

CHAPTER 99

PUBLIC WAREHOUSES

99.01	Definitions.
99.015	Warehouses classified.
99.02	Public warehouse keepers; licensing.
99.03	Public warehouse keeper; bond.
99.04	Suitable facilities and inspection.

99.05	Receipts; records; standards.
99.06	Injunctions.
99.07	Penalties.
99.08	Rule-making authority.

Cross Reference: See definitions in 93.01.

99.01 Definitions. 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) (f). "Property" includes food; agricultural and commercial products, commodities or equipment; household furnishings; automobiles, boats, snowmobiles or other vehicles and conveyances; and all other items of a personal, family, household, agricultural, business or commercial nature which may be the subject of a contract of storage.
- (3) "Public warehouse" means a warehouse that is operated by a public warehouse keeper for the storage for hire of the property of others. "Public warehouse" includes a food warehouse, as defined in s. 97.27 (1) (b), if the warehouse is operated by a public warehouse keeper on a storage for hire basis. "Public warehouse" does not include a frozen food locker plant as defined in s. 97.27 (1) (c).
- (4) "Public warehouse keeper" means any person who is required to be licensed under s. 99.02.
- (5) "Warehouse" means any building, room, structure or facility used for the storage of property.

History: 1983 a. 189; 1983 a. 500 ss. 2 to 6, 30; 1983 a. 538; 1985 a. 332 s. 253; 1987 a. 399.

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

History: 1983 a. 500 s. 34; Stats. 1983 s. 99.015; 1987 a. 399.

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, 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. If the property proposed to be used is suitable for a public 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 a bond 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 licensed under s. 126.07 as to business covered by the license.
- (c) A person who operates a warehouse storing only grain, as defined under s. 127.01 (18).
- (d) A cooperative association storing farm products and merchandise for members.
- (e) A person who owns and uses warehouses for storage of manufactured dairy products, canned produce or dairy products, manufactured by the person.
- (f) A common carrier engaged solely in the transit and storage of property for periods not exceeding 30 days.

(3) **FEEs.** (a) Every applicant for a public warehouse keeper's license shall pay an annual fee to the department, as follows:

1. For a Class 1 public warehouse, \$50.
2. For a Class 2 public warehouse, \$100.
3. For a Class 3 public warehouse, \$150.
4. For a Class 4 public warehouse, \$200.
5. For a Class 5 public warehouse, \$250.

(b) No license shall be issued for part of a year for less than the annual fee, and the license is not transferable. The license period expires June 30.

(c) The department may exempt from the operation of this section a public warehouse or portion thereof if the operator has a license under the federal bonded warehouse act.

(d) If the department conducts a reinspection of any warehouse operated by a person licensed under this section due to any violation of any federal or state law which the department determines in a regularly scheduled inspection of that warehouse, the department shall charge for that reinspection the holder of a license under par. (a) 1, \$50; of a license under par. (a) 2, \$100; of a license under par. (a) 3, \$150; of a license under par. (a) 4, \$200; and of a license under par. (a) 5, \$250.

(4) **SIGN POSTED.** Every public warehouse keeper shall keep a conspicuous sign posted on the outside of each public warehouse, 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. 3202 (3); 1987 a. 27.

99.03 Public warehouse keeper; bond. (1) FILING AND APPROVAL OF A BOND REQUIRED. Every applicant for a public warehouse keeper's license shall file with the department a bond payable to the state, for the benefit of owners of stored property or their assignees, with one or more sureties licensed to do business in this state, who shall justify in double the amount of the bond. The bond must be acceptable to the department and shall be conditioned upon the applicant's faithful performance of all duties and obligations of a public warehouse keeper. Any person whose property is stored in

any public warehouse may apply to the department to determine the sufficiency of the bond. When the department determines that a bond is insufficient, or if the bond or insurance policy lapses or is canceled without approval of the department, the public warehouse keeper shall correct the defect within 30 days after written notice from the department and, if the defect is not corrected within that period, the public warehouse keeper's license shall be considered automatically revoked without further action as of the expiration of the 30-day period. Any public warehouse keeper may, in lieu of a bond, file with the department an original or certified copy of a legal liability insurance policy of like amount which is acceptable to the department and payable to the state for the benefit of owners of stored property or their assignees, and which provides that the policy shall not be canceled during the license period except upon 30 days' written notice to the department.

(2) AMOUNT OF BOND REQUIRED. The amount of the bond or insurance policy required under sub. (1) 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) INSURANCE IN LIEU OF BOND. In the case of public warehouse keepers engaged exclusively in storing wearing apparel the department may accept, in lieu of bond, a certified copy of insurance policies protecting the owners of all stored goods against loss or damage by fire, wind, water or theft provided that the state is named as an additional insured in the policies for the benefit of the owners of stored property.

(4) USE OF A DEDUCTIBLE CLAUSE. Nothing in this section prohibits 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.

(5) NOTICE OF LIABILITY LIMITS. At the time a contract to store property is entered into with individuals for the storage of noncommercial personal, family or household goods, the public warehouse keeper shall notify the property owner of any limit on the public warehouse keeper's liability for loss or damage to the property while in storage and of the property owner's responsibility to provide additional coverage if desired.

History: 1983 a. 500 ss. 12, 36; Stats. 1983 s. 99.03.

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 adequate 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 shall inspect all public warehouses as necessary to secure compliance with this subchapter or any rules of the department prescribing standards for the suitability of storage facilities, the maintenance of storage records and the safeguarding of property while in storage. For purposes of inspection and enforcement, the department shall have access to all public warehouses regulated under this subchapter at all reasonable times.

History: 1983 a. 500; 1987 a. 399.

99.05 Receipts; records; standards. (1) RECEIPTS. Public warehouse keepers, at the time goods are received for storage, shall issue warehouse or storage receipts identifying goods placed in storage and inform 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 409 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 reasonable 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 warehouse keepers 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 warehouse keepers' liens.

History: 1983 a. 500.

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 violation and not less than \$200 nor more than \$1,000 for a subsequent violation.

(2) A person who wilfully 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.

History: 1983 a. 500; 1987 a. 399 s. 362; Stats. 1987 s. 99.07.

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.