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April 9, 2010

## Information about Wisconsin's New Law on Traveling Sales Crews

### Section 103.34, Wisconsin Statutes

Under the new state law which took effect on April 1, 2010, employers of traveling sales crews in Wisconsin are required to obtain sales permits for each crew member. When entering a community, crew members are required to have their sales permit stamped by the municipal clerk. Each crew member must carry the stamped permit with them when selling and must produce the permit upon request by potential customers or by police officers.

The new law serves two primary purposes: (1) to protect the health, safety and general welfare of those who are members of traveling sales crews; and (2) to protect consumers from crews that have preyed upon consumers by committing criminal acts in the course of contacting those consumers.

The law defines a "traveling sales crew" as two or more individuals who are employed as salespersons, travel together in a group and are absent overnight from their permanent places of residence for the purpose of selling consumer goods or services to consumers from house to house, on any street, or in public places.

Traveling sales crew businesses must register with DWD's Equal Rights Division. Registration forms can be obtained by calling 608-266-6861 or by writing to DWD Equal Rights Division, P.O. Box 8928, Madison, WI 53708.

Individuals encountering sales crews that cannot or will not produce their stamped permit can report the problem to DWD's Equal Rights Division via telephone at 608-266-6861 or in writing to PO Box 8928, Madison, WI 53708.

The new state law provides for the following penalties, to be imposed at the discretion of a judge after prosecution and conviction of any of the following acts:

- Engaging in traveling sales crew activities in violation of sec. 103.34, Stats., or a rule or order of the department;
- Employing any person as a traveling sales crew worker in violation of sec. 103.34, Stats., or a rule or order of the Department;
- Hindering or delaying the Department or any law enforcement officer in the performance of duties under sec. 103.34.

The potential penalties are:

- For each day of a first offense, a forfeiture of \$25 to \$1,000;
- For each day of a second or subsequent offense within five years, a fine of \$250 to \$5,000, or imprisonment for not more than 30 days, or both.
- In addition, an employer that has employed any person as a traveling sales crew worker in violation of sec. 103.34, Stats., or a rule or order of the Department, shall be liable to each affected individual, in addition to the wages paid, for an amount equal to twice the regular rate of pay for all hours worked in violation, per day or per week, whichever is greater.