

2003 SENATE BILL 271

October 8, 2003 – Introduced by Senators KANAVAS, WELCH, ZIEN, DECKER, BRESKE and LASSA, cosponsored by Representatives PETROWSKI, M. LEHMAN, HAHN, BIES, FRISKE, MONTGOMERY, GUNDERSON, HUBER, VAN ROY, HUNDERTMARK, AINSWORTH and SERATTI. Referred to Committee on Homeland Security, Veterans and Military Affairs and Government Reform.

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

Analysis by the Legislative Reference Bureau

Current law generally prohibits a person from selling alcohol beverages unless the seller possesses a license or permit authorizing the sale. A Class “A” license authorizes the license holder to sell at retail, from premises within the issuing municipality, fermented malt beverages (beer) in original packages for consumption off the licensed premises. A beer wholesaler’s license authorizes the license holder to sell to retailers or wholesalers, from premises within the issuing municipality, beer in original packages that may not be consumed on or about the wholesaler’s premises. As of May 5, 1994, municipalities may not issue a Class “A” license and a beer wholesaler’s license to the same person, but persons holding both a Class “A” license and a beer wholesaler’s license issued before that date may, with certain exceptions, continue to operate under both licenses.

Also under current law, with certain restrictions, the holder of an alcohol beverage license may transfer the license to another premises within the same municipality.

This bill allows a person who holds Class “A” and beer wholesaler’s licenses issued before May 5, 1994, to transfer both licenses together to a premises in another municipality within the same county upon approval of the transfer by the

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municipality receiving the transferred license. Upon approval of the transfer and payment of the transfer fee, the municipality receiving the transferred licenses must recognize the validity of the licenses. The bill allows such a transfer even if a Class “A” license has been suspended, revoked, or denied renewal if the suspension, revocation, or denial of renewal of the Class “A” license resulted from relocation of the licensed premises outside the issuing municipality.

For further information see the *state and 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.** 125.04 (12) (a) of the statutes is amended to read:

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

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

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1 125.25 (2) (b) 3. If Except as provided in subd. 4., if a person holding a Class
2 “A” license and a wholesaler’s license under subd. 2. fails to renew either license, is
3 denied renewal of either license under s. 125.12 or has either license suspended or
4 revoked under s. 125.12, the person is subject to subd. 1.

5 **SECTION 3.** 125.25 (2) (b) 4. of the statutes is created to read:

6 125.25 (2) (b) 4. Subject to s. 125.04 (12) (a), a person who holds a Class “A”
7 license and a wholesaler’s license issued under s. 125.28, both of which licenses were
8 issued before May 5, 1994, may transfer the licenses together to another premises
9 in a different municipality within the same county. An issuing municipality shall
10 transfer a Class “A” license under this subdivision, and, upon approval of the transfer
11 by the receiving municipality, the receiving municipality shall recognize the validity
12 of the license, even if, at the time of transfer, the license has been suspended,
13 revoked, or denied renewal under s. 125.12 provided that the suspension, revocation,
14 or denial of renewal resulted from the licensed premises being relocated outside the
15 corporate limits of the issuing municipality.

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

17 125.25 (3) Class “A” licenses shall particularly describe the premises for which
18 issued and are not transferable, except under sub. (2) (b) 4. and s. 125.04 (12). A Class
19 “A” license is subject to revocation for violation of any of the terms or provisions
20 thereof.

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

22 125.28 (2) (c) 2. If Except as provided in ss. 125.04 (12) (a) and 125.25 (2) (b)
23 4., if a person holding a wholesaler’s license and a license or permit under subd. 1.
24 fails to renew a license or permit, is denied renewal of a license or permit under s.
25 125.12 or has one of the licenses or permits suspended or revoked under s. 125.12,

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1 the person is subject to par. (b) with respect to holding a license or permit of that type
2 after the failure or denial of renewal or the revocation or suspension of the license
3 or permit.

4 **SECTION 6.** 125.28 (3) of the statutes is amended to read:

5 125.28 (3) Wholesalers' licenses shall particularly describe the premises for
6 which issued and are not transferable, except as provided in s. ss. 125.04 (12) and
7 125.25 (2) (b) 4. A wholesaler's license is subject to revocation for violation of any of
8 the terms or provisions thereof.

9 **SECTION 7. Initial applicability.**

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

12 (END)