

State of Wisconsin



2017 Assembly Bill 25

Date of enactment: **June 21, 2017**
Date of publication*: **June 22, 2017**

2017 WISCONSIN ACT 11

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

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

SECTION 1. 20.445 (1) (gk) of the statutes is amended to read:

20.445 (1) (gk) *Child labor permit Permit system for employment of minors; fees.* The amounts in the schedule to fund the cost of the department's information technology systems, including the department's child labor permit system for the employment of minors, and to fund other operational expenses of the division of equal rights in the department. All moneys received from fees collected under s. 103.805 (1) shall be credited to this appropriation account.

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

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

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

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

SECTION 3. 103.19 of the statutes is repealed.

SECTION 4. 103.20 of the statutes is repealed and recreated to read:

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

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

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

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

103.25 (3) The form and requisites of street trade permits shall be the same as those specified for ~~child labor~~ permits ~~in~~ authorizing the employment of minors under

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

s. 103.73, except as provided in sub. (3m) and except that the permits may be issued on special street trade permit forms, in a form determined by the department. Each minor for whom a street trade permit is issued shall be provided by the department or the permit officer issuing the permit with a street trade identification card, in a form determined by the department. The minor shall carry the identification card while engaged in street trade employment and shall may not transfer it to any other person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

103.75 (1) The department or persons designated by the department may issue certificates of age for ~~minors~~ individuals under rules the department deems necessary. In issuing a certificate of age ~~for a minor~~, the department or person designated by the department shall accept as evidence of the ~~minor's~~ individual's age the evidence specified in s. 103.73 (1) (a) in the manner specified in s. 103.73 (1) (a). The certificate is conclusive evidence of the age of the ~~minor~~ individual to whom issued in any proceeding under any of the labor laws and under ch. 102

as to any act or thing occurring subsequent to the date the certificate was issued.

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

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

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

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

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

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

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

103.81 (1) ~~During~~ Except as provided in sub. (2m), during the term that the public schools are in session, a

person shall not advertise or cause or permit any advertisement to be published in any newspaper for the labor or services of any minor during school hours in any employment ~~for which a child labor permit is required under s. 103.70 which does not specifically state the minimum age of the minor whose services are desired, which age must be 18 years or over.~~

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

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

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

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

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

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

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

(d) Employment described under s. 103.78.

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

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

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

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

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

948.015 (1) Sections ~~403.19 to 403.32~~ 103.21 to 103.31 and 103.64 to 103.82, relating to the employment of minors.

SECTION 27m. Initial applicability.

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