



## 2005 ASSEMBLY BILL 141

February 28, 2005 – Introduced by Representatives PETTIS, SUDER, MUSSER, ALBERS, BOYLE, GRONEMUS, HAHN, HINES, F. LASEE, VAN ROY, VRUWINK, WOOD and KAUFERT, cosponsored by Senators A. LASEE, BRESKE, DECKER, HANSEN and LEIBHAM. Referred to Committee on State Affairs.

1     **AN ACT to renumber and amend** 125.02 (8m) and 125.085 (1); **to amend** 134.63  
2           (3) (c) and 343.17 (3) (a) 12.; and **to create** 125.02 (8m) (b), 125.032 and 125.085  
3           (1) (d) and (e) of the statutes; **relating to:** lowering the legal drinking age for  
4           certain persons.

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### *Analysis by the Legislative Reference Bureau*

The legal drinking age is the age at which a person may legally purchase, possess, and consume alcohol beverages and enter premises licensed for the retail sale of alcohol beverages unaccompanied by a parent, guardian, or spouse. The legal drinking age in Wisconsin is currently 21 years of age. Under the federal national minimum drinking age law, a state that provides for a legal drinking age of less than 21 years is subject to withholding of 10 percent of federal highway aid annually.

This bill creates an exception that lowers the legal drinking age to 19 years of age for members of the U.S. armed forces who are stationed in this state on active duty if this state obtains a federal waiver or participates in a federal pilot program allowing this state to lower the legal drinking age for such members of the U.S. armed forces to 19 years of age without subjecting this state to withholding of federal highway aid under the national minimum drinking age law. This exception only applies if the person presents a valid military identification card, or a combination of a valid military identification card and a driver's license, that properly identifies the person and contains sufficient information to demonstrate that the person qualifies for the exception. If this state obtains a federal waiver or participates in a federal pilot program, the Department of Revenue must provide for publication by

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newspaper in each county in the state describing the waiver or pilot program, its effect on the legal drinking age in this state, and the duration, if any, of the waiver or pilot program, and must provide for similar notice published in the Wisconsin Administrative Register.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 125.02 (8m) of the statutes is renumbered 125.02 (8m) (intro.) and  
2 amended to read:

3           125.02 **(8m)** (intro.) “Legal drinking age” means:

4           (a) Except as provided in par. (b), 21 years of age.

5           **SECTION 2.** 125.02 (8m) (b) of the statutes is created to read:

6           125.02 **(8m)** (b) Nineteen years of age for a member of the U.S. armed forces,  
7 as defined in s. 40.02 (57m), stationed in this state on active duty if the person  
8 possesses identification specified in s. 125.085 (1) (d) or (e) and if this state obtains  
9 a federal waiver or participates in a federal pilot program allowing this state to lower  
10 the legal drinking age for members of the U.S. armed forces stationed in this state  
11 on active duty to 19 years of age without subjecting this state to withholding of  
12 federal highway aid as specified in 23 USC 158.

13           **SECTION 3.** 125.032 of the statutes is created to read:

14           **125.032 Department publication of certain changes in legal drinking**  
15 **age.** If this state obtains a federal waiver or participates in a federal pilot program  
16 described in s. 125.02 (8m) (b), the department shall provide for publication of a class  
17 2 notice, under ch. 985, in each county in the state describing the waiver or pilot  
18 program, its effect on the legal drinking age in this state, and the duration, if any,

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1 of the waiver or pilot program, and shall provide for similar notice published by the  
2 revisor of statutes in the Wisconsin Administrative Register under s. 35.93 (4).

3 **SECTION 4.** 125.085 (1) of the statutes is renumbered 125.085 (1) (intro.) and  
4 amended to read:

5 125.085 (1) DEFINITION. (intro.) In this section, "official identification card"  
6 means ~~a~~ any of the following:

7 (a) A valid operator's license issued under ch. 343 that contains the photograph  
8 of the holder, ~~an~~.

9 (b) An identification card issued under s. 343.50 ~~or an~~.

10 (c) An identification card issued under s. 125.08, 1987 stats.

11 **SECTION 5.** 125.085 (1) (d) and (e) of the statutes are created to read:

12 125.085 (1) (d) A valid military identification card issued to a member of the  
13 U.S. armed forces, as defined in s. 40.02 (57m), that contains the person's photograph  
14 and date of birth and identifies the person as a member of the U.S. armed forces  
15 stationed in this state on active duty.

16 (e) A valid military identification card issued to a member of the U.S. armed  
17 forces, as defined in s. 40.02 (57m), that identifies the person as a member of the U.S.  
18 armed forces stationed in this state on active duty if presented with a valid operator's  
19 license issued by any jurisdiction that contains the person's photograph and date of  
20 birth.

21 **SECTION 6.** 134.63 (3) (c) of the statutes is amended to read:

22 134.63 (3) (c) No person required to keep a register under par. (a) may deliver  
23 nitrous oxide or any nitrous oxide container to another person unless the person to  
24 whom the nitrous oxide or nitrous oxide container is delivered presents an official  
25 identification card, as defined in s. 125.085 (1) (a) to (c).

