

2005 Assembly Bill 775

Date of enactment: **March 1, 2006**
Date of publication*: **March 15, 2006**

2005 WISCONSIN ACT 115

AN ACT *to renumber and amend* 125.28 (1); and *to amend* 125.30 (1) and 125.34 (2) (a) of the statutes; **relating to: fermented malt beverages wholesalers.**

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

SECTION 1. 125.28 (1) of the statutes, as affected by 2005 Wisconsin Act (Assembly Bill 787), is renumbered 125.28 (1) (a) and amended to read:

125.28 (1) (a) ~~Every~~ Subject to par. (b), every municipal governing body may issue licenses to wholesalers for the sale of fermented malt beverages from premises within the municipality, which premises shall comply with the requirements under s. 125.34 (2). Subject to s. 125.34, a wholesaler's license authorizes sales of fermented malt beverages only in original packages or containers to retailers or wholesalers, not to be consumed in or about the wholesaler's premises where sold. ~~In the case of a foreign corporation or foreign limited liability company whose wholesale premises is located outside of this state,~~

(b) If a wholesaler does not maintain any warehouse in this state but is licensed and maintains a warehouse in an adjoining state that allows wholesalers licensed in this state to deliver fermented malt beverages to retailers in the adjoining state without warehousing in that state and that further requires that all fermented malt beverages be first unloaded at and distributed from the warehouse of the licensed wholesaler in that state, the wholesaler's license shall be issued by the governing body of the municipality in which some part of the wholesaler's busi-

ness is conducted in this state. Notwithstanding s. 125.04 (5) (a) 2. and (c) and (6), the municipal governing body may issue the wholesaler's license to a wholesaler described in this paragraph who is a natural person and not a resident of this state or that is a corporation or limited liability company and has not appointed an agent in this state.

(c) No additional license or permit is required for the solicitation of orders for sale to or by licensed wholesalers.

SECTION 2. 125.30 (1) of the statutes, as affected by 2005 Wisconsin Act (Assembly Bill 787), is amended to read:

125.30 (1) The department shall issue out-of-state shippers' permits which, except as provided in s. 125.34 (6) (c), authorize the permittee to ship fermented malt beverages only to holders of a wholesaler's license issued under s. 125.28. No Except with respect to any shipment from a warehouse in an adjoining state by a wholesaler issued a wholesale license under s. 125.28 (1) (b), no person may receive fermented malt beverages in this state which have been directly shipped from outside this state by any person other than the holder of a permit issued under this section. Subject to s. 125.34 (2) and (6) (c), all shipments of fermented malt beverages to a wholesaler of fermented malt beverages in this state, whether shipped to the wholesaler from inside this state or from

* Section 991.11, WISCONSIN STATUTES 2003-04 : 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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outside this state, shall be unloaded in and distributed from the wholesaler's warehouse in this state.

SECTION 3. 125.34 (2) (a) of the statutes, as created by 2005 Wisconsin Act (Assembly Bill 787), is amended to read:

125.34 (2) (a) No fermented malt beverages may be sold, transported, or delivered to a retailer unless, prior to such sale, transport, or delivery, the fermented malt beverages are first unloaded at and distributed from a wholesaler's warehouse premises covered by both a wholesaler's license issued under s. 125.28 and an alcohol beverage warehouse permit issued under s. 125.19, which premises shall be in this state and shall be a physi-

cally separate location from any retail premises or brewery premises. This paragraph does not apply to a wholesaler issued a wholesaler's license under s. 125.28 (1) (b) with respect to fermented malt beverages transported and delivered from a warehouse in an adjoining state unless the wholesaler's warehouse in the adjoining state is located on premises in the adjoining state used for the manufacture of fermented malt beverages.

SECTION 4. Initial applicability.

(1) This act first applies to fermented malt beverages wholesalers' licenses issued on the effective date of this subsection.
