

1989 Senate Bill 462

Date of enactment: **April 18, 1990**Date of publication\*: **May 2, 1990**

# 1989 WISCONSIN ACT 253

AN ACT *to repeal* 125.04 (4) (title), 125.04 (4) (b), 125.04 (12) (b) 3, 125.11 (1) (title), 125.11 (2) and (3), 125.14 (4), 125.15, 125.28 (1) (title), 125.28 (2), 125.28 (3), 125.31 (2), 125.32 (4), 125.32 (5) (b), 125.51 (6), 125.57, 125.59, 125.68 (3) (a) (title), 125.68 (3) (b) and 125.68 (6), (7) and (9) (a); *to renumber* 125.04 (4) (a) and 125.31 (1); *to renumber and amend* 125.07 (7), 125.085 (3) (a), 125.11 (1) (a) and (b), 125.28 (1) (a) to (d), 125.32 (5) (a) and 125.68 (3) (a); *to amend* 125.037 (intro.), 125.04 (3) (g) (intro.), 125.04 (5) (a) (intro.), 1 and 2, 125.04 (5) (b) and (c), 125.045 (3), 125.06 (6) and (9), 125.07 (1) (b) 1 and 2. a, 125.07 (3) (a) 2, 3, 5 and 7, 125.07 (4) (a) 1, 125.07 (4) (bs) 3, 125.07 (4) (c) 1, 125.07 (4) (c) 2 and 3, 125.07 (6) (intro.), (a) and (c), 125.075 (title), 125.085 (3) (b) 2, 125.10 (4), 125.25 (1) and (4), 125.26 (1), (2) and (4) to (6), 125.27 (1) (a) and (c), 125.27 (2) (a), 125.27 (2) (b), (c) and (e), 125.275 (4), 125.29 (2) and (3), 125.30 (4), 125.32 (1) (a) (intro.), 125.32 (2), 125.32 (3) (c), 125.33 (1) (a), 125.33 (2) (h) and (j), 125.33 (7) (d), 125.33 (9), 125.51 (1) (a), 125.51 (2) (b), 125.51 (3) (c), 125.51 (5) (a) 1 and 5, 125.51 (5) (c) 1, 125.51 (5) (c) 2 to 4, 125.52 (1) and (5), 125.54 (1), 125.58 (4), 125.60 (1) and (4), 125.62 (4), 125.63 (4), 125.65 (1), (2) and (5), 125.66 (3), 125.67, 125.68 (1) (a) (intro.) and (2), 125.68 (4) (c) 4, 125.68 (9) (e), 125.68 (10) (bm), 125.69 (1) (a), 125.69 (4) (d) and 125.69 (6); *to repeal and recreate* 125.045 (3), 125.075 (2), 125.27 (2) (am), 125.29 (1), 125.51 (5) (b) 5, 125.51 (5) (c) 1m and 125.66 (1); and *to create* 125.02 (15m), 125.03 (3), 125.04 (5) (a) 4, 125.04 (13), 125.07 (1) (b) 2. c and d, 125.07 (3) (a) 11, 125.07 (4) (a) 2, 125.07 (4) (bs) 4, 125.07 (4) (c) 4, 125.07 (6) (d), 125.07 (7) (a) 2 and (b), 125.085 (3) (a) 2 and 3, 125.105, 125.17 (6), 125.315, 125.32 (2m), 125.51 (10) and 125.68 (2m) of the statutes, **relating to:** technical and minor policy changes to the alcohol beverage laws and providing penalties.

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

**SECTION 1.** 125.02 (15m) of the statutes is created to read:

125.02 (15m) "Principal business" means the primary activity as determined by analyzing the amount of capital, labor, time, attention and floor space devoted to each business activity and by analyzing the sources of net income and gross income. The name, appearance and advertising of the entity may also be taken into consideration if they are given less weight.

**SECTION 2.** 125.03 (3) of the statutes is created to read:

125.03 (3) VIOLATIONS. No person may violate a rule promulgated under sub. (1) or (2).

**SECTION 2m.** 125.037 (intro.) of the statutes is amended to read:

**125.037 Civil liability exemption for municipalities.** (intro.) No municipality, as defined in s. 67.01 (5), or municipal governing body, committee, official or employe is civilly liable for damage to any person or property caused by the consumption of alcohol beverages by that person or any other person, by reason of any of the following:

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

125.04 (3) (g) (title) *Publication of application for license.* (intro.) The municipal clerk shall publish each application for a Class "A", Class "B", "Class A" or "Class B" license, except licenses under ss. 125.26 (6)

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and 125.51 (10), prior to its issuance in a newspaper according to the following conditions:

**SECTION 4.** 125.04 (4) (title) of the statutes, as affected by 1989 Wisconsin Act 31, is repealed.

**SECTION 5.** 125.04 (4) (a) of the statutes, as affected by 1989 Wisconsin Act 31, is renumbered 125.04 (4).

**SECTION 6.** 125.04 (4) (b) of the statutes is repealed.

**SECTION 7.** 125.04 (5) (a) (intro.), 1 and 2 of the statutes are amended to read:

125.04 (5) (a) *Natural persons.* (intro.) Licenses and permits related to alcohol beverages, issued to natural persons under this chapter, may be issued only to persons who fulfill all of the following requirements:

1. Do not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335;
2. Have been residents of this state continuously for at least 90 days prior to the date of application; ~~and~~

**SECTION 8.** 125.04 (5) (a) 4. of the statutes is created to read:

125.04 (5) (a) 4. Have submitted proof under s. 77.61 (11).

**SECTION 9.** 125.04 (5) (b) and (c) of the statutes are amended to read:

125.04 (5) (b) *Criminal offenders.* No license or permit related to alcohol beverages may, subject to ss. 111.321, 111.322 and 111.335, be issued under this chapter to any natural person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned.

(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 under par. (a) 2.. 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 10.** 125.04 (12) (b) 3. of the statutes is repealed.

**SECTION 11.** 125.04 (13) of the statutes is created to read:

125.04 (13) **PENALTIES.** Any person who violates sub. (1) may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

**SECTION 12.** 125.045 (3) of the statutes, as affected by 1989 Wisconsin Act 56, 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) ~~or 125.57~~ by the municipality unless the municipality requires the person to complete an instructional program which includes the subject mat-

ter of the booklet. 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 13.** 125.045 (3) of the statutes, as affected by 1989 Wisconsin Acts 56 and .... (this act), is repealed and recreated 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. 125.17 (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 14.** 125.06 (6) and (9) of the statutes are amended to read:

125.06 (6) **PUBLIC PARKS.** The sale of fermented malt beverages in any public park operated by a county or municipality. Fermented malt beverages shall be sold by officers or employes of the county or municipality under an ordinance, resolution, rule or regulation enacted by the governing body. ~~Receipts from the sales shall be deposited in the treasury of the county or municipality.~~

(9) **CERAMIC BOTTLE COLLECTORS.** The sale of ceramic commemorative bottles or other uniquely designed decanters which contain intoxicating liquor, by collectors of such containers to other collectors of such containers. ~~Unbroken federal tax stamps shall be on any containers so sold.~~

**SECTION 15.** 125.07 (1) (b) 1. and 2. a of the statutes are amended to read:

125.07 (1) (b) 1. In this paragraph, "violation" means a violation of this subsection or of a local ordinance ~~which~~ that strictly conforms to this subsection. For the purpose of determining whether or not a previous violation has occurred, if more than one violation occurs at the same time all those violations shall be counted as one violation.

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

**SECTION 16.** 125.07 (1) (b) 2. c. and d of the statutes are created to read:

125.07 (1) (b) 2. c. Not less than \$500 nor more than \$1,000 if the person has committed 2 previous violations within 12 months of the violation.

d. Not less than \$1,000 nor more than \$5,000 if the person has committed 3 or more previous violations within 12 months of the violation.

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**SECTION 17.** 125.07 (3) (a) 2., 3., 5. and 7. of the statutes are amended to read:

125.07 (3) (a) 2. An underage person who enters or is on a Class "A" or "Class A" retail intoxicating liquor premises for the purpose of purchasing edibles or beverages items other than alcohol beverages. An underage person so entering the premises may not remain on the premises after the purchase.

3. Hotels, drug stores, grocery stores, bowling alleys, service stations, vessels, cars operated by any railroad, regularly established athletic fields, stadiums, public facilities as defined in s. 125.51 (5) (b) 1. d. which are owned by a county or municipality or centers for the visual or performing arts.

5. Ski chalets, golf courses and golf clubhouses, race-tracks licensed under ch. 562, curling clubs, private soccer clubs and private tennis clubs.

7. An underage person who enters or remains on a Class "B" or "Class B" premises for the purpose of transacting business at an auction or market ~~as defined in s. 125.32 (4) (b) 1.,~~ if the person does not enter or remain in a room where alcohol beverages are sold ~~or~~ furnished or possessed.

**SECTION 18.** 125.07 (3) (a) 11. of the statutes is created to read:

125.07 (3) (a) 11. An underage person who enters or remains in a dance hall attached to Class "B" or "Class B" licensed premises if the dance hall is separate from any room where alcohol beverages are sold, if there is a separate entrance to the dance hall and if no alcohol beverages are furnished or consumed by any person in the dance hall where the underage person is present.

**SECTION 19.** 125.07 (4) (a) 1. of the statutes is amended to read:

125.07 (4) (a) 1. Procures or attempts to procure alcohol beverages from a licensee or permittee.

**SECTION 20.** 125.07 (4) (a) 2. of the statutes is created to read:

125.07 (4) (a) 2. Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possesses or consumes alcohol beverages on licensed premises.

**SECTION 21.** 125.07 (4) (bs) 3 of the statutes, as created by 1989 Wisconsin Act 31, is amended to read:

125.07 (4) (bs) 3. For a violation committed within 12 months of 2 ~~or more~~ previous violations, either a forfeiture of not less than \$500 nor more than \$750, revocation of the person's operating privilege under s. 343.30 (6) (b) 3., participation in a supervised work program under par. (cg) or any combination of these penalties.

**SECTION 22.** 125.07 (4) (bs) 4 of the statutes is created to read:

125.07 (4) (bs) 4. For a violation committed within 12 months of 3 or more previous violations, either a forfeiture of not less than \$750 nor more than \$1,000, revocation of the person's operating privilege under s. 343.30

(6) (b) 3., participation in a supervised work program under par. (cg) or any combination of these penalties.

**SECTION 23.** 125.07 (4) (c) 1. of the statutes, as affected by 1989 Wisconsin Act 121, is amended to read:

125.07 (4) (c) 1. For a first violation, a forfeiture of not less than \$100 nor more than \$50 \$200 or participation in a supervised work program under par. (cg) or both.

**SECTION 24.** 125.07 (4) (c) 2. and 3. of the statutes are amended to read:

125.07 (4) (c) 2. For a violation committed within 12 months of a previous violation, either a forfeiture of not less than \$200 nor more than \$100 \$300, suspension of the person's operating privilege as provided under s. 343.30 (6) (b) 2., participation in a supervised work program under par. (cg) or any combination of these penalties.

3. For a violation committed within 12 months of 2 ~~or more~~ previous violations, either a forfeiture of not less than \$300 nor more than \$500, revocation of the person's operating privilege under s. 343.30 (6) (b) 3., participation in a supervised work program under par. (cg) or any combination of these penalties.

**SECTION 25.** 125.07 (4) (c) 4. of the statutes is created to read:

125.07 (4) (c) 4. For a violation committed within 12 months of 3 or more previous violations, either a forfeiture of not less than \$500 nor more than \$1,000, revocation of the person's operating privilege under s. 343.30 (6) (b) 3., participation in a supervised work program under par. (cg) or any combination of these penalties.

**SECTION 26.** 125.07 (6) (intro.), (a) and (c) of the statutes are amended to read:

125.07 (6) (title) DEFENSES. (intro.) Proof In determining whether or not a licensee or permittee has violated subs. (1) (a) and (3) (a), all relevant circumstances surrounding the presence of the underage person or the procuring, selling, dispensing or giving away of alcohol beverages may be considered, including any circumstance under pars. (a) to (d). In addition, proof of all of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this section:

(a) That the purchaser falsely represented ~~in writing and supported with other documentary proof~~ that he or she had attained the legal drinking age.

(c) That the sale was made in good faith and in reliance on the ~~written~~ representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.

**SECTION 27.** 125.07 (6) (d) of the statutes is created to read:

125.07 (6) (d) That the underage person supported the representation under par. (a) with documentation that he or she had attained the legal drinking age.

**SECTION 28.** 125.07 (7) of the statutes is renumbered 125.07 (7) (a) (intro.) and amended to read:

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125.07 (7) (a) (intro.) Every retail alcohol beverage licensee or permittee ~~shall cause~~ may keep a book ~~to be kept~~ for the purposes of ~~this subsection sub. (6)~~. The licensee or permittee or his or her employe ~~shall~~ may require any of the following persons to sign the book:

1. A person who has shown documentary proof that he or she has attained the legal drinking age to sign the book, if the person's age is in question. The book shall show the date of the purchase of the alcohol beverages, the identification used in making the purchase, the address of the purchaser and the purchaser's signature.

**SECTION 29.** 125.07 (7) (a) 2. and (b) of the statutes are created to read:

125.07 (7) (a) 2. A person who alleges that he or she is the underage person's parent, guardian or spouse and that he or she has attained the legal drinking age, if the licensee or permittee or his or her employe suspects that he or she is not the underage person's parent, guardian or spouse or that he or she has not attained the legal drinking age.

(b) The book may show the date of the purchase of the alcohol beverages, the identification used in making the purchase or the identification used to establish that a person is an underage person's parent, guardian or spouse and has attained the legal drinking age, the address of the purchaser and the purchaser's signature.

**SECTION 30.** 125.075 (title) of the statutes is amended to read:

**125.075 (title) Injury or death by providing alcohol beverages to a minor.**

**SECTION 31.** 125.075 (2) of the statutes is repealed and recreated to read:

125.075 (2) Whoever violates sub. (1) may be fined not more than \$10,000 or imprisoned for not more than 5 years or both.

**SECTION 32.** 125.085 (3) (a) of the statutes, as created by 1989 Wisconsin Act 31, is renumbered 125.085 (3) (a) 1. and amended to read:

125.085 (3) (a) 1. ~~Any No person who has attained the legal drinking age who makes, alters or duplicates may make, alter or duplicate~~ an official identification card, ~~who provides provide~~ an official identification card to an underage person or ~~who knowingly provides provide~~ other documentation to an underage person purporting to show that the underage person has attained the legal drinking age. ~~No person may possess an official identification card or other documentation used for proof of age with the intent of providing it to an underage person.~~ Except as provided in subs. 2 and 3, any person who violates this subdivision may be fined not less than \$100 nor more than \$500 or imprisoned for not less than 10 days nor more than 30 days or both. This paragraph does not apply to a person who is authorized to make an official identification card under ch. 343.

**SECTION 33.** 125.085 (3) (a) 2. and 3. of the statutes are created to read:

125.085 (3) (a) 2. Any person who violates subd. 1 for money or other consideration may be fined not more than \$10,000 or imprisoned for not more than 2 years or both.

3. Subdivisions 1 and 2 do not apply to a person who is authorized to make an official identification card under ch. 343.

**SECTION 34.** 125.085 (3) (b) 2. of the statutes, as created by 1989 Wisconsin Act 71, is amended to read:

125.085 (3) (b) 2. Makes, alters or duplicates an official identification card purporting to show that he or she has attained the legal drinking age.

**SECTION 35.** 125.10 (4) of the statutes is amended to read:

125.10 (4) REGULATION OF CLOSED RETAIL PREMISES. A municipality may not prohibit the permittee, licensee, employes, salespersons, employes of wholesalers licensed under s. 125.28 (1) or 125.54 (1) or service personnel from being present on premises operated under a Class "A", Class "B", "Class A" or "Class B" license or permit during hours when the premises are not open for business if those persons are performing job-related activities.

**SECTION 36.** 125.105 of the statutes is created to read:

**125.105 Impersonating an officer. (1)** No person may impersonate an inspector, agent or other employe of the department or of the department of justice.

(2) (a) Whoever violates sub. (1) with the intent to mislead another may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

(b) Whoever violates sub. (1) to commit, or abet the commission of, a crime may be fined not more than \$10,000 or imprisoned for not more than 5 years or both.

**SECTION 37.** 125.11 (1) (title) of the statutes is repealed.

**SECTION 38.** 125.11 (1) (a) and (b) of the statutes are renumbered 125.11 (1) and (2), and 125.11 (1), as renumbered, is amended to read:

125.11 (1) GENERAL PENALTY. Any person who violates any provision of this chapter for which a specific penalty is not provided, shall be fined not more than \$500 \$1,000 or imprisoned for not more than 90 days or both. Any license or permit issued to the person under this chapter may be revoked by the court.

**SECTION 39.** 125.11 (2) and (3) of the statutes are repealed.

**SECTION 40.** 125.14 (4) of the statutes is repealed.

**SECTION 41.** 125.15 of the statutes is repealed.

**SECTION 42.** 125.17 (6) of the statutes is created to read:

125.17 (6) TRAINING COURSE. (a) 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 curricu-



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lum guidelines specified by the board of vocational, technical and adult education or unless the applicant fulfills one of the following requirements:

1. The person is renewing an operator's license.
2. Within the past 2 years, the person held a Class "A", Class "B", "Class A" or "Class B" license or permit or a manager's or operator's license.
3. Within the past 2 years, the person has completed such a training course.

(b) A municipal governing body may issue a provisional operator's license to a person who is enrolled in a training course under par. (a) and shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.

(c) No municipal governing body may require that applicants for operators' licenses undergo training in addition to that under par. (a) but may require applicants to purchase at cost materials that deal with relevant local subjects not covered in the course under par. (a).

**SECTION 43.** 125.25 (1) and (4) of the statutes are amended to read:

125.25 (1) Every municipal governing body may issue Class "A" licenses for the sale of fermented malt beverages from premises within the municipality. A Class "A" license authorizes retail sales of fermented malt beverages for consumption off the premises where sold and in original packages, containers and bottles. A license may be issued after July 1. That license shall expire on the following June 30.

(4) The fee for a Class "A" license shall be determined by the municipal governing body issuing the license. The fee for a license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.

**SECTION 44.** 125.26 (1), (2) and (4) to (6) of the statutes are amended to read:

125.26 (1) Every municipal governing body may issue Class "B" licenses for the sale of fermented malt beverages from premises within the municipality and may authorize an official or body of the municipality to issue temporary Class "B" licenses under sub. (6). A Class "B" license authorizes retail sales of fermented malt beverages to be consumed either on the premises where sold or off the premises. A license may be issued after July 1. That license shall expire on the following June 30. Persons holding a Class "B" license may sell beverages containing less than 0.5% of alcohol by volume without obtaining a license under s. 66.053 (1).

(2) Class "B" licenses may be issued to any person qualified under s. 125.04 (5), ~~except a foreign corporation.~~ Such licenses may not be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not a part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least 6 months

before the date of application. A Class "B" license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this chapter. Except as provided in ~~ss. 125.28 (2) and s.~~ 125.31, Class "B" licenses may not be issued to brewers or fermented malt beverages wholesalers.

(4) The fee for a Class "B" license shall be determined by the municipal governing body issuing the license but the fee may not exceed \$100 per year. The fee for a license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.

(5) Class "B" licenses may be issued at any time for a period of 6 months in any calendar year, for which ~~75%~~ 50% of the license fee shall be paid. Such licenses are not renewable during the calendar year in which issued.

(6) Temporary Class "B" licenses may be issued to bona fide clubs, to ~~state,~~ county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least 6 months before the date of application and to posts of veterans' organizations authorizing the sale of fermented malt beverages ~~and wine containing not more than 6% alcohol by volume~~ at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. The amount of the fee for the license shall be determined by the municipal governing body issuing the license but may not exceed \$10. A license issued to ~~the state fair or to~~ a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of fermented malt beverages ~~or wine containing not more than 6% alcohol by volume~~ from leased stands on the fairgrounds. ~~The state fair or county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages or wine containing not more than 6% alcohol by volume from the stands while the fair is being held. No such person is required to obtain an operator's license in order to engage in retail sales of fermented malt beverages or wine containing not more than 6% alcohol by volume on the grounds of the state fair or other fairs receiving state aid.~~

**SECTION 45.** 125.27 (1) (a) and (c) of the statutes are amended to read:

125.27 (1) (a) The department shall issue Class "B" permits to clubs that are operated solely for the playing of golf or tennis and are commonly known as country clubs, and to clubs that are operated solely for the playing of curling, ski jumping clubs and or yachting clubs, if the club is not open to the general public and if no Class "B" licenses are issued by the governing body of the municipality in which the club is located. A Class "B" permit authorizes retail sales of fermented malt beverages to be consumed on the premises where sold. Persons holding

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a Class "B" permit may sell beverages containing less than 0.5% of alcohol by volume without obtaining a license under s. 66.053 (1).

(c) The annual fee for a Class "B" permit is \$10 and shall be paid to the treasurer of the municipality in which the club is located \$100.

**SECTION 46.** 125.27 (2) (a) of the statutes, as affected by 1989 Wisconsin Act 16, is amended to read:

125.27 (2) (a) The department may issue a Class "B" permit to any person qualified under s. 125.04 (5) authorizing the sale of fermented malt beverages for consumption on any vessel having a regular place of mooring located in any waters of this state as defined under s. 29.01 (9) and (11) if the vessel is either certified by the U.S. coast guard or classed by the American bureau of shipping, either serves food and has an approved passenger capacity of not less than 40 individuals, and if the sale of intoxicating liquor and fermented malt beverages on the vessel accounts for less than 50% of the gross receipts of all of the food and beverages served on the vessel or if the vessel has an approved passenger capacity of at least 100 individuals and the sale of intoxicating liquor and fermented malt beverages on the vessel accounts for less than 50% of the gross receipts of the vessel. The department may issue the permit only if the vessel customarily leaves its place of mooring while the sale of fermented malt beverages is taking place and if the vessel fulfills the requirement under par. (am). A permit issued under this subsection paragraph also authorizes the permittee to store fermented malt beverages purchased for sale on the vessel on premises owned or leased by the permittee and located near the vessel's regular place of mooring. The permittee shall describe on the permit application under s. 125.04 (3) (a) 3 the premises where the fermented malt beverages will be stored. The premises shall be open to inspection by the department upon request.

**SECTION 47.** 125.27 (2) (am) of the statutes is repealed and recreated to read:

125.27 (2) (am) An applicant for a permit under par. (a) shall provide proof that the vessel is certified by the U.S. coast guard, classed by the American bureau of shipping or covered by liability insurance.

**SECTION 48.** 125.27 (2) (b), (c) and (e) of the statutes are amended to read:

125.27 (2) (b) Persons holding a permit under this subsection par. (a) may sell beverages containing less than 0.5% of alcohol by volume without obtaining a license under s. 66.053 (1).

(c) The annual fee for the permit under par. (a) is \$100.

(e) A person holding a permit under this subsection par. (a) shall keep all invoices relating to the purchase of fermented malt beverages for sale on a vessel at the location where the fermented malt beverages are customarily stored.

**SECTION 49.** 125.275 (4) of the statutes is amended to read:

125.275 (4) The annual fee for an industrial fermented malt beverages permit is \$10 \$25, and that permit is valid for 2 years, except that, if a person applies for the permit after the beginning of the permit period, the permit is valid until the end of the permit period.

**SECTION 50.** 125.28 (1) (title) of the statutes is repealed.

**SECTION 51.** 125.28 (1) (a) to (d) of the statutes are renumbered 125.28 (1) to (4), and 125.28 (2), as renumbered, 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. Except as provided in sub. (2) or 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 52.** 125.28 (2) of the statutes is repealed.

**SECTION 53.** 125.28 (3) of the statutes, as created by 1989 Wisconsin Act 31, is repealed.

**SECTION 54.** 125.29 (1) of the statutes is repealed and recreated to read:

125.29 (1) PERMIT. No person may operate as a brewer unless that person obtains a permit from the department. Each wholesaler required to register under s. 139.09 shall obtain a permit under this subsection. The fee for a permit under this subsection is \$25, and that permit is valid for 2 years, except that, if a person applies for the permit after the beginning of the permit period, the permit is valid until the end of the permit period.

**SECTION 55.** 125.29 (2) and (3) of the statutes are amended to read:

125.29 (2) LIMITATION. Except as provided in s. 125.31 (4), no person holding a Class "B" license or permit issued under this chapter may register as a brewer.

(3) ACTIVITIES. A brewer may manufacture, possess and store fermented malt beverages on the brewery premises and transport fermented malt beverages between the brewery premises and any depot or warehouse maintained by the brewer for which the brewer has a wholesaler's license issued under s. 125.28 (4).

**SECTION 56.** 125.30 (4) of the statutes is amended to read:

125.30 (4) Out-of-state shippers' permits shall be issued free of charge. The fee for an out-of-state shipper's permit is \$50.

**SECTION 57.** 125.31 (1) of the statutes is renumbered 125.31.

**SECTION 58.** 125.31 (2) of the statutes is repealed.

**SECTION 59.** 125.315 of the statutes is created to read:

**125.315 Evading provisions of law by giving away fermented malt beverages.** (1) No person may give away any fermented malt beverages or use any other

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means to evade any law of this state relating to the sale of fermented malt beverages.

(2) A person who violates sub. (1) may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

**SECTION 60.** 125.32 (1) (a) (intro.) of the statutes is amended to read:

125.32 (1) (a) (intro.) If a municipal governing body elects to issue managers' licenses under s. 125.18, no person may manage premises operating under a Class "B" license issued by that municipality or permit, unless the person is the licensee or permittee, an agent of a corporation appointed as required by s. 125.04 (6) or the holder of a manager's license. A manager's license issued in respect to a vessel under s. 125.27 (2) is valid outside the municipality that issues it. A person manages Class "B" premises if that person has responsibility or authority for:

**SECTION 61.** 125.32 (2) of the statutes is amended to read:

125.32 (2) OPERATORS' LICENSES; CLASS "A" OR CLASS "B" PREMISES. Except as provided under sub. (3) (b) and s. 125.07 (3) (a) 10., no premises operated under a Class "A" or Class "B" license or permit may be open for business unless there is upon the premises the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation, ~~the agent named in a Class "B" permit~~ or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. An operator's license issued in respect to a vessel under s. 125.27 (2) is valid outside the municipality that issues it. For the purpose of this subsection, any person holding a manager's license under s. 125.18 or any member of the licensee's or permittee's immediate family who has attained the legal drinking age of 18 shall be considered the holder of an operator's license. No person, including ~~underage members~~ a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent may serve fermented malt beverages in any place operated under a Class "A" or Class "B" license or permit unless he or she has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee or permittee, agent or a person holding an operator's license, who is on the premises at the time of the service.

**SECTION 62.** 125.32 (2m) of the statutes is created to read:

125.32 (2m) USE BY ANOTHER PROHIBITED. (a) No person may allow another to use his or her Class "A" or Class "B" license or permit to sell alcohol beverages.

(b) The license or permit of a person who violates par. (a) shall be revoked.

**SECTION 63.** 125.32 (3) (c) of the statutes is amended to read:

125.32 (3) (c) Hotels and restaurants whose the principal business of which is the furnishing of food and lodg-

ing to patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs ~~and~~ golf courses and golf clubhouses may remain open for the conduct of their regular business but may not sell fermented malt beverages during the hours specified in par. (a).

**SECTION 64.** 125.32 (4) of the statutes is repealed.

**SECTION 65.** 125.32 (5) (a) of the statutes is renumbered 125.32 (5) and amended to read:

125.32 (5) SIGNS NEAR TAPS AND BRANDS ON TAP; CLASS "B" PREMISES. Every Class "B" licensee or permittee selling or offering for sale draught fermented malt beverages shall display a sign on or near each tap or faucet disclosing the brand of fermented malt beverage drawn from the tap or faucet and the name of its brewer. ~~The sign shall be visible to patrons from a distance of at least 10 feet.~~ No Class "B" licensee or permittee may substitute any other brand of fermented malt beverage in place of the brand designated on the sign with the intent to defraud or deceive the customer.

**SECTION 66.** 125.32 (5) (b) of the statutes is repealed.

**SECTION 67.** 125.33 (1) (a) of the statutes is amended to read:

125.33 (1) (a) Except as provided in this section, ~~s. 125.28 (2) or and s. 125.31 (4),~~ no brewer or wholesaler may furnish, give, lend, lease or sell any furniture, fixtures, fittings, equipment, money or other thing of value to any campus or Class "B" licensee or permittee, or to any person for the use, benefit or relief of any campus or Class "B" licensee or permittee, or guarantee the repayment of any loan or the fulfillment of any financial obligation of any campus or Class "B" licensee or permittee. Such actions may not be taken by the brewer or wholesaler directly or indirectly, or through a subsidiary or affiliate corporation, or by any officer, director, stockholder or partner thereof.

**SECTION 68.** 125.33 (2) (h) and (j) of the statutes are amended to read:

125.33 (2) (h) Contribute money or other things of value to or for the benefit of a nonprofit corporation, exempt under section 501 (c) (3) of the internal revenue code ~~of 1954, as defined in s. 71.22 (4),~~ which is conducting festivals of limited duration in a 1st class city if the festivals are sponsored and endorsed in whole or part by a municipal corporation.

(j) Contribute money or other items of value to, or purchase advertising from, an institution of higher education which is exempt under section 501 (c) (3) of the U.S. internal revenue code ~~of 1954, as defined in s. 71.22 (4),~~ if the contribution or purchase is for a purpose other than the use, benefit or relief of premises or operations for the sale of fermented malt beverages and is not contingent either upon the use of the product of the brewer or wholesaler by the institution or upon an agreement by the institution wholly or partly to exclude from sale the products of a competing brewer or wholesaler.

**SECTION 69.** 125.33 (7) (d) of the statutes is amended to read:

125.33 (7) (d) *Penalties.* A retail licensee or permittee who violates this subsection is subject to the penalties under s. 125.11 (4) except that he or she may not be imprisoned. No brewer or wholesaler may be subjected to any penalty as the result of the sale of fermented malt beverages to a campus or retail licensee or permittee when purchased by the campus or retail licensee or permittee in violation of this subsection.

**SECTION 69m.** 125.33 (9) of the statutes, as created by 1989 Wisconsin Act 31, is amended to read:

125.33 (9) **CAMPUSES AND RETAILERS TO PURCHASE FROM WHOLESALERS.** No campus or retail licensee or permittee may purchase or possess fermented malt beverages purchased from any person other than a wholesaler holding a license under this chapter for the sale of fermented malt beverages. Any person who violates this subsection may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

**SECTION 70.** 125.51 (1) (a) of the statutes, as affected by 1989 Wisconsin Act 30, is amended to read:

125.51 (1) (a) Every municipal governing body may grant and issue "Class A" and "Class B" licenses for retail sales of intoxicating liquor from premises within the municipality to persons entitled to a license under this chapter as the issuing municipal governing body deems proper and may authorize an official or body of the municipality to issue temporary "Class B" licenses under sub. (10). No "Class B" license may be issued to a winery under sub. (3) (am) unless the winery has been issued a permit under s. 125.53 and the winery is capable of producing at least 5,000 gallons of wine per year in no more than 2 locations.

**SECTION 71.** 125.51 (2) (b) of the statutes is amended to read:

125.51 (2) (b) Except as provided under s. 125.69, "Class A" licenses 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.~~

**SECTION 72.** 125.51 (3) (c) of the statutes is amended to read:

125.51 (3) (c) Except as provided under s. 125.69, a "Class B" license 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.~~

**SECTION 73.** 125.51 (5) (a) 1. and 5. of the statutes are amended to read:

125.51 (5) (a) 1. The department shall issue "Class B" permits to clubs which are operated solely for the playing of golf or tennis and are commonly known as country clubs, and to clubs which are operated solely for curling and to ski jumping clubs and or yachting clubs. A "Class B" permit may be issued only to a club that is not open to the general public and that is located in a municipality that does not issue "Class B" licenses or to

a club located in a municipality that issues "Class B" licenses, if the club is not open to the general public, was not issued a license under s. 176.05 (4a), 1979 stats., and does not currently hold a "Class B" license. The permits may be issued by the department without regard to any local option exercised under s. 125.05 and without regard to any quota under sub. (4). The holder of a "Class B" permit may sell intoxicating liquor for consumption by the glass and not in the original package or container on the premises covered by the permit.

5. The annual fee for the permit is ~~\$50 and shall be paid to the treasurer of the municipality in which the premises is located~~ \$300.

**SECTION 74.** 125.51 (5) (b) 5. of the statutes is repealed and recreated to read:

125.51 (5) (b) 5. The fee for a permit is \$300.

**SECTION 75.** 125.51 (5) (c) 1. of the statutes, as affected by 1989 Wisconsin Act 16, is amended to read:

125.51 (5) (c) 1. The department may issue a "Class B" permit to any person qualified under s. 125.04 (5) authorizing the sale of intoxicating liquor for consumption on any vessel having a regular place of mooring located in any waters of this state as defined under s. 29.01 (9) and (11) if the vessel ~~is either certified by the U.S. coast guard or classed by the American bureau of shipping, either~~ serves food and has an approved passenger capacity of not less than 40 individuals, and if the sale of intoxicating liquor and fermented malt beverages on the vessel accounts for less than 50% of the gross receipts of all of the food and beverages served on the vessel or if the vessel has an approved passenger capacity of at least 100 individuals and the sale of intoxicating liquor and fermented malt beverages on the vessel accounts for less than 50% of the gross receipts of the vessel. The department may issue the permit only if the vessel ~~customarily~~ leaves its place of mooring while the sale of intoxicating liquor is taking place and if the vessel fulfills the requirement under par. (c) 1m. A permit issued under this subsection subdivision also authorizes the permittee to store intoxicating liquor purchased for sale on the vessel on premises owned or leased by the permittee and located near the vessel's regular place of mooring. The permittee shall describe on the permit application under s. 125.04 (3) (a) 3. the premises where the intoxicating liquor will be stored. The premises shall be open to inspection by the department upon request.

**SECTION 76.** 125.51 (5) (c) 1m of the statutes is repealed and recreated to read:

125.51 (5) (c) 1m. An applicant for a permit under par. (a) shall provide proof that the vessel is certified by the U.S. coast guard, classed by the American bureau of shipping or covered by liability insurance.

**SECTION 77.** 125.51 (5) (c) 2. to 4. of the statutes are amended to read:

125.51 (5) (c) 2. The annual fee for the permit under subd. 1 is \$300.



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3. Except as provided in this paragraph, all provisions of this chapter applying to “Class B” licenses apply to “Class B” permits issued under ~~this paragraph subd. 1.~~

4. A person holding a permit under ~~this paragraph subd. 1~~ shall keep all invoices relating to the purchase of intoxicating liquor for sale on a vessel at the location where the intoxicating liquor is customarily stored.

**SECTION 78.** 125.51 (6) of the statutes is repealed.

**SECTION 79.** 125.51 (10) of the statutes is created to read:

125.51 (10) TEMPORARY LICENSES. Notwithstanding s. 125.68 (3), temporary “Class B” licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least 6 months before the date of application and to posts of veterans’ organizations authorizing the sale of wine containing not more than 6% alcohol by volume in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. The amount of the fee for the license shall be determined by the municipal governing body issuing the license, except that it may not exceed \$10 and except that no fee may be charged to a person who at the same time applies for a temporary Class “B” license under s. 125.26 (6) for the same event. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine containing not more than 6% alcohol by volume from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine containing not more than 6% alcohol by volume from the stands while the fair is being held.

**SECTION 80.** 125.52 (1) and (5) of the statutes are amended to read:

125.52 (1) AUTHORIZED ACTIVITIES. The department shall issue manufacturers’ and rectifiers’ permits which authorize the manufacture or rectification, respectively, of intoxicating liquor on the premises covered by the permit. A person holding a manufacturer’s or rectifier’s permit may manufacture, bottle or wholesale wine, pursuant to the terms of the permit, without procuring a winery permit. A manufacturer’s or rectifier’s permit entitles the permittee to sell intoxicating liquor ~~in quantities of not less than 4 liters at any one time~~ from the premises described in the permit. Holders of rectifiers’ permits may sell intoxicating liquor rectified by the permittee to retailers without any other permit. No sales may be made for consumption on the premises of the permittee. Possession of a permit under this section does not authorize the permittee to sell tax-free intoxicating liquor and wines brought into this state under s. 139.03 (5).

(5) FEES. The annual fees for a manufacturer’s or rectifier’s permit issued under sub. (1) is \$750 ~~\$500~~. The ~~annual~~ fee for a limited manufacturer’s permit issued under sub. (2) is \$10 ~~\$25~~, and the permit is valid for 2 years, except that, if a person applies for the permit after the beginning of the permit period, the permit is valid until the end of the permit period.

**SECTION 81.** 125.54 (1) of the statutes is amended to read:

125.54 (1) AUTHORIZED ACTIVITIES. The department shall issue wholesalers’ permits authorizing the permittee to sell intoxicating liquor at wholesale ~~in quantities of not less than 4 liters at any one time~~, from the premises described in the permit. Except as provided under s. 125.69 (1) (b) 3., the permittee may not sell intoxicating liquor for consumption on the premises. If a wholesale permit is issued to a brewery that holds a “Class B” license, the permit shall authorize the wholesale sale of wine only. Possession of a permit under this section does not authorize the permittee to sell tax-free intoxicating liquor and wine brought into this state under s. 139.03 (5).

**SECTION 82.** 125.57 of the statutes is repealed.

**SECTION 83.** 125.58 (4) of the statutes is amended to read:

125.58 (4) A ~~person winery~~ located outside of this state may ship wine into this state ~~to an individual who does not hold a license or permit issued under this chapter as provided under s. 125.68 (10) (bm) if the person winery is located in a state which has a reciprocal agreement with this state under s. 139.035. An out-of-state shipper’s permit is not required for shipments into this state under this subsection.~~

**SECTION 84.** 125.59 of the statutes is repealed.

**SECTION 85.** 125.60 (1) and (4) of the statutes are amended to read:

125.60 (1) The department may issue a wholesale alcohol permit which authorizes the permittee to sell ethyl alcohol of 190 proof or more to persons holding permits or licenses issued under s. ~~125.57~~, 125.61 or 125.62. Nothing in this section requires manufacturers, rectifiers and wholesalers holding permits issued under s. 125.52 (1) or 125.54 to obtain a wholesale alcohol permit.

(4) Holders of wholesale alcohol permits under this section who do not hold permits issued under s. 125.52 (1) or 125.54 may sell or deal in ethyl alcohol ~~in quantities of not less than 500 milliliters at any one time, no part of which may be sold, except that no alcohol may be sold~~ for consumption on the premises of the permittee.

**SECTION 86.** 125.62 (4) of the statutes is amended to read:

125.62 (4) The ~~annual~~ fee for an industrial alcohol permit is \$10 ~~\$25~~, and the permit is valid for 2 years, except that, if a person applies for the permit after the beginning of the permit period, the permit is valid until the end of the permit period.

**SECTION 87.** 125.63 (4) of the statutes is amended to read:

125.63 (4) The annual fee for an industrial wine permit is \$10 ~~\$25, and that permit is valid for 2 years, except that, if a person applies for the permit after the beginning of the permit period, the permit is valid until the end of the permit period.~~

**SECTION 88.** 125.65 (1), (2) and (5) of the statutes are amended to read:

125.65 (1) The department may issue a permit for wholesale sales for future delivery which authorizes the permittee to solicit orders, and to engage in the sale, of intoxicating liquor for delivery at a future date. A person holding a permit under this section may give a sample of a brand of intoxicating liquor to a "Class A" licensee who has not previously purchased that brand from the permittee.

(2) Permits for wholesale sale for future delivery may be issued to any person qualified under s. 125.04 (5). ~~Notwithstanding s. 125.04 (5), natural persons obtaining permits under this section are not required to be residents of this state (a) 1. and (b) who is at least 18 years of age.~~

(5) The annual fee for a permit issued under this section is \$10 ~~\$25, and the permit is valid for 2 years, except that, if a person applies for the permit after the beginning of the permit period, the permit is valid until the end of the permit period.~~

**SECTION 89.** 125.66 (1) of the statutes is repealed and recreated to read:

125.66 (1) No person may sell, or possess with intent to sell, intoxicating liquor unless that person holds the appropriate license or permit. Whoever violates this subsection may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

**SECTION 90.** 125.66 (3) of the statutes is amended to read:

125.66 (3) Any person manufacturing or rectifying intoxicating liquor without holding appropriate permits under this chapter, or any person who sells such liquor, shall be fined not less than \$1,000 nor more than \$5,000 ~~\$10,000~~ or imprisoned for not less than one year nor more than 10 years or both. Second or subsequent convictions shall be punished by both the fine and imprisonment.

**SECTION 91.** 125.67 of the statutes is amended to read:

**125.67 Evading provisions of law by giving away intoxicating liquor; penalties.** ~~Giving~~ No person may give away intoxicating liquor or using use any other means to evade any law of this state relating to the sale of intoxicating liquor is punishable by a fine of not more than \$250, plus the costs of prosecution if no specific penalty is provided in this chapter. Whoever violates this subsection may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

**SECTION 92.** 125.68 (1) (a) (intro.) and (2) of the statutes are amended to read:

125.68 (1) (a) (intro.) If a municipal governing body elects to issue managers' licenses under s. 125.18, no person may manage premises operating under a "Class B" license ~~issued by that municipality or permit~~ unless the person is the licensee or permittee, an agent of a corporation appointed as required by s. 125.04 (6) or the holder of a manager's license. A manager's license issued in respect to a vessel under s. 125.51 (5) (c) is valid outside the municipality that issues it. A person manages "Class B" premises if that person has responsibility or authority for:

(2) OPERATORS' LICENSES; "CLASS A" OR "CLASS B" PREMISES. Except as provided under s. 125.07 (3) (a) 10., no premises operated under a "Class A" or "Class B" license or permit may be open for business unless there is upon the premises either the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation, the agent named in a "Class B" ~~permit~~ or some person who has an operator's license and who is responsible for the acts of all persons selling or serving any intoxicating liquor to customers. An operator's license issued in respect to a vessel under s. 125.51 (5) (c) is valid outside the municipality that issues it. For the purpose of this subsection, any person holding a manager's license issued under s. 125.18 or any member of the licensee's or permittee's immediate family who has attained the ~~legal drinking age of 18~~ shall be considered the holder of an operator's license. No person, including ~~an underage~~ a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent may serve or sell alcohol beverages in any place operated under a "Class A" or "Class B" license or permit unless he or she has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee, permittee or agent or a person holding an operator's license, who is on the premises at the time of the service.

**SECTION 93.** 125.68 (2m) of the statutes is created to read:

125.68 (2m) USE BY ANOTHER PROHIBITED. (a) No person may allow another to use his or her "Class A" or "Class B" license or permit to sell alcohol beverages.

(b) The license or permit of a person who violates par. (a) shall be revoked.

**SECTION 94.** 125.68 (3) (a) (title) of the statutes is repealed.

**SECTION 95.** 125.68 (3) (a) of the statutes is renumbered 125.68 (3), and 125.68 (3) (intro.) and (c), as renumbered, are amended to read:

125.68 (3) RESTRICTIONS ON LOCATION. (intro.) No "Class A" or "Class B" license or permit may be issued for premises the main entrance of which is less than 300 feet from the main entrance of any public or parochial school, hospital or church, except that this prohibition may be waived by a majority vote of the governing body of the municipality in which the premises is located. The

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distance shall be measured by the shortest route along the highway from the main entrance of the school, church or hospital to the main entrance of the premises covered by the license or permit. The prohibition in this ~~paragraph~~ subsection does not apply to any of the following:

(c) A restaurant located within 300 feet of a church or school. This ~~subdivision~~ paragraph applies only to restaurants in which the sale of alcohol beverages accounts for less than 50% of ~~its~~ their gross receipts.

**SECTION 96.** 125.68 (3) (b) of the statutes is repealed.

**SECTION 97.** 125.68 (4) (c) 4. of the statutes is amended to read:

125.68 (4) (c) 4. Hotels and restaurants whose the principal business of which is the furnishing of food, drinks or lodging to patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs ~~and~~ golf courses and golf clubhouses may remain open for the conduct of their regular business but may not sell intoxicating liquor during the closing hours under subd. 1.

**SECTION 98.** 125.68 (6), (7) and (9) (a) of the statutes are repealed.

**SECTION 99.** 125.68 (9) (e) of the statutes is amended to read:

125.68 (9) (e) No person holding a license or permit issued under this chapter may possess or sell any package or container of intoxicating liquor which does not comply with pars. (a), (b) and (d) or which does not bear evidence that the package or container was in compliance when delivery was taken.

**SECTION 100.** 125.68 (10) (bm) of the statutes is amended to read:

125.68 (10) (bm) A ~~person~~ winery may ship wine into this state under s. 125.58 (4) from a state which has a reciprocal agreement with this state under s. 139.035 to an individual who ~~does not hold a license or permit under this chapter for consumption at the individual's residence by the individual or his or her family or guests~~ is of the legal drinking age if the shipping container is clearly labeled to indicate that the package may not be delivered to an underage person or to an intoxicated person. A person who receives wine under this paragraph may not sell it or use it for a commercial purpose.

**SECTION 101.** 125.69 (1) (a) of the statutes, as affected by 1989 Wisconsin Act 30, is amended to read:

125.69 (1) (a) No intoxicating liquor manufacturer, rectifier or wholesaler may hold any direct or indirect interest in any "Class A" license or establishment and no "Class A" licensee may hold any direct or indirect inter-

est in a wholesale permit or establishment, except that a winery that has a permit under s. 125.53 may have an ownership interest in a "Class A" license ~~and except that permits and licenses issued before October 3, 1963, which would after that date be a violation of this restriction, shall be renewed unless other cause is shown for the nonrenewal.~~

**SECTION 102.** 125.69 (4) (d) of the statutes is amended to read:

125.69 (4) (d) *Penalties.* A retail licensee or retail permittee who violates par. (a) is subject to the penalties in s. 125.11 (4), except that he or she may not be imprisoned.

**SECTION 103.** 125.69 (6) of the statutes is amended to read:

125.69 (6) **CAMPUSES AND RETAILERS TO PURCHASE FROM PERSONS HOLDING PERMITS.** No campus or retail licensee or permittee may purchase or possess intoxicating liquor purchased from any person other than a manufacturer, rectifier or wholesaler holding a permit under this chapter for the sale of intoxicating liquor. Any person who violates this subsection may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

**SECTION 104. Initial applicability.** The treatment of sections 125.04 (13), 125.07 (1) (b) 2. c. and d and (4) (bs) 3 and 4 and (c) 1. to 4., 125.075 (2), 125.085 (3) (a), 125.105, 125.11 (1) (a) and (b), 125.315, 125.33 (7) (d), 125.66 (3), 125.67 and 125.69 (4) (d) and (6) of the statutes and the creation of section 125.085 (3) (a) 2. and 3. of the statutes first apply to violations occurring on the effective date of this SECTION but do not preclude the counting of other violations as prior violations for sentencing a person.

**SECTION 105. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 125.04 (3) (g) (intro.) and (5) (c), 125.25 (1) and (4), 125.26 (1), (2) and (4) to (6), 125.27 (1) (a) and (c) and (2) (a), 125.275 (4), 125.28 (1) (title) and (a) to (d), (2) and (3), 125.29 (1) and (3), 125.30 (4), 125.51 (2) (b), (3) (c), (5) (a) 1. and 5., (b) 5. and (c) 1. and (10), 125.57, 125.62 (4), 125.63 (4) and 125.65 (5) of the statutes and the amendment of section 125.045 (3) of the statutes take effect on July 1, 1990.

(2) The treatment of sections 125.17 (6) and 125.32 (4) (a) of the statutes and the repeal and recreation of section 125.045 (3) of the statutes take effect on July 1, 1991.