



State of Wisconsin
1997 - 1998 LEGISLATURE

LRBs0364/1
PEN:kmg:hmh

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 444**

January 15, 1998 – Offered by COMMITTEE ON STATE AFFAIRS.

1 **AN ACT** *to amend* 125.30 (1); and *to create* 125.12 (2) (ag) 7. and 125.33 (11) of
2 the statutes; **relating to:** fermented malt beverage wholesalers.

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

3 **SECTION 1.** 125.12 (2) (ag) 7. of the statutes is created to read:

4 125.12 (2) (ag) 7. The person received the benefit from an act prohibited under
5 s. 125.33 (11).

6 **SECTION 2.** 125.30 (1) of the statutes is amended to read:

7 125.30 (1) The department shall issue out-of-state shippers' permits which
8 authorize the permittee to ship fermented malt beverages only to holders of a
9 wholesaler's license issued under s. 125.28. No person may receive fermented malt
10 beverages in this state which have been directly shipped from outside this state by
11 any person other than the holder of a permit issued under this section. All shipments
12 of fermented malt beverages ~~from outside this state~~ to a wholesaler of fermented

1 malt beverages in this state, whether shipped to the wholesaler from inside this state
2 or from outside this state, shall be unloaded in and distributed from the wholesaler's
3 warehouse in this state.

4 **SECTION 3.** 125.33 (11) of the statutes is created to read:

5 125.33 (11) SOURCE OF FERMENTED MALT BEVERAGES. (a) No wholesaler who
6 holds a retail license issued under this chapter may sell a brand of fermented malt
7 beverages to another retail licensee unless the wholesaler has an agreement for
8 general wholesale distribution of that brand of fermented malt beverages with the
9 brewer, brewer's agent or holder of an out-of-state shipper's permit supplying that
10 brand.

11 (b) If a wholesaler who holds a retail license issued under this chapter violates
12 par. (a), any other wholesaler aggrieved by such violation or the brewer may bring
13 an action against such wholesaler in any court of competent jurisdiction for damages
14 sustained by the aggrieved wholesaler or the brewer as a consequence of the
15 violation, together with the actual costs of the action. Notwithstanding s. 814.04 (1),
16 a wholesaler or the brewer who prevails in an action under this paragraph may
17 recover reasonable actual attorney fees incurred in the action.

18 (END)