

2005 ASSEMBLY BILL 619

1 **AN ACT** *to amend* 125.68 (4) (c) 1., 125.68 (4) (c) 3. and 125.68 (4) (c) 4.; and *to*
2 *create* 125.51 (3r) of the statutes; **relating to:** retail sales of wine by the bottle
3 in restaurants for consumption on and off the premises.

Analysis by the Legislative Reference Bureau

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

4 **SECTION 1.** 125.51 (3r) of the statutes is created to read:
5 125.51 **(3r)** SALES OF WINE BY THE BOTTLE IN RESTAURANTS. (a) Notwithstanding
6 subs. (3) (a) and (b) and (3m) (b), a “Class B” license or “Class C” license authorizes
7 the retail sale of wine in an opened original bottle, in a quantity not to exceed one
8 bottle, for consumption both on and off the premises where sold if all of the following
9 apply:

ASSEMBLY BILL 619**SECTION 1**

1 1. The licensed premises is a restaurant also operated under a “Class B” or
2 “Class C” license and the purchaser of the wine orders food to be consumed on the
3 licensed premises.

4 2. The licensee provides a dated receipt that identifies the purchase of the food
5 and the bottle of wine.

6 3. Prior to the opened, partially consumed bottle of wine being taken off the
7 licensed premises, the licensee securely reinserts the cork into the bottle to the point
8 where the top of the cork is even with the top of the bottle and the cork is reinserted
9 at a time other than during the time period specified in s. 125.68 (4) (c) 3.

10 (b) This subsection does not apply to a “Class B” license issued to a winery
11 under s. 125.51 (3) (am). Nothing in this subsection restricts a licensee’s
12 authorization for retail sales of wine under subs. (3) (a) and (b) and (3m) (b).

13 **SECTION 2.** 125.68 (4) (c) 1. of the statutes is amended to read:

14 125.68 (4) (c) 1. ~~No~~ Subject to subd. 3. and s. 125.51 (3r) (a) 3., no premises for
15 which a “Class B” license or permit or a “Class C” license has been issued may remain
16 open between the hours of 2 a.m. and 6 a.m., except as otherwise provided in this
17 subdivision and subd. 4. On January 1 premises operating under a “Class B” license
18 or permit are not required to close. On Saturday and Sunday, no premises may
19 remain open between 2:30 a.m. and 6 a.m. This subdivision does not apply to a “Class
20 B” license issued to a winery under s. 125.51 (3) (am).

21 **SECTION 3.** 125.68 (4) (c) 3. of the statutes is amended to read:

22 125.68 (4) (c) 3. Between 12 midnight and 6 a.m. no person may sell
23 intoxicating liquor on “Class B” licensed premises in an original unopened package,
24 container or bottle or for consumption away from the premises or on “Class C”
25 licensed premises as authorized under s. 125.51 (3r) (a). A municipal governing body

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1 may, by ordinance, impose more restrictive hours than are provided in this
2 subdivision except with respect to the sale of intoxicating liquor authorized under s.
3 125.51 (3r) (a). This subdivision does not apply to a “Class B” license issued to a
4 winery under s. 125.51 (3) (am).

5 **SECTION 4.** 125.68 (4) (c) 4. of the statutes is amended to read:

6 125.68 (4) (c) 4. Hotels and restaurants the principal business of which is the
7 furnishing of food, drinks or lodging to patrons, bowling centers, indoor
8 horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may
9 remain open for the conduct of their regular business but may not sell intoxicating
10 liquor during the closing hours under subd. 1. or, with respect to the sale of
11 intoxicating liquor authorized under s. 125.51 (3r) (a), under subd. 3.

12

(END)