



## 2005 ASSEMBLY BILL 1176

April 11, 2006 - Introduced by Representative SHERMAN, by request of Ryan Brothers. Referred to Committee on State Affairs.

1 **AN ACT to renumber and amend** 125.51 (3m) (a) and 125.51 (3m) (c); **to amend**  
2 125.51 (3m) (b); and **to create** 125.51 (3m) (a) 2. and 125.51 (3m) (c) 1. b. of the  
3 statutes; **relating to:** retail sales of wine by the glass.

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### *Analysis by the Legislative Reference Bureau*

Current law generally prohibits a person from selling alcohol beverages unless the seller possesses a license or permit authorizing the sale. A "Class C" license may be issued for a restaurant in which the sale of alcohol beverages accounts for less than 50 percent of gross receipts and that either does not have a barroom or has a barroom in which wine is the only intoxicating liquor sold. "Barroom" is defined as a room that is primarily used for the sale or consumption of alcohol beverages. A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.

Under this bill, a "Class C" license, authorizing only the retail sale of wine by the glass, may be issued for a barroom with a seating capacity not exceeding 50 persons in which wine is the only intoxicating liquor sold and meals are not served. "Meal" is defined as a diversified selection of food that is customarily consumed as a lunch or dinner, that may not easily be consumed without an article of tableware, that may not conveniently be consumed while standing or walking, and does not include appetizers, hors d'oeuvres, or tapas.

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

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

1           **SECTION 1.** 125.51 (3m) (a) of the statutes is renumbered 125.51 (3m) (a) (intro.)  
2 and amended to read:

3           125.51 (**3m**) (a) (intro.) In this subsection “~~barroom~~”:

4           1. “Barroom” means a room that is primarily used for the sale or consumption  
5 of alcohol beverages.

6           **SECTION 2.** 125.51 (3m) (a) 2. of the statutes is created to read:

7           125.51 (**3m**) (a) 2. “Meal” means a diversified selection of food that is  
8 customarily consumed as a lunch or dinner, that may not easily be consumed without  
9 an article of tableware, and that may not conveniently be consumed while standing  
10 or walking. “Meal” does not include appetizers, hors d’oeuvres, or tapas.

11           **SECTION 3.** 125.51 (3m) (b) of the statutes is amended to read:

12           125.51 (**3m**) (b) A “Class C” license authorizes the retail sale of wine by the  
13 glass or in an opened original container for consumption on the premises where sold  
14 except that a “Class C” license issued under par. (c) 1. b. authorizes sales only by the  
15 glass.

16           **SECTION 4.** 125.51 (3m) (c) of the statutes is renumbered 125.51 (3m) (c) 1.  
17 (intro.) and amended to read:

18           125.51 (**3m**) (c) 1. (intro.) A “Class C” license may be issued to a person qualified  
19 under s. 125.04 (5) for ~~a~~ any of the following:

20           a. A restaurant in which the sale of alcohol beverages accounts for less than  
21 ~~50%~~ 50 percent of gross receipts and ~~which~~ that either does not have a barroom or

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1 ~~for a restaurant in which the sale of alcohol beverages accounts for less than 50% of~~  
2 ~~gross receipts and which has a barroom in which wine is the only intoxicating liquor~~  
3 sold.

4 2. A "Class C" license may not be issued to a foreign corporation, a foreign  
5 limited liability company or a person acting as agent for or in the employ of another.

6 **SECTION 5.** 125.51 (3m) (c) 1. b. of the statutes is created to read:

7 125.51 **(3m)** (c) 1. b. A barroom with a seating capacity not exceeding 50  
8 persons in which wine is the only intoxicating liquor sold and meals are not served.

9 (END)