

2003 ASSEMBLY BILL 210

March 25, 2003 – Introduced by Representatives PETTIS, MUSSER, SERATTI, LADWIG, KRAWCZYK, GUNDERSON, HAHN, HINES, PLOUFF, BIES, ALBERS and FRISKE. 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 for alcohol
3 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 if the person to whom the operator's license is issued files a certified copy of the operator's license with the nonissuing 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 or if the issuing municipality failed to make a determination consistent with state law that the person meets the requirements relating to criminal history for issuance of an operator's license. 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

ASSEMBLY BILL 210

to accept the validity of a temporary or provisional operator's license issued by another municipality.

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 and, upon filing
8 and payment of the fee under sub. (3), the operator's license is valid in the
9 municipality in which the operator's license is filed for the period established by that
10 municipality under sub. (3), or for the period established by the issuing municipality
11 under sub. (3) for the operator's license at the time it was issued, whichever is
12 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) (d) 2., or engaged in any of the prohibited conduct set forth in s. 125.12 (2)
18 (ag). Notwithstanding subd. 1., an operator's license is not valid in a municipality
19 that did not issue the operator's license if the issuing municipality failed to make a
20 determination consistent with s. 125.04 (5) (a) 1. and (b) that the person to whom the
21 operator's license is issued meets the requirements for an operator's license under

ASSEMBLY BILL 210

1 s. 125.04 (5) (a) 1. and (b). A municipality that determines that a person's operator's
2 license issued by another municipality is not valid shall notify the person in writing
3 of the reasons why the operator's license is not valid.

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

5 125.17 **(4)** TEMPORARY LICENSE. (intro.) Any municipal governing body may
6 issue a temporary operator's license under the terms of subs. (1) ~~to~~, (2) (a), and (3),
7 except that:

8 (END)