

State of Wisconsin



2023 Senate Bill 436

Date of enactment:
Date of publication*:

2023 WISCONSIN ACT

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

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SECTION 1. 20.445 (1) (gk) of the statutes is repealed.

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

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

SECTION 3. 60.33 (8m) of the statutes is repealed.

SECTION 4. 61.25 (6m) of the statutes is repealed.

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

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

SECTION 6. 62.09 (11) (k) of the statutes is repealed.

SECTION 7. 102.60 of the statutes is repealed and recreated to read:

102.60 Minor illegally employed. When the injury

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

SECTION 8. 103.21 (3) of the statutes is repealed.

SECTION 9. 103.245 of the statutes is repealed.

SECTION 10. 103.25 of the statutes is repealed.

SECTION 11. 103.26 of the statutes is repealed.

SECTION 12. 103.27 (2) of the statutes is repealed.

SECTION 13. 103.275 (5) (a) of the statutes is repealed.

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

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

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

* 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."

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

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

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

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

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

SECTION 19. 103.695 of the statutes is repealed.

SECTION 20. 103.70 of the statutes is repealed.

SECTION 21. 103.71 of the statutes is repealed.

SECTION 22. 103.72 of the statutes is repealed.

SECTION 23. 103.73 of the statutes is repealed.

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

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

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

SECTION 26. 103.75 of the statutes is repealed.

SECTION 27. 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 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 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 age.

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

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

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

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

103.80 (2) ~~The failure of any employer to produce for inspection by the department, or school attendance officers, a permit 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 30. 103.805 of the statutes is repealed.

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

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

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

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

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

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

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

938.32 (1t) (a) 2. In addition to any other employment or duties permitted under ch. 103 or any rule or order under ch. 103, a juvenile under 14 years of age who is participating in a restitution project provided by the county or who is performing services for the victim as restitution may, for the purpose of making restitution under the consent decree, be employed or perform any duties under any circumstances in which a juvenile 14 or 15 years of age is permitted to be employed or to perform duties under ch. 103 or any rule or order under ch. 103. ~~A juvenile who is participating in a restitution project provided by the county or who is performing ser-~~

services for the victim as restitution is exempt from the permit requirement under s. 103.70 (1).

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

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

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

938.34 (5g) (c) In addition to any other employment or duties permitted under ch. 103 or any rule or order under ch. 103, a juvenile under 14 years of age who is participating in a supervised work program or other community service work may, for purposes of performing the supervised work or other community service work, be employed or perform any duties under any circumstances in which a juvenile 14 or 15 years of age is permitted to be employed or perform duties under ch. 103 or any rule or order under ch. 103. ~~A juvenile who is participating in a supervised work program or other community service work is exempt from the permit requirement under s. 103.70 (1).~~

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