2005 DRAFTING REQUEST

Bill

Received: 06/07/2005

Received: 06/07/2005 Wanted: As time permits					Received By: agary			
					Identical to LRB: By/Representing: Bill Savage (aide)			
For: Do	For: Donald Pridemore (608) 267-2367							
This fil	e may be shown	n to any legislat	tor: NO		Drafter: agary Addl. Drafters:			
May Co	ontact:							
Subject: Beverages					Extra Copies:			
Submit	via email: YES							
Reques	ter's email:	Rep.Pride	more@legis	s.state.wi.us				
Carbon	copy (CC:) to:							
Pre To	pic:		***************************************		: :			
No spec	cific pre topic g	iven						
Topic:	ng restaurant pa	trons to recork	and carry ou	t open bottles	of wine			
Instruc	ctions:	-		**************************************				
See Atta	ached							
Draftin	g History:							
Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required	
/?	agary 06/22/2005	kfollett 06/30/2005						
/P1			pgreensl 06/30/200	05	lnorthro 06/30/2005			
/1	agary 07/08/2005	kfollett 07/08/2005	pgreensl 07/11/200	05	sbasford 07/11/2005	mbarman 08/17/2005		
					*			

LRB-3162 08/17/2005 11:14:07 AM Page 2

FE Sent For:

<**END>**

(>) Not Needed

2005 DRAFTING REQUEST

Bill

Received: 06/07/2005 Wanted: As time permits For: Donald Pridemore (608) 267-2367					Received By: agary			
				Identical to LRB: By/Representing: Bill Savage (aide)				
								This file
May Cor	ntact:							
Subject: Beverages				Extra Copies:				
Submit v	via email: YES							
Requeste	er's email:	Rep.Pride	more@legis.	state.wi.us				
Carbon o	copy (CC:) to:							
Pre Top	oic:							
No speci	fic pre topic gi	ven						
Topic:			······································					
Allowing	g restaurant pat	trons to recork	and carry out	open bottles	s of wine			
Instruct	ions:							
See Atta	ched							
Drafting	g History:							
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required	
/?	agary 06/22/2005	kfollett 06/30/2005						
/P1			pgreensl 06/30/200	5	lnorthro 06/30/2005			
/1	agary 07/08/2005	kfollett 07/08/2005	pgreensl 07/11/200	5	sbasford 07/11/2005		c	

FE Sent For:

<**END>**

2005 DRAFTING REQUEST

Bill

FE Sent For:

Received: 06/07/2005 Received By: agary Wanted: As time permits Identical to LRB: For: Donald Pridemore (608) 267-2367 By/Representing: Bill Savage (aide) This file may be shown to any legislator: **NO** Drafter: agary May Contact: Addl. Drafters: Subject: **Beverages** Extra Copies: Submit via email: YES Requester's email: Rep.Pridemore@legis.state.wi.us Carbon copy (CC:) to: Pre Topic: No specific pre topic given Topic: Allowing restaurant patrons to recork and carry out open bottles of wine **Instructions:** See Attached **Drafting History:** Vers. **Drafted** Reviewed **Typed** Proofed Submitted Jacketed Required /? kfollett agary 06/22/2005 06/30/2005 /P1 pgreensl **Inorthro** 06/30/2005 06/30/2005

2005 DRAFTING REQUEST

Bill

Received: 06/07/2005 Received By: agary Wanted: As time permits Identical to LRB: For: Donald Pridemore (608) 267-2367 By/Representing: Bill Savage (aide) This file may be shown to any legislator: **NO** Drafter: agary May Contact: Addl. Drafters: Subject: **Beverages** Extra Copies: Submit via email: YES Requester's email: Rep.Pridemore@legis.state.wi.us Carbon copy (CC:) to: Pre Topic: No specific pre topic given Topic: Allowing restaurant patrons to recork and carry out open bottles of wine **Instructions:** See Attached **Drafting History:** Vers. Drafted Reviewed Typed Proofed **Submitted** Jacketed Required

FE Sent For:

agary

/?

<END>



Notes

800-728-7788 www.wisbar.org/cle/seminars/

www.wisbar.org/cle/seminars/	
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Hc Bill Savase 7-2368	1462
- Nep. Guidmore?	
- taking over wine bottle doct for Rep. Rhon	to go ades
· Kevin Moore	
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· have to order food -	> .
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2005 - 2006 LEGISLATURE

LRB-1462/P1
ARG:kjf:ff

in 6/22

(KM NR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION



AN ACTIVITY 1945 ORT

AN ACT to amend 346.935 (3); and to create 125.51 (3r) of the statutes; relating

to: retail sales of wine by the bottle in restaurants for consumption on and off

the premises and possession of an open container of alcohol beverages in a

motor vehicle.

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Analysis by the Legislative Reference Bureau

Under current law, alcohol beverages are generally distributed to consumers under a three-tier distribution system: a manufacturer may sell only to a wholesaler or rectifier (a person who blends, refines, or purifies distilled spirits or wines); a wholesaler or rectifier may sell only to a wholesaler or retailer; and a retailer may sell only to a consumer. With specific exceptions, no person may sell outside the three-tier system and no person may sell alcohol beverages to a consumer unless the seller possesses a license or permit authorizing the sale. A "Class B" license authorizes the retail sale of intoxicating liquor, including wine, for consumption on the premises where sold "by the glass and not in the original package or container" and authorizes the sale of wine "in the original package or container in any quantity to be consumed off the premises where sold." However, if a municipal ordinance has been adopted, a "Class B" license authorizes the sale of intoxicating liquor to be consumed "by the glass only on the premises where sold," authorizes the sale of intoxicating liquor for consumption off the premises subject to certain limitations, and authorizes the sale of wine "for consumption off the premises in the original package or otherwise in any quantity." (A 1953 attorney general memorandum interpreted the "by the glass" language applicable to intoxicating liquor retailers to

allow sales of open bottles of intoxicating liquor if the intoxicating liquor is consumed by the glass.) A "Class C" license authorizes the retail sale of wine "by the glass or in an opened original container for consumption on the premises where sold."

This bill authorizes a "Class B" or "Class C" licensee that operates a restaurant on the licensed premises to sell wine by the open bottle, for consumption both on and off the licensed premises, in a quantity not to exceed one bottle, if all of the following apply:

1. The licensed premises is also operated under a restaurant permit issued by the Department of Health and Family Services or a local health department and the principal business conducted on the premises is that of a restaurant.

2. The purchaser of the wine consumes a meal on the licensed premises, the wine is purchased in connection with the meal, and a portion of the wine from the bottle is consumed with the meal on the licensed premises

23. The licensee provides a dated receipt at the conclusion of the meal that identifies the purchase of the meal and bottle of wine and states that the bottle of wine was purchased in connection with the meal.

3.4. Prior to the opened, partially consumed bottle of wine being taken off the licensed premises, the licensee securely reseals the bottle, places the resealed bottle in a tamper-proof transport bag, and securely seals the bag.

5. The licensee affixes a written notice to the tamper-proof transport bag that unsealing the bag and transporting an opened bottle of wine in a vehicle might result in a violation of the state's motor vehicle open container law.

The bill/specifically provides that it does not restrict any existing authorization under current law for a licensee to make retail sales of wine for on-premises or off-premises consumption.

Current law prohibits a motor vehicle owner or driver from having an open bottle or receptacle (bottle) containing alcohol beverages in the vehicle on a highway if the bottle has been opened, the seal has been broken, or the contents of the bottle have been partially removed. This prohibition does not apply to a bottle kept in the trunk or, if the vehicle has no trunk, in another area of the vehicle not normally occupied by the driver or passengers.

Under this bill, this prohibition does not apply to a bottle of wine sealed as described in item 4., above, if the owner or driver of the motor vehicle presents a receipt described in item 3., above, bearing a date within one day before the date that the receipt is inspected.

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

Section 1. 125.51 (3r) of the statutes is created to read:

125.51 (3r) SALES OF WINE BY THE BOTTLE IN RESTAURANTS. (a) In this subsection:

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1. "Meal" means a diversified selection of food that is customarily consumed as 1 2 a lunch or dinner, that may not easily be consumed without an article of tableware, and that may not conveniently be consumed while standing or walking. 3 2. "Tamper-proof transport bag" means a sealable, transparent bag that, once 4 sealed, cannot be opened and then resealed, prevents access to the contents within 5 6 the bag, and displays readily ascertainable signs if the seal is broken. 7 $0 \neq (b)$ Notwithstanding subs. (3) (a) and (b) and (3m) (b), a "Class B" license or 8 "Class C" license authorizes the retail sale of wine in an opened original bottle, in a 9 quantity not to exceed one bottle, for consumption both on and off the premises where 10 sold if all of the following apply: 1. The licensed premises is operated under both a "Class B" or "Class C" license 11 12 and a restaurant permit under s. 254.64 and the principal business conducted on the - orders food to be 13 premises is that of a restaurant, and 14 The purchaser of the wine consumes a meal on the licensed premises, the $\sqrt{15}$ wine is purchased in connection with the meal, and a portion of the wine from the bottle is consumed with the meal on the licensed premises. 16 3. The licensee provides a dated receipt at the conclusion of the meal that 17 18 identifies the purchase of the meal and bottle of wine and states that the bottle of wine was purchased in connection with the meal. 19 Frior to the opened, partially consumed bottle of wine being taken off the 20) (21)licensed premises, the licensee securely reseals the bottle, places the resealed bottle 22 in a tamper-proof transport bag, and securely seals the bag. 23 5. The licensee affixes a written notice to the tamper-proof transport bag that unsealing the bag and transporting an opened bottle of wine in a vehicle might result 24 25 in a violation of s. 346.395.

Mxxt 4-1

Nothing in this subsection restricts a licensee's authorization for retail sales of wine under subs. (3) (a) and (b) and (3m) (b).

SECTION 2. 346.935 (3) of the statutes is amended to read:

346.935 (3) The owner of a privately owned motor vehicle, or the driver of the vehicle if the owner is not present in the vehicle, shall not keep, or allow to be kept in the motor vehicle when it is upon a highway any bottle or receptacle containing alcohol beverages or nitrous oxide if the bottle or receptacle has been opened, the seal has been broken or the contents of the bottle or receptacle have been partially removed or released. This subsection does not apply if the bottle or receptacle is kept in the trunk of the vehicle or, if the vehicle has no trunk, in some other area of the vehicle not normally occupied by the driver or passengers. A utility compartment or glove compartment is considered to be within the area normally occupied by the driver and passengers. This subsection does not apply to a bottle of wine sealed as provided in s. 125.51 (3r) (b) 4. if the owner or driver of the motor vehicle presents a receipt described in s. 125.51 (3r) (b) 3. bearing a date that is no more than one day prior to the date that the receipt is inspected.

SECTION 3. Initial applicability.

(1) The treatment of section 346.935 (3) of the statutes first applies to offenses committed on the effective date of this subsection.

(END)



2005–2006 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

INSERT ANAL-A:

Under current law, with exceptions, no premises for which a "Class B" license or permit or a "Class C" license has been issued may remain open between the hours of 2 a.m. and 6 a.m. These closing hours may not be altered by a municipality. Restaurants may remain open for the conduct of their regular business but may not sell intoxicating liquor during these closing hours. Between 12 midnight and 6 a.m. no person may sell intoxicating liquor on "Class B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises, but a municipal governing body may adopt an ordinance imposing more restrictive hours. Also under current law, no premises for which a "Class A" license (authorizing the retail sale of intoxicating liquor for consumption off the premises in original packages and containers) has been issued, and no winery for which a "Class B" license has been issued, may remain open for the sale of intoxicating liquor between the hours of 9 p.m. and 8 a.m.

INSERT ANAL-B:

reinserts the cork into the bottle to the point where the top of the cork is even with the top of the bottle and the cork is not reinserted between the hours of 12 midnight and 6 a.m. or during the time period specified by municipal ordinance for closing hours of a "Class B" licensed premises.

INSERT ANAL-C:

The provisions of the bill do not apply to a "Class B" license issued to a winery.

INSERT ANAL-D:

The bill also clarifies that the closing hours provisions that currently apply to a "Class B" licensee for off-premises sales apply to sales authorized under the bill.

INSERT 3-21:

reinserts the cork into the bottle to the point where the top of the cork is even with the top of the bottle and the cork is reinserted at a time other than during the time period specified in s. 125.68 (4) (c) 3. or imposed by a municipal ordinance adopted under s. 125.68 (4) (c) 3.

INSERT 4-1:

(b) This subsection does not apply to a "Class B" license issued to a winery under s. 125.51 (3) (am).

INSERT 4-3:

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

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

History: 1981 c. 79, 158, 202; 1983 a. 74; 1983 a. 189 s. 329 (6); 1983 a. 203 s. 47; 1983 a. 349; 1985 a. 28, 221, 317; 1987 a. 27, 121, 399; 1989 a. 30, 253; 1991 a. 28, ; 1993 a. 27, 112; 1995 a. 27 s. 9126 (19); 1997 a. 283; 2001 a. 16, 109. **SECTION 2.** 125.68 (4) (c) 3. of the statutes is amended to read:

125.68 (4) (c) 3. Between 12 midnight and 6 a.m. no person may sell intoxicating liquor on "Class B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises or on "Class C" licensed premises as authorized under s. 125.51 (3r) (a). A municipal governing body may, by ordinance, impose more restrictive hours than are provided in this subdivision. This subdivision does not apply to a "Class B" license issued to a winery under s. 125.51 (3) (am).

History: 1981 c. 79, 158, 202; 1983 a. 74; 1983 a. 189 s. 329 (6); 1983 a. 203 s. 47; 1983 a. 349; 1985 a. 28, 221, 317; 1987 a. 27, 121, 399; 1989 a. 30, 253; 1991 a. 28, 39; 1993 a. 27, 112; 1995 a. 27 s. 9126 (19); 1997 a. 283; 2001 a. 16, 109.

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

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

History: 1981 c. 79, 158, 202; 1983 a. 74; 1983 a. 189 s. 329 (6); 1983 a. 203 s. 47; 1983 a. 349; 1985 a. 28, 221, 317; 1987 a. 27, 121, 399; 1989 a. 30, 253; 1991 a. 28, 39; 1993 a. 27, 112; 1995 a. 27 s. 9126 (19); 1997 a. 283; 2001 a. 16, 109.

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-3162/P1dn ARG:....

Oute

ATTN: Bill Savage

Please review the attached draft carefully to ensure that it is consistent with your intent. In terms of the closing hours issue, I would like to avoid any ambiguity as to when the closing hours apply. Assuming no local ordinance, should a restaurant patron be permitted to order the wine at 11:30 pm and then recork the bottle and carry it off-premises at 1:00 am? Does the sale occur at the time the wine is ordered or at the time the meal and wine are paid for? To avoid ambiguity, I have included a provision that the bottle must be recorked by the time that the applicable closing hours in the municipality begin. Is this consistent with your intent?

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary Legislative Attorney Phone: (608) 261–6926

E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-3162/P1dn ARG:kjf:pg

June 30, 2005

ATTN: Bill Savage

Please review the attached draft carefully to ensure that it is consistent with your intent. In terms of the closing hours issue, I would like to avoid any ambiguity as to when the closing hours apply. Assuming no local ordinance, should a restaurant patron be permitted to order the wine at 11:30 p.m. and then recork the bottle and carry it off-premises at 1:00 a.m.? Does the sale occur at the time the wine is ordered or at the time the meal and wine are paid for? To avoid ambiguity, I have included a provision that the bottle must be recorked by the time that the applicable closing hours in the municipality begin. Is this consistent with your intent?

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary Legislative Attorney Phone: (608) 261–6926

E-mail: aaron.gary@legis.state.wi.us

STATE OF WISCONSIN – LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

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Bill - Rep. Pridemore	
LRB - 3/62 -	→ "// "
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- place corte in be over i de aun	local laws
	Wisconsin Legislative Reference Bureau

Gary, Aaron

From:

Gary, Aaron

Sent:

Friday, July 08, 2005 1:02 PM

To:

Savage, Bill

Subject:

RE: LRB-3162: wine recorking

Thanks. I'm putting it into editing now.

Aaron R. Gary Legislative Attorney Legislative Reference Bureau 608.261.6926 (voice) 608.264.6948 (fax) aaron.gary@legis.state.wi.us

----Original Message-----

From:

Savage, Bill

Sent:

Friday, July 08, 2005 1:00 PM

To:

Gary, Aaron

Subject:

RE: LRB-3162: wine recorking

No more than one per person.

From:

Gary, Aaron

Sent:

Friday, July 08, 2005 12:59 PM

To:

Savage, Bill

Subject:

RE: LRB-3162: wine recorking

I'm not sure where this leaves us with regard to the redraft. As drafted now ("/P1"), every couple or every person could order their own bottle. With the change that I understood was suggested over the phone, the result would be that a table of 4 could potentially order 16 bottles (each person could order up to 4 bottles). Should I leave the draft as is or make the change? Thanks. Aaron

Aaron R. Gary Legislative Attorney Legislative Reference Bureau 608.261.6926 (voice) 608.264.6948 (fax) aaron.gary@legis.state.wi.us

----Original Message----

From: Savage, Bill

Sent: Frida

Friday, July 08, 2005 12:51 PM

To: Gary, Aaron

Subject: RE: LRB-3162: wine recorking

Aaron, We simply did not want to limit the number of bottles to one if there was several diners at one table. Thanks, Bill

From: Gary, Aaron Sent: Friday, July

Friday, July 08, 2005 11:01 AM

To: Savage, Bill

Subject: LRB-3162: wine recorking

Bill.

I am making the changes to this draft. With regard to the quantity limitation, I believe the draft already does what you want (if I understand what you want correctly). Under the "/P1" version of this bill, each person who ordered food could purchase one bottle of wine to consume with the food and to recork and remove from the restaurant. (Because of the receipt requirement, the person would have to ask for a separate check.) So under the "/P1" version, two couples of legal drinking age could order two bottles of wine if each couple asked for a

separate check (or even four bottles of wine if there were four receipts). Is this what you intended?

Aaron R. Gary Legislative Attorney Legislative Reference Bureau 608.261.6926 (voice) 608.264.6948 (fax) aaron.gary@legis.state.wi.us



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State of Misconsin 2005 - 2006 LEGISLATURE



LRB-3162/PA



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION





AN ACT to amend 125.68 (4) (c) 1., 125.68 (4) (c) 3. and 125.68 (4) (c) 4.; and to

create 125.51 (3r) of the statutes; **relating to:** retail sales of wine by the bottle in restaurants for consumption on and off the premises.

Analysis by the Legislative Reference Bureau

Under current law, alcohol beverages are generally distributed to consumers under a three-tier distribution system: a manufacturer may sell only to a wholesaler or rectifier (a person who blends, refines, or purifies distilled spirits or wines); a wholesaler or rectifier may sell only to a wholesaler or retailer; and a retailer may sell only to a consumer. With specific exceptions, no person may sell outside the three-tier system and no person may sell alcohol beverages to a consumer unless the seller possesses a license or permit authorizing the sale. A "Class B" license authorizes the retail sale of intoxicating liquor, including wine, for consumption on the premises where sold "by the glass and not in the original package or container" and authorizes the sale of wine "in the original package or container in any quantity to be consumed off the premises where sold." However, if a municipal ordinance has been adopted, a "Class B" license authorizes the sale of intoxicating liquor to be consumed "by the glass only on the premises where sold," authorizes the sale of intoxicating liquor for consumption off the premises subject to certain limitations, and authorizes the sale of wine "for consumption off the premises in the original package or otherwise in any quantity." (A 1953 attorney general memorandum interpreted the "by the glass" language applicable to intoxicating liquor retailers to allow sales of open bottles of intoxicating liquor if the intoxicating liquor is consumed by the glass.) A "Class C" license authorizes the retail sale of wine "by the glass or in an opened original container for consumption on the premises where sold."

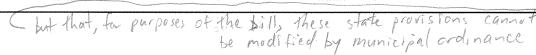
Under current law, with exceptions, no premises for which a "Class B" license or permit or a "Class C" license has been issued may remain open between the hours of 2 a.m. and 6 a.m. These closing hours may not be altered by a municipality. Restaurants may remain open for the conduct of their regular business but may not sell intoxicating liquor during these closing hours. Between 12 midnight and 6 a.m. no person may sell intoxicating liquor on "Class B" licensed premises in an original unopened package, container, or bottle or for consumption away from the premises, but a municipal governing body may adopt an ordinance imposing more restrictive hours. Also under current law, no premises for which a "Class A" license (authorizing the retail sale of intoxicating liquor for consumption off the premises in original packages and containers) has been issued, and no winery for which a "Class B" license has been issued, may remain open for the sale of intoxicating liquor between the hours of 9 p.m. and 8 a.m.

This bill authorizes a "Class B" or "Class C" licensee that operates a restaurant on the licensed premises to sell wine by the open bottle, for consumption both on and off the licensed premises, in a quantity not to exceed one bottle, if all of the following apply:

- 1. The purchaser of the wine orders food to be consumed on the licensed premises.
- 2. The licensee provides a dated receipt that identifies the purchase of the food and the bottle of wine.
- 3. Prior to the opened, partially consumed bottle of wine being taken off the licensed premises, the licensee securely reinserts the cork into the bottle to the point where the top of the cork is even with the top of the bottle and the cork is not reinserted between the hours of 12 midnight and 6 a.m. or during the time period specified by municipal ordinance for closing hours of a "Class B" licensed premises.

The provisions of the bill do not apply to a "Class B" license issued to a winery. The bill also specifically provides that it does not restrict any existing authorization under current law for a licensee to make retail sales of wine for on-premises or off-premises consumption. ____ specifies - State

The bill also clarifies that the closing hours provisions that currently apply to a "Class B" licensee for off-premises sales apply to sales authorized under the bill



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

SECTION 1. 125.51 (3r) of the statutes is created to read:

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125.51 (3r) Sales of wine by the bottle in restaurants. (a) Notwithstanding subs. (3) (a) and (b) and (3m) (b), a "Class B" license or "Class C" license authorizes the retail sale of wine in an opened original bottle, in a quantity not to exceed one

)

[12]

- bottle, for consumption both on and off the premises where sold if all of the following
 apply:
 - 1. The licensed premises is a restaurant also operated under a "Class B" or "Class C" license and the purchaser of the wine orders food to be consumed on the licensed premises.
 - 2. The licensee provides a dated receipt that identifies the purchase of the food and the bottle of wine.
 - 3. Prior to the opened, partially consumed bottle of wine being taken off the licensed premises, the licensee securely reinserts the cork into the bottle to the point where the top of the cork is even with the top of the bottle and the cork is reinserted at a time other than during the time period specified in s. 125.68 (4) (c) 3. Or imposed by a municipal ordinance adopted under s, 125.68 (4) (c) 3.
 - (b) This subsection does not apply to a "Class B" license issued to a winery under s. 125.51 (3) (am). Nothing in this subsection restricts a licensee's authorization for retail sales of wine under subs. (3) (a) and (b) and (3m) (b).

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

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

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

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1	125.68 (4) (c) 3. Between 12 midnight and 6 a.m. no person may sell
2	intoxicating liquor on "Class B" licensed premises in an original unopened package,
3	container or bottle or for consumption away from the premises or on "Class C"
4	licensed premises as authorized under s. 125.51 (3r) (a). A municipal governing body
5	may, by ordinance, impose more restrictive hours than are provided in this
6	subdivision. This subdivision does not apply to a "Class B" license issued to a winery
7	under s, 125.51 (3) (am).

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

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

15 (END)

except with respect to the sale of Intoxicating liquor authorized under 5, 125.51 (3r) (a)

Barman, Mike

From:

Savage, Bill

Sent:

Wednesday, August 17, 2005 10:52 AM

To:

LRB.Legal

Subject:

Draft review: LRB 05-3162/1 Topic: Allowing restaurant patrons to recork and carry out open

bottles of wine

It has been requested by <Savage, Bill> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-3162/1 Topic: Allowing restaurant patrons to recork and carry out open bottles of wine