

Assembly Bill 866

Published  
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## CHAPTER 263

AN ACT to repeal and recreate 66.057 (3), (4) and (5); and to create 176.32 (3) of the statutes, relating to misrepresentation of age in procuring fermented malt beverages and intoxicating liquor.

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

SECTION 1. 66.057 (3), (4) and (5) of the statutes are repealed and recreated to read:

66.057 (3) It is unlawful for any person to misrepresent or misstate his age or the age of any other person or to misrepresent his age through the presentation of any document purporting to show such person to be of legal age to purchase fermented malt beverages.

(4) Every retail Class "A" and retail Class "B" licensee shall cause a book to be kept and such licensee or his employe, or both, shall require any person who has shown documentary proof of age, which substantiates his age to allow the legal purchase of fermented malt beverages, to sign such book if the age of such person is in question. The book shall show the date of the purchase, the identification used in making the purchase, the address of the purchaser and his signature.

(5) The establishment of the following facts by a person making a sale of fermented malt beverages to a person not of legal age shall constitute prima facie evidence of innocence and a defense to any prosecution therefor:

(a) That the purchaser falsely represented in writing and supported with other documentary proof that he was of legal age to purchase fermented malt beverages.

(b) That the appearance of such purchaser was such that an ordinary and prudent person would believe him to be of legal age to purchase fermented malt beverages.

(c) That the sale was made in good faith and in reliance upon the written representation and appearance of the purchaser in the belief that the purchaser was of legal age to purchase fermented malt beverages.

SECTION 2. 176.32 (3) of the statutes is created to read:

176.32 (3) (a) It is unlawful for any person to misrepresent or misstate his age or the age of any other person or to misrepresent his age through the presentation of any document purporting to show such person to be of legal age to purchase intoxicating liquor.

(b) Every retail "Class A" and retail "Class B" licensee shall cause a book to be kept and such licensee or his employe, or both, shall require any person who has shown documentary proof of age, which substantiates his age to allow the legal purchase of intoxicating liquor, to sign such book if the age of such person is in question. The book shall show the date of the purchase, the identification used in making the purchase, the address of the purchaser and his signature.

(c) The establishment of the following facts by a person making a sale of intoxicating liquor to a person not of legal age shall constitute prima facie evidence of innocence and a defense to any prosecution therefor:

1. That the purchaser falsely represented in writing and supported with other documentary proof that he was of legal age to purchase intoxicating liquor.

2. That the appearance of such purchaser was such that an ordinary and prudent person would believe him to be of legal age to purchase intoxicating liquor.

3. That the sale was made in good faith and in reliance upon the written representation and appearance of the purchaser in the belief that the purchaser was of legal age to purchase intoxicating liquor.

Approved September 2, 1965.

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