

2003 Senate Bill 271

Date of enactment: **April 13, 2004**
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2003 WISCONSIN ACT 250

AN ACT to amend 125.04 (12) (a), 125.25 (2) (b) 3., 125.25 (3), 125.28 (2) (c) 2. and 125.28 (3); and to create 125.25 (2) (b) 4. of the statutes; **relating to:** transferring certain alcohol beverage licenses to premises in another municipality within the same county.

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

SECTION 1. 125.04 (12) (a) of the statutes is amended to read:

125.04 (12) (a) *From place to place.* Every alcohol beverage license or permit may be transferred to another place or premises within the same municipality. An alcohol beverage warehouse permit under s. 125.19, a winery permit under s. 125.53 or an intoxicating liquor wholesaler's permit under s. 125.54 may be transferred to another premises within this state. A Class "A" license and a wholesaler's license identified in s. 125.25 (2) (b) 2. may be transferred together as provided in s. 125.25 (2) (b) 4. if the receiving municipality approves the transfer. Transfers shall be made by the issuing authority upon payment of a fee of \$10 to the issuing authority and, for transfers as provided in s. 125.25 (2) (b) 4., transfers shall be received and the validity of the transferred licenses recognized by the receiving municipality upon approval of the transfer by the receiving municipality and payment to the receiving municipality of an additional fee of \$10 for each transferred license. No retail licensee, retail permittee, intoxicating liquor wholesaler or holder of a warehouse or winery permit is entitled to more than one transfer during the license or permit year. This paragraph does not apply to a license issued under s. 125.51 (4) (v)

or to a reserve "Class B" license, as defined in s. 125.51 (4) (a).

SECTION 2. 125.25 (2) (b) 3. of the statutes is amended to read:

125.25 (2) (b) 3. If Except as provided in subd. 4., 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. 125.25 (2) (b) 4. of the statutes is created to read:

125.25 (2) (b) 4. Subject to s. 125.04 (12) (a), 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 May 5, 1994, may transfer the licenses together to another premises in a different municipality within the same county. An issuing municipality shall transfer a Class "A" license under this subdivision, and, upon approval of the transfer by the receiving municipality, the receiving municipality shall recognize the validity of the license, even if, at the time of transfer, the license has been suspended, revoked, or denied renewal under s. 125.12 provided that the suspension, revocation, or denial of renewal resulted from the licensed premises being relocated outside the corporate limits of the issuing municipality.

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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SECTION 4. 125.25 (3) of the statutes is amended to read:

125.25 (3) Class “A” licenses shall particularly describe the premises for which issued and are not transferable, except under sub. (2) (b) 4. and s. 125.04 (12). A Class “A” license is subject to revocation for violation of any of the terms or provisions thereof.

SECTION 5. 125.28 (2) (c) 2. of the statutes is amended to read:

125.28 (2) (c) 2. ~~If~~ Except as provided in ss. 125.04 (12) (a) and 125.25 (2) (b) 4., 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 6. 125.28 (3) of the statutes is amended to read:

125.28 (3) Wholesalers’ licenses shall particularly describe the premises for which issued and are not transferable, except as provided in ~~s.~~ ss. 125.04 (12) and 125.25 (2) (b) 4. A wholesaler’s license is subject to revocation for violation of any of the terms or provisions thereof.

SECTION 7. Initial applicability.

(1) This act first applies to applications for transfer of a license made on the effective date of this subsection.
