

2001 ASSEMBLY BILL 235

March 20, 2001 – Introduced by Representatives PETTIS, FRISKE, KRAWCZYK, PLOUFF, COLON, LASSA, ALBERS, SERATTI, GRONEMUS, M. LEHMAN, MUSSER, POWERS, AINSWORTH, RHOADES, TOWNSEND, SYKORA, RYBA, OWENS, MCCORMICK, F. LASEE and OTT, cosponsored by Senators M. MEYER, WELCH and HARSDORF. Referred to Committee on State Affairs.

1 **AN ACT to renumber and amend** 125.17 (2); **to amend** 125.17 (4) (intro.); and
2 **to create** 125.17 (2) (b) of the statutes; **relating to:** reciprocity within a county
3 for alcohol beverages operators' licenses.

Analysis by the Legislative Reference Bureau

Current law requires cities, villages, and towns (municipalities) to issue operators' licenses (commonly called bartenders' licenses). An operator's license is valid only in the municipality that issued the license. No retail seller of alcohol beverages may be open for business unless the licensee or permittee, or a person who possesses a manager's license or an operator's license, is present and responsible for the acts of all persons serving alcohol beverages.

This bill generally requires a municipality to accept an operator's license issued by another municipality located in the same county, if the person to whom the operator's license is issued files a certified copy of the operator's license with the municipality and pays the applicable license fee. A municipality is not required to accept a person's operator's license issued by another municipality if the person made a false representation to the issuing municipality in obtaining the operator's license; does not meet the qualifications for an operator's license; or engaged in certain prohibited conduct. A municipality that does not accept the validity of a person's operator's license issued by another municipality must notify the person in writing of the reasons for the decision. This bill does not require a municipality to accept the validity of a temporary or provisional operator's license issued by another municipality.

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

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

1 **SECTION 1.** 125.17 (2) of the statutes is renumbered 125.17 (2) (a) and amended
2 to read:

3 125.17 (2) (a) Operators' Except as provided in par. (b) and ss. 125.32 (2) and
4 125.68 (2), operators' licenses are valid only within the issuing municipality.

5 **SECTION 2.** 125.17 (2) (b) of the statutes is created to read:

6 125.17 (2) (b) 1. A person issued an operator's license under sub. (1) may file
7 a certified copy of the operator's license with any other municipality located in the
8 same county as the issuing municipality. Upon filing and payment of the fee under
9 sub. (3), the operator's license is valid in the municipality in which the operator's
10 license is filed for the period established by that municipality under sub. (3), or for
11 the period established by the issuing municipality under sub. (3) for the operator's
12 license at the time it was issued, whichever is shorter.

13 2. Notwithstanding subd. 1., an operator's license is not valid in a municipality
14 that did not issue the operator's license if the municipality determines that the
15 person to whom the operator's license is issued made a false representation to the
16 issuing municipality in obtaining the operator's license, is not qualified under s.
17 125.04 (5), or engaged in any of the prohibited conduct set forth in s. 125.12 (2) (ag).
18 A municipality that determines that a person's operator's license issued by another
19 municipality is not valid shall notify the person in writing of the reasons why the
20 operator's license is not valid.

21 **SECTION 3.** 125.17 (4) (intro.) of the statutes is amended to read:

