

1993 Assembly Bill 563

Date of enactment: **April 11, 1994**  
Date of publication\*: **April 25, 1994**

## 1993 WISCONSIN ACT 259

**AN ACT** to amend 125.04 (5) (c), 125.04 (5) (d) 3. (intro.), 125.045 (3), 125.17 (6) (a) (intro.), 125.19 (2), 125.275 (2), 125.28 (2), 125.30 (3), 125.52 (3), 125.54 (2), 125.58 (2), 125.60 (2), 125.61 (2), 125.62 (2) and 125.63 (2); and to create 125.04 (5) (a) 5 of the statutes, **relating to:** requiring applicants for retail liquor licenses to complete responsible beverage server training.

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

**SECTION 1.** 125.04 (5) (a) 5. of the statutes is created to read:

125.04 (5) (a) 5. Have successfully completed within the 2 years prior to the date of application a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the board of vocational, technical and adult education or a comparable training course that is approved by the department or the educational approval board, unless the applicant held, within the past 2 years, a Class "A", "Class A" or "Class C" license or a Class "B" or "Class B" license or permit or a manager's or operator's license.

**SECTION 2.** 125.04 (5) (c) of the statutes is amended to read:

125.04 (5) (c) *Corporations.* No license or permit may be issued to any corporation unless the corporation meets the qualifications under pars. (a) 1. and 4. and (b), unless the agent of the corporation appointed under sub. (6) and the officers and directors of the corporation meet the qualifications of pars. (a) 1. and 3. and (b) and unless the agent of the corporation appointed under sub. (6) meets the ~~qualification~~ qualifications under par. (a) 2. and 5. The requirement that the corporation meet the qualifications under pars. (a) 1. and (b) does not apply if the corporation has terminated its relationship with all of the

individuals whose actions directly contributed to the conviction.

**SECTION 3.** 125.04 (5) (d) 3. (intro.) of the statutes is amended to read:

125.04 (5) (d) 3. (intro.) Paragraph (a) 4. and 5 does not apply to any of the following:

**SECTION 4.** 125.045 (3) of the statutes is amended to read:

125.045 (3) A municipality shall provide a copy of the booklet under sub. (1) to each person issued a license, including a renewal, under s. 125.17, 125.18, 125.25, 125.26 or 125.51 (1) by the municipality unless the municipality requires the person to complete an instructional program which includes the subject matter of the booklet or unless the person completes the program under s. 125.04 (5) (a) 5. or 125.17 (6). This section does not preclude a municipality from charging a fee for such a program. A municipality may charge for the booklet in an amount not to exceed the amount charged by the department under sub. (2).

**SECTION 5.** 125.17 (6) (a) (intro.) of the statutes is amended to read:

125.17 (6) (a) (intro.) Except as provided in par. (b), no municipal governing body may issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the board of vocational, technical and adult education or a comparable training course that is

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approved by the department or the educational approval board, or unless the applicant fulfills one of the following requirements:

**SECTION 6.** 125.19 (2) of the statutes is amended to read:

125.19 (2) ELIGIBILITY. Alcohol beverage warehouse permits may be issued to any person qualified under s. 125.04 (5), except a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be eligible for a permit under this section.

**SECTION 7.** 125.275 (2) of the statutes is amended to read:

125.275 (2) Industrial fermented malt beverages permits may be issued to any person qualified under s. 125.04 (5), except a person acting as agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a permit under this section.

**SECTION 8.** 125.28 (2) of the statutes is amended to read:

125.28 (2) Wholesalers' licenses may be issued to any person qualified under s. 125.04 (5) except a person acting as an agent for, or in the employ of, another person. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a license under this section. Except as provided in s. 125.31, wholesalers' licenses may not be issued to persons holding a Class "B" license or permit or to persons who have any ownership interest in a premises operating under a Class "B" license or permit.

**SECTION 9.** 125.30 (3) of the statutes is amended to read:

125.30 (3) Out-of-state shippers' permits may be issued to any person qualified under s. 125.04 (5). Notwithstanding s. 125.04 (5) (a), natural persons obtaining out-of-state shippers' permits are not required to be residents of this state. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a permit under this section. Notwithstanding s. 125.04 (6), corporations obtaining out-of-state shippers' permits are not required to appoint agents.

**SECTION 10.** 125.52 (3) of the statutes is amended to read:

125.52 (3) PERSONS ELIGIBLE. Except as provided under s. 125.69, a manufacturer's or rectifier's permit may be issued to any person qualified under s. 125.04 (5), except a foreign corporation or a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be eligible for a permit under this section.

**SECTION 11.** 125.54 (2) of the statutes is amended to read:

125.54 (2) PERSONS ELIGIBLE. Except as provided under s. 125.69, a wholesaler's permit may be issued to any person qualified under s. 125.04 (5), except a foreign corporation or a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be eligible for a permit under this section.

**SECTION 12.** 125.58 (2) of the statutes is amended to read:

125.58 (2) Out-of-state shippers' permits may be issued to any person except a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a), natural persons obtaining out-of-state shippers' permits are not required to be residents of this state. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be eligible for a permit under this section. Notwithstanding s. 125.04 (6), corporations obtaining out-of-state shippers' permits are not required to appoint agents.

**SECTION 13.** 125.60 (2) of the statutes is amended to read:

125.60 (2) Wholesale alcohol permits may be issued to any person qualified under s. 125.04 (5), except a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a permit under this section.

**SECTION 14.** 125.61 (2) of the statutes is amended to read:

125.61 (2) Medicinal alcohol permits may be issued to any person qualified under s. 125.04 (5), except a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a permit under this section.

**SECTION 15.** 125.62 (2) of the statutes is amended to read:

125.62 (2) Industrial alcohol permits may be issued to any person qualified under s. 125.04 (5), except a person acting as agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a permit under this section.

**SECTION 16.** 125.63 (2) of the statutes is amended to read:

125.63 (2) Industrial wine permits may be issued to any person qualified under s. 125.04 (5), except a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a permit under this section.

**SECTION 17. Initial applicability.** This act first applies to applications for a license or permit related to

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alcohol beverages filed on the effective date of this SECTION.

**SECTION 18. Effective date.** This act takes effect on the first day of the 7th month beginning after publication.

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