

1989 Assembly Bill 128

Date of enactment: **December 6, 1989**  
Date of publication\*: **December 18, 1989**

# 1989 WISCONSIN ACT 94

AN ACT *to amend* 101.22 (1m) (bp); and *to create* 101.22 (1m) (bo), 101.22 (9) (a) 1m and 3m and 895.437 of the statutes, **relating to:** prohibiting age discrimination against adults seeking accommodations in hotels and similar establishments, prohibiting certain activities in hotels and similar establishments and providing a penalty.

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

**SECTION 1.** 101.22 (1m) (bo) of the statutes is created to read:

101.22 (1m) (bo) "Lodging establishment" means any of the following:

1. A bed and breakfast establishment, as defined in s. 50.50 (1).
2. A hotel, as defined in s. 50.50 (3).
3. A tourist rooming house, as defined in s. 50.50 (6).
4. A campground.

**SECTION 2.** 101.22 (1m) (bp) of the statutes, as affected by 1989 Wisconsin Act 47, is amended to read:

101.22 (1m) (bp) "Public place of accommodation or amusement" shall be interpreted broadly to include, but not be limited to, places of business or recreation, ~~hotels, motels, resorts~~ lodging establishments, restaurants, taverns, barber or cosmetologist, aesthetician, electrologist or manicuring establishments, nursing homes, clinics, hospitals, cemeteries, and any place where accommodations, amusement, goods or services are available either free or for a consideration except where provided by bona fide private, nonprofit organizations or institutions.

**SECTION 3.** 101.22 (9) (a) 1m and 3m of the statutes are created to read:

101.22 (9) (a) 1m. Deny to an adult or charge an adult a higher price than the regular rate for the full and equal enjoyment of a lodging establishment because of age, subject to s. 125.07.

3m. Directly or indirectly publish, circulate, display or mail any written communication which the communicator knows is to the effect that any of the facilities of a lodging establishment will be denied to an adult because of age, subject to s. 125.07.

**SECTION 4.** 895.437 of the statutes is created to read:  
**895.437 Use of lodging establishments. (1)** In this section:

- (a) "Alcohol beverages" has the meaning given in s. 125.02 (1).
- (b) "Controlled substance" has the meaning given in s. 161.01 (4).
- (c) "Lodging establishment" has the meaning given in s. 101.22 (1m) (bo).
- (d) "Underage person" has the meaning given in s. 125.02 (20m).

(2) Any person who procures lodging in a lodging establishment and permits or fails to take action to prevent any of the following activities from occurring in the lodging establishment is subject to the penalties provided in sub. (5):

- (a) Consumption of an alcohol beverage by any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
- (b) Illegal use of a controlled substance.

(3) An owner or employe of a lodging establishment may deny lodging to an adult if the owner or employe reasonably believes that consumption of an alcohol beverage by an underage person not accompanied by his or her parent, guardian or spouse who has attained the legal

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drinking age, or illegal use of a controlled substance, may occur in the area of the lodging establishment procured.

(4) An owner or employe of a lodging establishment may require a cash deposit or use of a credit card at the time of application for lodging.

(5) A person who violates sub. (2) or a local ordinance which strictly conforms to sub. (2) shall forfeit:

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(a) Not more than \$500 if the person has not committed a previous violation within 12 months of the violation; or

(b) Not less than \$200 nor more than \$500 if the person has committed a previous violation within 12 months of the violation.