CHAPTER 99
PUBLIC WAREHOUSES

99.02 Public warehouse keepers; licensing. (1) APPLICATION. Except as provided in sub. (2), no person may operate a warehouse, including a cold-storage warehouse, for the storage of property as bailee for hire without a public warehouse keeper’s license. A person desiring a public warehouse keeper’s license shall apply on a form furnished by the department and shall set forth the location, size, character and equipment of the building or premises to be used by the applicant, the kinds of goods intended to be stored, the name of each partner if a partnership or of each member if a limited liability company, the names of the officers if a corporation, and such other facts as the department requires to show that the property proposed to be used is suitable for a warehouse and that the applicant is qualified as a public warehouse keeper. Subject to s. 93.135, if the property proposed to be used is suitable for a warehouse and the applicant is otherwise qualified, a license shall be issued upon payment of the license fee under sub. (3) and the filing of security or insurance as required under s. 99.03.

(2) LICENSE NOT REQUIRED. No license is required for any of the following: (a) A municipal corporation. 
(b) A person who operates a warehouse storing only grain, as defined under s. 126.01 (13).
(c) A cooperative association or an unincorporated cooperative association storing farm products and merchandise for members.
(d) A person who owns and uses warehouses for storage of manufactured dairy products, canned produce or dairy products, manufactured by the person.
(e) A common carrier engaged solely in the transit and storage of property for periods not exceeding 30 days.
(f) A person who stores property received under a writ of restitution under s. 799.44 (2) if that person was the plaintiff in the action that resulted in the issuance of the writ of restitution.
(g) An agricultural society, association, or board that conducts a county or district fair and that receives aid under s. 93.23.
(h) An agricultural society, association, or board that conducts a county or district fair and that receives aid under s. 93.23.

99.03 Warehouses classified. For the purposes of this chapter, public warehouses are classified as follows:
(1) Class 1 warehouses have less than 10,000 square feet of floor space.
(2) Class 2 warehouses have 10,000 square feet or over but less than 50,000.
(3) Class 3 warehouses have 50,000 square feet or over but less than 100,000.
(4) Class 4 warehouses have 100,000 square feet or over but less than 150,000.
(5) Class 5 warehouses have 150,000 square feet or over.

99.04 Suitable facilities and inspection. For the purpose of this chapter, unless the context otherwise requires:
(1) “Food” has the meaning specified in s. 97.01 (6).
(2) “Property” means goods as defined in s. 407.102 (1) (g).
(3) “Public warehouse” means a warehouse that is operated by a person licensed under this section due to any violation of any federal or state law that the department determines in a regularly scheduled inspection of that warehouse, the department shall charge the license holder for the reinspection as follows:
1. The holder of a license under par. (a) 1.: $50.
2. The holder of a license under par. (a) 2.: $100.
3. The holder of a license under par. (a) 3.: $150.
4. The holder of a license under par. (a) 4.: $200.
5. The holder of a license under par. (a) 5.: $250.

99.05 Receipts; records; standards.
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house, at its main entrance, which sign shall state clearly the name
of the public warehouse keeper and that the warehouse is a public
warehouse.

History: 1983 a. 500 ss. 9, 10, 31, 33, 35, 37; Stats. 1983 s. 99.02; 1985 a. 29 s.
Cross-reference: See also s. ATPC 97.04, Wis. adm. code.

99.03  Public warehouse keeper; security.  (1) Security
required: Form of security. Every applicant for a public ware-
house keeper’s license shall file with the department any of the
following:
(a) A commercial surety bond that is issued by a surety com-
pany licensed to do business in this state, that secures the appli-
cant’s faithful performance of all duties and obligations of a public
warehouse keeper, that is payable to the department for the benefit
of owners of stored property or their assignees, that is issued in a
form acceptable to the department that provides that it may not be
terminated without at least 30 days’ written notice to the depart-
ment.
(b) An original or certified copy of a legal liability insurance
policy that is payable to the department for the benefit of the own-
ers of stored property or their assignees, that is in a form accepta-
ble to the department that provides that it not may be termi-
nated except upon at least 30 days’ written notice to the depart-
ment.
(c) A personal bond or 3rd–party guarantee in a form accepta-
table to the department and supported by one of the following forms
of security held under sub. (3):
1. Cash.
2. A certificate of deposit.
4. An irrevocable bank letter of credit issued by a financial
institution in this state.
(d) If the warehouse keeper is engaged exclusively in storing
wearing apparel, an original or certified copy of a bailee’s customers’
insurance policy that protects the owners of all stored prop-
erty against loss or damage by fire, wind, water or theft, that names
the department as an additional insured party for the benefit of
owners of stored property, that is in a form acceptable to the depart-
ment and that provides that it may not be terminated except upon
30 days’ written notice to the department.
(2) Amount of security required. The aggregate amount of
the security required under sub. (1) (a) to (c) shall be not less than
the following:
(a) For a Class 1 public warehouse, $10,000.
(b) For a Class 2 public warehouse, $20,000.
(c) For a Class 3 public warehouse, $30,000.
(d) For a Class 4 public warehouse, $40,000.
(e) For a Class 5 public warehouse, $50,000.
(3) Security held by department; release. The department
or its agent shall hold security filed under sub. (1) (c). The security
shall remain in effect, and the department may not release it, until
one of the following occurs:
(a) A period of 180 days elapses after the warehouse keeper
gives notice to the department that the warehouse keeper is no lon-
ger in business.
(b) A period of 180 days elapses after the warehouse keeper’s
license expires or is revoked.
(c) The department determines that the warehouse keeper is no
longer in business and that all claims of persons storing property
at the warehouse have been satisfied.
(4) Use of a deductible clause. Nothing in this section pro-
hibits the use of a deductible clause in any insurance policy by
agreement between the public warehouse keeper and the insurer
if the insurer remains liable to owners of stored property or their
assignees for the deductible portion of any loss or damage to
stored property.

99.04  Suitable facilities and inspection.  (1) Facilities.
All public warehouse facilities shall be suitable for the type of
storage operations to be conducted and shall be maintained and
operated in a manner which will reasonably protect property to be
stored against loss or damage. No public warehouse keeper license
may be issued or continued in effect if facilities used are
unsuitable for the type of storage operation to be conducted or ade-
quate safeguards are not taken for the protection of property
against loss or damage while in storage. A public warehouse used
for the storage of food is subject to ch. 97.
(2) Inspection. The department may inspect all public ware-
houses as necessary to secure compliance with this chapter or any
rules of the department prescribing standards for the suitability of
storage facilities, the maintenance of storage records and the safe-
guarding of property while in storage. For purposes of inspection
and enforcement, the department shall have access to all public
warehouses regulated under this chapter at all reasonable times.

99.05  Receipts; records; standards.  (1) Receipts. Pub-
lic warehousekeepers, at the time goods are received for storage,
shall issue warehouse or storage receipts identifying goods placed
in storage and informing storers of all terms and conditions of storage
and may, for this purpose, use standard forms which are accepted
in the warehousing industry and comply with the requirements of
chs. 401 to 411 and this subchapter.
(2) Records. Every public warehouse keeper shall maintain a
record of all property received for storage and of all warehouse or
storage receipts issued. Such records shall be open at all reason-
able times to inspection by the department. Persons holding an
interest in stored property may inspect records relating to the
property at reasonable times.
(3) Standards. Public warehousekeepers shall be subject to
standards and duties of care as prescribed in s. 407.204 (1) and this
chapter, and other provisions of law relating to the storage of
goods for hire, including the issuance of warehouse receipts,
maintenance of warehouse receipt registers and enforcement of
warehousekeepers’ liens.

99.06  Injunctions. The department in the name of the state
may commence an action to enjoin a violation of this chapter or
any rule promulgated under this chapter and may prosecute such
violation in any court of appropriate jurisdiction.
History: 1983 a. 500 s. 39; Stats. 1983 s. 99.40; 1987 a. 399 s. 362; Stats. 1987
s. 99.06.

99.07  Penalties.  (1) Except as provided in sub. (2), a person
who violates this chapter or rules promulgated under this chapter
shall forfeit not less than $100 nor more than $500 for the first vio-
lation and not less than $200 nor more than $1,000 for a subse-
quent violation.
(2) A person who willfully violates this chapter or rules promulgated under this chapter shall be fined not less than $200 nor more than $1,000 or imprisoned not more than 6 months or both.

(3) Each day of violation constitutes a separate offense.


99.08 Rule-making authority. The department may promulgate rules that are needed for the administration and enforcement of this chapter.

History: 1983 a. 500; 1987 a. 399 s. 362; Stats. 1987 s. 99.08.

Cross-reference: See also ch. ATCP 97, Wis. adm. code.