), and as
3 may be provided under s. 103.79, a minor under 16 years of age may not be employed
4 or permitted to work at any gainful occupation or employment, ~~unless employed~~
5 ~~under an apprentice contract under s. 106.01~~, unless 12 years and over and engaged
6 in farming, unless 14 years and over and enrolled in a youth apprenticeship program
7 under s. 106.13, or unless there is first obtained from the department or a permit
8 officer a written permit authorizing the employment of the minor within those
9 periods of time stated in the permit, which may not exceed the maximum hours
10 prescribed by law.

11 **SECTION 11.** 103.70 (2) (a) of the statutes is amended to read:

12 103.70 (2) (a) A minor under 16 years of age may be employed without a permit
13 in or around a home in work usual to the home of the employer, if the work is not in
14 connection with or a part of the business, trade, or profession of the employer; is in
15 accordance with the minimum age stated in s. 103.67 (2) (f); and is not specifically
16 prohibited by ss. 103.64 to 103.82 or by an order of the department.

17 **SECTION 12.** 103.70 (2) (b) (intro.) of the statutes is amended to read:

18 103.70 (2) (b) (intro.) A minor under 16 years of age may be employed without
19 a permit by a nonprofit organization in and around the home of an elderly person or
20 a person with a disability to perform snow shoveling, lawn mowing, leaf raking, or
21 other similar work usual to the home of the elderly person or person with a disability,
22 if all of the following apply:

23 **SECTION 13.** 103.70 (2) (c) of the statutes is repealed.

24 **SECTION 14.** 103.71 (1) (intro.) of the statutes is renumbered 103.71 (1) and
25 amended to read:

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1 103.71 (1) Except as provided in s. 103.78, a permit shall not be issued
2 authorizing any minor ~~14 to 18 years of age~~ to be employed during the hours that the
3 minor is required to attend school under s. 118.15, ~~unless the minor has completed~~
4 ~~high school. The department and its permit officers shall accept as evidence of the~~
5 ~~minor's completion of high school either:~~

6 **SECTION 15.** 103.71 (1) (a) and (b) of the statutes are repealed.

7 **SECTION 16.** 103.73 (3) of the statutes is amended to read:

8 103.73 (3) A ~~child labor~~ permit duly issued authorizing the employment of a
9 minor issued under s. 103.70 shall be conclusive evidence of the age of the minor for
10 whom it was issued in any proceeding under any of the labor laws and under ch. 102,
11 as to any act or thing occurring subsequent to the date ~~such~~ the permit was issued.

12 **SECTION 17.** 103.74 (intro.) of the statutes is amended to read:

13 **103.74 Duties of employers of minors.** (intro.) Every employer employing
14 a minor under ~~18~~ 16 years of age for whom a permit is required, except in street
15 trades, shall:

16 **SECTION 18.** 103.74 (1) of the statutes is amended to read:

17 103.74 (1) Receive and file a ~~child labor~~ permit authorizing employment of the
18 minor by ~~him or her~~ the employer before the minor is permitted to do any work, and
19 shall keep the permit on file and allow inspection of the permit at any time by the
20 department or any school attendance officer. A permit shall be valid only for the
21 employer for whom which it is issued.

22 **SECTION 19.** 103.75 (1) of the statutes is amended to read:

23 103.75 (1) The department or persons designated by the department may issue
24 certificates of age for minors individuals under rules the department deems
25 necessary. In issuing a certificate of age ~~for a minor~~, the department or person

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1 designated by the department shall accept as evidence of the ~~minor's~~ individual's age
2 the evidence specified in s. 103.73 (1) (a) in the manner specified in s. 103.73 (1) (a).
3 The certificate is conclusive evidence of the age of the ~~minor~~ individual to whom
4 issued in any proceeding under any of the labor laws and under ch. 102 as to any act
5 or thing occurring subsequent to the date the certificate was issued.

6 **SECTION 20.** 103.76 of the statutes is amended to read:

7 **103.76 Proof of age in court.** Whenever in any proceeding in any court under
8 any of the labor laws or under ch. 102 there is any doubt of the age of a minor or as
9 to whether an individual is a minor, a ~~duly issued child labor permit~~ authorizing the
10 employment of the minor issued under s. 103.70 or an age certificate issued under
11 s. 103.75 shall be conclusive evidence. In the absence of such permit or certificate,
12 a ~~duly attested~~ birth certificate, a verified baptismal certificate, a valid operator's
13 license issued under ch. 343 that contains the photograph of the license holder, or an
14 identification card issued under s. 343.50 shall be produced and filed with the court.
15 Upon proof that the birth certificate, baptismal certificate, operator's license or
16 identification card cannot be secured, the record of age stated in the first school
17 enrollment of the child shall be admissible as evidence of the ~~minor's~~ age.

18 **SECTION 21.** 103.80 (2) of the statutes is amended to read:

19 103.80 (2) The failure of any employer to produce for inspection ~~to~~ by the
20 department, or school attendance officers, ~~the a permit provided for in~~ required for
21 a minor under 16 years of age under s. 103.70 shall be prima facie evidence of
22 unlawful employment of the minor. The presence of any minor in any factory,
23 workshop or other place of employment shall be prima facie evidence of the
24 employment of the minor.

25 **SECTION 21m.** 103.805 (2) of the statutes is amended to read:

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1 103.805 (2) The fee for issuance of permits and certificates of age shall be paid
2 by the employer, but when If the minor individual for whom the permit or certificate
3 is issued advances the fee to the permit officer, the ~~minor individual~~ shall be
4 reimbursed by the ~~minor's~~ employer not later than at the end of ~~the minor's~~ his or
5 her first pay period.

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

7 103.81 (1) ~~During~~ Except as provided in sub. (2m), during the term that the
8 public schools are in session, a person shall not advertise or cause or permit any
9 advertisement to be published in any newspaper for the labor or services of any minor
10 during school hours in any employment for ~~which a child labor permit is required~~
11 ~~under s. 103.70 which does not specifically state the minimum age of the minor whose~~
12 ~~services are desired, which age must be 18 years or over.~~

13 **SECTION 23.** 103.81 (2) of the statutes is amended to read:

14 103.81 (2) ~~A~~ Except as provided in sub. (2m), a person shall not solicit in the
15 schools or homes of this state, minors of ~~permit age~~ to leave school and enter their
16 employment, ~~if a child labor permit is required for that employment by s. 103.70.~~

17 **SECTION 24.** 103.81 (2m) of the statutes is created to read:

18 103.81 (2m) Subsections (1) and (2) do not apply with respect to any of the
19 following:

20 (a) Employment as an election inspector as provided in s. 7.30 (2) (am).

21 (b) Employment during school hours when permitted under s. 103.67.

22 (c) Employment described under s. 103.70 (2).

23 (d) Employment described under s. 103.78.

24 **SECTION 25.** 118.56 (3) (a) of the statutes is amended to read:

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1 118.56 (3) (a) Comply with state ~~child labor~~ laws relating to the employment
 2 of minors and any applicable federal labor law requirements for age and immigration
 3 status.

4 **SECTION 26.** 120.13 (34) of the statutes is amended to read:

5 120.13 (34) STREET TRADE AND ~~CHILD LABOR~~ MINOR EMPLOYMENT PERMIT OFFICER.
 6 Act as permit officer if designated under ss. 103.245 (1) (a) and 103.695 (1) (a).

7 **SECTION 27.** 948.015 (1) of the statutes is amended to read:

8 948.015 (1) Sections ~~103.19 to 103.32~~ 103.21 to 103.31 and 103.64 to 103.82,
 9 relating to the employment of minors.

10 **SECTION 27m. Initial applicability.**

11 (1m) The treatment of section 102.60 (1m) (c) of the statutes first applies to an
 12 injury or death occurring on the effective date of this subsection.

13 (END)