



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-4154/1
MED:wlj

2023 SENATE BILL 436

September 20, 2023 - Introduced by Senators TOMCZYK, FELZKOWSKI and STROEBEL, cosponsored by Representatives MOSES, ARMSTRONG, BEHNKE, BODDEN, EDMING, GOEBEN, GUNDRUM, KRUG, MAGNAFICI, NEDWESKI, RETTINGER, SCHMIDT and O'CONNOR. Referred to Committee on Labor, Regulatory Reform, Veterans and Military Affairs.

1 **AN ACT** *to repeal* 20.445 (1) (gk), 60.33 (8m), 61.25 (6m), 62.09 (11) (k), 103.21
2 (3), 103.245, 103.25, 103.26, 103.27 (2), 103.275 (5) (a), 103.28 (2), 103.64 (3),
3 103.695, 103.70, 103.71, 103.72, 103.73, 103.74 (1), 103.75, 103.805, 118.163 (2)
4 (e), 120.13 (34) and 938.342 (1g) (e); **to consolidate, renumber and amend**
5 103.74 (intro.) and (2); **to amend** 49.472 (3) (e), 62.03 (1), 103.275 (5) (c) 1.,
6 103.275 (6) (a) (intro.), 103.275 (7) (d) 5., 103.76, 103.79, 103.80 (2), 103.81 (2m)
7 (c), 938.245 (2) (a) 5. b., 938.32 (1t) (a) 2., 938.34 (5) (b) and 938.34 (5g) (c); and
8 **to repeal and recreate** 102.60 of the statutes; **relating to:** permits
9 authorizing the employment of minors.

Analysis by the Legislative Reference Bureau

Subject to certain exceptions, current law prohibits a minor who is 14 or 15 years of age from being employed or permitted to work at any employment unless the minor's employer obtains a written permit authorizing the employment of the minor. Subject to certain exceptions, current law also prohibits a minor from being permitted to work at any "street trade" unless 1) the minor's employer obtains a street trade permit; and 2) the minor obtains an identification card. Street trade permits must contain certain information but otherwise be in the same format as

SENATE BILL 436

child labor permits. Such permits are issued by the Department of Workforce Development or by certain other permit officers designated by DWD.

This bill eliminates these requirements to obtain permits and other associated provisions.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 20.445 (1) (gk) of the statutes is repealed.

2 **SECTION 2.** 49.472 (3) (e) of the statutes is amended to read:

3 49.472 (3) (e) The individual is legally able to work in all employment settings
4 without a permit ~~under s. 103.70.~~

5 **SECTION 3.** 60.33 (8m) of the statutes is repealed.

6 **SECTION 4.** 61.25 (6m) of the statutes is repealed.

7 **SECTION 5.** 62.03 (1) of the statutes, as affected by 2023 Wisconsin Act 19, is
8 amended to read:

9 62.03 (1) This subchapter, except ss. 62.071, 62.08 (1), 62.09 (1) (e) and (11) (j),
10 ~~(k)~~, and (m), 62.175, 62.23 (7) (em) and (he) and 62.237, does not apply to 1st class
11 cities under special charter.

12 **SECTION 6.** 62.09 (11) (k) of the statutes is repealed.

13 **SECTION 7.** 102.60 of the statutes is repealed and recreated to read:

14 **102.60 Minor illegally employed.** When the injury is sustained by a minor
15 who is illegally employed, the employer, in addition to paying compensation to the
16 minor and death benefits to the dependents of the minor, shall pay to the department,
17 for deposit into the fund established under s. 102.65, an amount equal to double the
18 amount recoverable by the injured employee, but not to exceed \$15,000, if the minor
19 is, at the time of the injury, illegally employed.

SENATE BILL 436

1 **SECTION 8.** 103.21 (3) of the statutes is repealed.

2 **SECTION 9.** 103.245 of the statutes is repealed.

3 **SECTION 10.** 103.25 of the statutes is repealed.

4 **SECTION 11.** 103.26 of the statutes is repealed.

5 **SECTION 12.** 103.27 (2) of the statutes is repealed.

6 **SECTION 13.** 103.275 (5) (a) of the statutes is repealed.

7 **SECTION 14.** 103.275 (5) (c) 1. of the statutes is amended to read:

8 103.275 (5) (c) 1. Allow the department to inspect the certificate issued under
9 sub. (2) ~~or any street trade permits obtained under s. 103.25.~~

10 **SECTION 15.** 103.275 (6) (a) (intro.) of the statutes is amended to read:

11 103.275 (6) (a) (intro.) ~~When a house-to-house employer obtains a stamp from~~
12 ~~a municipal clerk under s. 103.25 (3m) (b), the~~ A house-to-house employer shall
13 provide notice that a minor is or will be conducting a street trade for the
14 house-to-house employer in the municipality to the following:

15 **SECTION 16.** 103.275 (7) (d) 5. of the statutes is amended to read:

16 103.275 (7) (d) 5. Failed to comply with s. 103.23, 103.24, ~~103.25~~ or 103.27 or
17 the rules of the department.

18 **SECTION 17.** 103.28 (2) of the statutes is repealed.

19 **SECTION 18.** 103.64 (3) of the statutes is repealed.

20 **SECTION 19.** 103.695 of the statutes is repealed.

21 **SECTION 20.** 103.70 of the statutes is repealed.

22 **SECTION 21.** 103.71 of the statutes is repealed.

23 **SECTION 22.** 103.72 of the statutes is repealed.

24 **SECTION 23.** 103.73 of the statutes is repealed.

SENATE BILL 436**SECTION 24**

1 **SECTION 24.** 103.74 (intro.) and (2) of the statutes are consolidated,
2 renumbered 103.74 and amended to read:

3 **103.74 Duties of employers of minors.** Every employer employing a minor
4 ~~under 16 years of age for whom a permit is required, except in work described under~~
5 ~~s. 103.67 (2) (f) to (g) or in street trades, shall: **(2)** Keep~~ keep a record for each
6 employed minor's name, address, date of birth, the time of beginning and ending
7 work and the time for meals each day and the total hours worked each day and each
8 week.

9 **SECTION 25.** 103.74 (1) of the statutes is repealed.

10 **SECTION 26.** 103.75 of the statutes is repealed.

11 **SECTION 27.** 103.76 of the statutes is amended to read:

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

23 **SECTION 28.** 103.79 of the statutes is amended to read:

24 **103.79 Minor golf caddies.** The department may investigate and fix by
25 general or special order reasonable regulations related to the provision of caddy

SENATE BILL 436

1 services by minors. ~~The regulations may include a waiver or modification of permit~~
2 ~~requirements for caddies.~~ The investigations and orders shall be made as provided
3 under s. 103.005. The orders are subject to review as provided in ch. 227.

4 **SECTION 29.** 103.80 (2) of the statutes is amended to read:

5 103.80 (2) ~~The failure of any employer to produce for inspection by the~~
6 ~~department, or school attendance officers, a permit required for a minor under 16~~
7 ~~years of age under s. 103.70 shall be prima facie evidence of unlawful employment~~
8 ~~of the minor.~~ The presence of any minor in any factory, workshop or other place of
9 employment shall be prima facie evidence of the employment of the minor.

10 **SECTION 30.** 103.805 of the statutes is repealed.

11 **SECTION 31.** 103.81 (2m) (c) of the statutes is amended to read:

12 103.81 (2m) (c) Employment described under s. ~~103.70 (2)~~ 103.67 (2) (f) to (g).

13 **SECTION 32.** 118.163 (2) (e) of the statutes is repealed.

14 **SECTION 33.** 120.13 (34) of the statutes is repealed.

15 **SECTION 34.** 938.245 (2) (a) 5. b. of the statutes is amended to read:

16 938.245 (2) (a) 5. b. In addition to any other employment or duties permitted
17 under ch. 103 or any rule or order under ch. 103, a juvenile under 14 years of age who
18 is participating in a restitution project provided by the county or who is performing
19 services for the victim as restitution may, for the purpose of making restitution, be
20 employed or perform any duties under any circumstances in which a juvenile 14 or
21 15 years of age is permitted to be employed or to perform duties under ch. 103 or any
22 rule or order under ch. 103. ~~A juvenile who is participating in a restitution project~~
23 ~~provided by the county or who is performing services for the victim as restitution is~~
24 ~~exempt from the permit requirement under s. 103.70 (1).~~

25 **SECTION 35.** 938.32 (1t) (a) 2. of the statutes is amended to read:

SENATE BILL 436**SECTION 35**

1 938.32 **(1t)** (a) 2. In addition to any other employment or duties permitted
2 under ch. 103 or any rule or order under ch. 103, a juvenile under 14 years of age who
3 is participating in a restitution project provided by the county or who is performing
4 services for the victim as restitution may, for the purpose of making restitution under
5 the consent decree, be employed or perform any duties under any circumstances in
6 which a juvenile 14 or 15 years of age is permitted to be employed or to perform duties
7 under ch. 103 or any rule or order under ch. 103. ~~A juvenile who is participating in~~
8 ~~a restitution project provided by the county or who is performing services for the~~
9 ~~victim as restitution is exempt from the permit requirement under s. 103.70 (1).~~

10 **SECTION 36.** 938.34 (5) (b) of the statutes is amended to read:

11 938.34 **(5)** (b) In addition to any other employment or duties permitted under
12 ch. 103 or any rule or order under ch. 103, a juvenile under 14 years of age who is
13 participating in a restitution project provided by the county or who is performing
14 services for the victim as restitution may, for the purpose of making restitution
15 ordered by the court under this subsection, be employed or perform any duties under
16 any circumstances in which a juvenile 14 or 15 years of age is permitted to be
17 employed or perform duties under ch. 103 or any rule or order under ch. 103. ~~A~~
18 ~~juvenile who is participating in a restitution project provided by the county or who~~
19 ~~is performing services for the victim as restitution is exempt from the permit~~
20 ~~requirement under s. 103.70 (1).~~

21 **SECTION 37.** 938.34 (5g) (c) of the statutes is amended to read:

22 938.34 **(5g)** (c) In addition to any other employment or duties permitted under
23 ch. 103 or any rule or order under ch. 103, a juvenile under 14 years of age who is
24 participating in a supervised work program or other community service work may,
25 for purposes of performing the supervised work or other community service work, be

SENATE BILL 436

1 employed or perform any duties under any circumstances in which a juvenile 14 or
2 15 years of age is permitted to be employed or perform duties under ch. 103 or any
3 rule or order under ch. 103. ~~A juvenile who is participating in a supervised work~~
4 ~~program or other community service work is exempt from the permit requirement~~
5 ~~under s. 103.70 (1).~~

6 **SECTION 38.** 938.342 (1g) (e) of the statutes is repealed.

7 **(END)**