

1981 Assembly Bill 215

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CHAPTER 49 , Laws of 1981

AN ACT to amend 66.054 (4) (a) (intro.) and 1 to 5 and (8a) (b), (g) and (i), 176.03 (1), 176.05 (23) (b) and 176.17 (2) to (4) and (5a); and to create 66.054 (1) (bm) and (4) (a) 9, 176.01 (8m) and 176.17 (2m) of the statutes, relating to restrictions applicable to the sale of alcoholic beverages at wholesale to university of Wisconsin system campuses.

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

SECTION 1. 66.054 (1) (bm) of the statutes is created to read:

66.054 (1) (bm) "Campus" has the meaning given under s. 36.05 (3).

SECTION 2. 66.054 (4) (a) (intro.) and 1 to 5 and (8a) (b), (g) and (i) of the statutes are amended to read:

66.054 (4) (a) (intro.) No brewer, bottler or wholesaler shall may furnish, give, lend, lease or sell any furniture, fixtures, fittings, equipment, money or other thing of value, directly or indirectly, or through a subsidiary or affiliate corporation, or by any officer, director, stockholder or partner thereof, to any Class "B" licensee or campus, or to any person for the use, benefit or relief of any Class "B" licensee or campus, or guarantee the repayment of any loan, or the fulfillment of any financial obligation of any Class "B" licensee; or campus, except that brewers, bottlers and wholesalers may:

1. Furnish, give, lend or rent outside and inside signs to Class "B" licensees provided or campuses if the total value of such the signs, in the aggregate, furnished, given, lent or rented by any brewer, bottler or wholesaler to any Class "B" licensee, shall does not exceed \$125 exclusive of erection, installation and repair charges, but nothing herein shall

~~be construed as affecting. This restriction does not apply to signs owned and located in the state of Wisconsin on May 24, 1941, by any brewer, bottler or wholesaler;~~

2. ~~Furnish miscellaneous advertising matter and other items not to exceed, in the aggregate, the a total value of \$25 in any calendar year to any one Class "B" licensee or campus;~~

3. ~~Furnish or maintain for Class "B" licensees such or campuses equipment as is designed and intended to preserve and maintain for the sanitary dispensing of fermented malt beverages, provided if the expense incurred thereby does not exceed the sum of \$25 per tap per calendar year no part of which shall may be paid in cash to any Class "B" licensee or campus;~~

4. ~~Sell dispensing equipment such as direct draw boxes, novelty boxes, coil boxes, beer storage boxes or tapping equipment, none of which shall include bar additions, to Class "B" licensees or campuses for cash or on credit payable in equal monthly payments within 2 years to be evidenced by a written contract setting forth all of the terms, conditions and monthly payments agreed on, and within. Within 10 days after execution of the same contract the seller shall file with the register of deeds for in the county wherein such where the equipment is installed a true copy of such the contract and pay a filing fee of \$1; and~~

5. ~~Acquire within 5 days after May 24, 1941, an interest in any furniture, fixtures, fittings and equipment, or any valid lien thereon or interest therein, which were actually installed in this state on the premises of any Class "B" licensee prior to said before that date, and may lease or lend the same to Class "B" licensees who are in possession or them to any person in possession of the premises where the same they are actually installed prior to said before that date. Any brewer, bottler or wholesaler who repossesses any furniture, fixtures, fittings or equipment lent, leased or sold to any Class "B" licensee may sell the same them to any Class "B" licensee, for cash on delivery only, and shall deliver a bill of sale of the same to the purchaser. Any application for a Class "B" license after said date made for the sale of fermented malt beverages May 24, 1941, shall have appended thereto and made a part thereof, contain an affidavit, sworn and acknowledged under oath, by the applicant for such license, setting forth the ownership of the fixtures in or attached to the premises, or any part thereof, and, if such the fixtures are not owned by the applicant for such license, the manner, terms and conditions under which said fixtures they are held. No brewer, bottler or wholesaler shall may, after said that date, directly or indirectly, or through a subsidiary or affiliate corporation, or by any officer, director, stockholder or partner enter into any written agreement, and no written or oral agreement shall be valid, whether or not incorporated in any chattel mortgage, conditional sales contract, security agreement, bill of sale, lease, land contract, mortgage, deed or other instrument wherein or whereby any Class "B" licensee or campus is required to purchase the fermented malt beverages of any brewer to the exclusion, in whole or in part, of fermented malt beverages manufactured by other brewers. The restrictions contained in this subsection shall This subdivision does not apply to real estate owned in whole or in part on said that date by any brewer, bottler or wholesaler, directly or indirectly, or by any subsidiary or affiliate corporation, or by any officer, director, stockholder, partner or trustee for any of the foregoing, or upon against which any of the foregoing had or held a valid subsisting lien on said that date, or to any real estate now or hereafter owned in whole or in part by any of the foregoing upon which there is or shall be a hotel of 100 or more rooms. Nothing herein contained shall This subdivision does not affect the extension of usual and customary commercial credits for products of the industry actually sold and delivered. Any A licensee who is a party to any may not be a party to or receive the benefits of a violation of this subsection or who receives the benefits thereof shall be equally guilty of a violation thereof subdivision.~~

(8a) (b) ~~No A retail licensee shall or campus may not receive any malt beverages on consignment or on any basis other than a bona fide sale.~~

(g) No brewer, bottler or wholesaler ~~shall be~~ is subject to any penalty as the result of any sale of fermented malt beverages to a retail licensee, or campus when purchased by ~~said the~~ the retail licensee or campus in violation of this subsection.

(i) Prices charged by a wholesaler of fermented malt beverages shall be the same for all ~~retailers~~ retail licensees and campuses making purchases in similar quantities from the wholesaler, ~~regardless of whether the retailer is a class "A" or class "B" licensee.~~ Any discount offered on fermented malt beverages ~~must~~ shall be delivered to the retailer in a single transaction and single delivery, and on a single invoice.

SECTION 3. 66.054 (4) (a) 9 of the statutes is created to read:

66.054 (4) (a) 9. Contribute money or other items of value to, or purchase advertising from, a campus 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, bottler or wholesaler by the institution or upon an agreement by the institution partly or wholly to exclude from sale the products of a competing brewer, bottler or wholesaler.

SECTION 4. 176.01 (8m) of the statutes is created to read:

176.01 (8m) "Campus" has the meaning given under s. 36.05 (3).

SECTION 5. 176.03 (1) of the statutes is amended to read:

176.03 (1) No ~~retailer~~ retail licensee or campus shall purchase or have in his possession intoxicating liquor purchased from other than a Wisconsin manufacturer, rectifier or wholesaler holding a permit to engage in the sale of liquor in Wisconsin under the provisions of ch. 176.

SECTION 6. 176.05 (23) (b) of the statutes is amended to read:

176.05 (23) (b) ~~No A~~ retail licensee shall or campus may not receive any intoxicating liquors ~~on consignment or on any basis other than a bona fide sale.~~

SECTION 7. 176.17 (2) of the statutes is amended to read:

176.17 (2) ~~No~~ Except as provided under sub. (2m), no manufacturer, rectifier or wholesaler ~~shall furnish, give, or lend any money or other thing of value, directly or indirectly, or through a subsidiary or affiliate, or by any officer, director, or firm member of the industry, may furnish, give or lend any money or other item of value to any person engaged in selling products of the industry for consumption on the premises where sold, "Class B" licensee or campus or to any person for the use, benefit, or relief of said person engaged in selling as above; any "Class B" licensee or campus or to guarantee the repayment of any loan or the fulfillment of any financial obligation of any person engaged in selling as above. Nothing herein contained shall "Class B" licensee or campus. This subsection does not affect the extension of commercial credits for the products of the industry sold and delivered in compliance with s. 176.05 (23). No person licensed to sell intoxicating liquors for consumption on the premises where sold shall "Class B" licensee or campus may receive, or be the beneficiary benefits of, any of the benefits hereby prohibited a violation of this subsection.~~

SECTION 8. 176.17 (2m) of the statutes is created to read:

176.17 (2m) A manufacturer, rectifier or wholesaler may contribute money or other items of value to, or purchase advertising from, a campus if the contribution or purchase is for a purpose other than the use, benefit or relief of premises or operations for the sale of intoxicating liquors and is not contingent either upon the use of the product of the manufacturer, rectifier or wholesaler by the campus or upon an agreement by the campus partly or wholly to exclude from sale the products of a competing manufacturer, rectifier or wholesaler.

SECTION 9. 176.17 (3), (4) and (5a) of the statutes are amended to read:

176.17 (3) No manufacturer, rectifier or wholesaler shall furnish, give, rent, lend, or sell any equipment, fixtures, or supplies, either directly or indirectly, or through a subsidiary or affiliate, or by any officer, director, or firm member of the industry, may furnish, give, rent, lend or sell any equipment, fixtures or supplies to any person engaged in selling products of the industry for consumption on the premises where sold. No person licensed to sell products of the industry shall "Class B" licensee or campus. No "Class B" licensee or campus may receive, or be the beneficiary benefits of, any of the benefits hereby prohibited a violation of this subsection.

(4) No manufacturer, rectifier or wholesaler shall furnish, give, lend, or rent any interior decorations other than signs, or furnish, give, lend, or rent any sign or signs, for inside or outside use, costing collectively more than \$25 in any one calendar year, to any person licensed to sell intoxicating liquors for consumption on the premises where sold, either directly or indirectly, or through a subsidiary or affiliate, or by any officer, director, or firm member of any such manufacturer, rectifier or wholesaler. No person licensed to sell products of the industry shall receive, or be the beneficiary of, any of the benefits hereby prohibited or through a subsidiary or affiliate, may furnish, give, lend or rent any interior decorations other than signs, or rent any signs valued at more than \$25 in any year, to any "Class B" licensee or campus. No "Class B" licensee or campus may receive the benefits of a violation of this subsection.

(5a) Prices charged by a wholesaler of intoxicating liquors shall be the same for all retailers retail licensees and campuses making purchases in similar quantities from the wholesaler, regardless of whether the retailer is a "Class A" or "Class B" licensee. Any discount offered on intoxicating liquors must shall be delivered to the retailer in a single transaction and single delivery, and on a single invoice.
