

1993 Senate Bill 747

Date of enactment: **April 20, 1994**

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1993 WISCONSIN ACT 378

AN ACT *to renumber* 125.25 (2) and 125.275 (2); *to renumber and amend* 125.26 (2); *to repeal and recreate* 125.28 (2); and *to create* 125.25 (2) (b), 125.26 (2) (b) 2, 125.275 (2) (b) and 125.29 (4) of the statutes, **relating to:** prohibiting a person from simultaneously holding certain licenses relating to alcohol beverages.

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

SECTION 1. 125.25 (2) of the statutes is renumbered 125.25 (2) (a).

SECTION 2. 125.25 (2) (b) of the statutes is created to read:

125.25 (2) (b) 1. Beginning on the effective date of this subdivision [revisor inserts date], a Class "A" license may not be issued to a person holding a wholesaler's license issued under s. 125.28 or to a person who has a direct or indirect ownership interest in a premises operating under a wholesaler's license issued under s. 125.28.

2. Notwithstanding subd. 1, a person who holds a Class "A" license and a wholesaler's license issued under s. 125.28, both of which licenses were issued before the effective date of this subdivision [revisor inserts date], may, subject to ss. 125.04 and 125.12, renew and continue to hold both licenses.

3. If a person holding a Class "A" license and a wholesaler's license under subd. 2 fails to renew either license, is denied renewal of either license under s. 125.12 or has either license suspended or revoked under s. 125.12, the person is subject to subd. 1.

SECTION 3. 125.26 (2) of the statutes is renumbered 125.26 (2) (a) and amended to read:

125.26 (2) (a) Class "B" licenses may be issued to any person qualified under s. 125.04 (5). Such licenses may not be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not a part of or

located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least 6 months before the date of application. A Class "B" license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this chapter.

(b) 1. Except as provided in s. 125.31, Class "B" licenses may not be issued to brewers ~~or fermented malt beverages wholesalers~~.

SECTION 4. 125.26 (2) (b) 2. of the statutes is created to read:

125.26 (2) (b) 2. a. Except as provided in s. 125.29, beginning on the effective date of this subd. 2. a. [revisor inserts date], a Class "B" license may not be issued to a person holding a wholesaler's license issued under s. 125.28 or to a person who has a direct or indirect ownership interest in a premises operating under a wholesaler's license issued under s. 125.28.

b. Notwithstanding subd. 2. a., a person who holds a Class "B" license and a wholesaler's license issued under s. 125.28, both of which licenses were issued before the effective date of this subd. 2. b. [revisor inserts date], may, subject to ss. 125.04 and 125.12, renew and continue to hold both licenses.

c. If a person holding a Class "B" license and a wholesaler's license under subd. 2. b. fails to renew either license, is denied renewal of either license under s. 125.12 or has either license suspended or revoked under s. 125.12, the person is subject to subd. 2. a.

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SECTION 5. 125.275 (2) of the statutes is renumbered 125.275 (2) (a).

SECTION 6. 125.275 (2) (b) of the statutes is created to read:

125.275 (2) (b) 1. Beginning on the effective date of this subdivision [revisor inserts date], an industrial fermented malt beverages permit may not be issued to a person holding a wholesaler's license issued under s. 125.28 or to a person who has a direct or indirect ownership interest in a premises operating under a wholesaler's license issued under s. 125.28.

2. Notwithstanding subd. 1, a person who holds an industrial fermented malt beverages permit and a wholesaler's license issued under s. 125.28, both of which permit and license were issued before the effective date of this subdivision [revisor inserts date], may, subject to ss. 125.04 and 125.12, renew and continue to hold both the permit and license.

3. If a person holding an industrial fermented malt beverages permit and a wholesaler's license under subd. 2 fails to renew either permit or license, is denied renewal of either permit or license under s. 125.12 or has either permit or license suspended or revoked under s. 125.12, the person is subject to subd. 1.

SECTION 7. 125.28 (2) of the statutes is repealed and recreated to read:

125.28 (2) (a) A wholesaler's license may be issued to any person qualified under s. 125.04 (5) except a person acting as an agent for, or in the employ of, another person.

(b) Except as provided in par. (c) and s. 125.29, beginning on the effective date of this paragraph [revis-

or inserts date], a wholesaler's license may not be issued to any of the following:

1. A person holding one or more of the following licenses or permits:

a. A Class "A" license issued under s. 125.25.

b. A Class "B" license issued under s. 125.26.

c. A Class "B" permit issued under s. 125.27.

d. An industrial fermented malt beverages permit issued under s. 125.275.

2. A person who has a direct or indirect ownership interest in a premises operating under one or more of the licenses or permits listed in par. (a) 1. to 4.

(c) 1. A person who holds a wholesaler's license and a license or permit specified in par. (b) 1., all of which licenses or permits were issued before the effective date of this paragraph [revisor inserts date], may, subject to ss. 125.04 and 125.12, renew and continue to hold all of the licenses or permits.

2. If a person holding a wholesaler's license and a license or permit under subd. 1 fails to renew a license or permit, is denied renewal of a license or permit under s. 125.12 or has one of the licenses or permits suspended or revoked under s. 125.12, the person is subject to par. (b) with respect to holding a license or permit of that type after the failure or denial of renewal or the revocation or suspension of the license or permit.

SECTION 8. 125.29 (4) of the statutes is created to read:

125.29 (4) MULTIPLE LICENSES. Notwithstanding ss. 125.26 (2) and 125.28 (2), a brewer may hold a wholesaler's license issued under s. 125.28 and a Class "B" license as provided under s. 125.31.