

1 125.05 (1) (d) ~~Wholesalers' licenses permits.~~ If the election results prohibit the
2 retail sale of fermented malt beverages, the ~~municipality may nevertheless issue~~
3 ~~wholesalers' licenses to qualified persons on the~~ department shall include as a
4 condition of any wholesaler's permit issued under s. 125.28 for a premises within the
5 municipality that the wholesaler may not sell or deliver fermented malt beverages
6 within the municipality to any person residing therein.

7 **SECTION 2604bL.** 125.07 (3) (a) 3. of the statutes is amended to read:

8 125.07 (3) (a) 3. Hotels, drug stores, grocery stores, bowling centers, movie
9 theaters, billiards centers having on the premises 12 or more billiards tables that are
10 not designed for coin operation and that are 8 feet or longer in length, indoor golf
11 simulator facilities, service stations, vessels, cars operated by any railroad, regularly
12 established athletic fields, outdoor volleyball courts that are contiguous to a licensed
13 premises, stadiums, public facilities as defined in s. 125.51 (5) (b) 1. d. which are
14 owned by a county or municipality or centers for the visual or performing arts.

15 **SECTION 2604bm.** 125.07 (3) (a) 13. of the statutes is amended to read:

16 125.07 (3) (a) 13. An underage person who enters or remains in a banquet or
17 hospitality room on brewery premises ~~operated under a Class "B" or "Class B" license~~
18 for the purpose of attending a brewery tour.

19 **SECTION 2604bo.** 125.10 (4) of the statutes is amended to read:

20 125.10 (4) REGULATION OF CLOSED RETAIL PREMISES. A municipality may not
21 prohibit the permittee, licensee, employees, salespersons, employees of wholesalers
22 licensed issued a permit under s. 125.28 (1) or 125.54 (1); employees of permittees
23 under s. 125.295 with respect to the permittee's own retail premises; or service
24 personnel from being present on premises operated under a Class "A", "Class A" or
25 "Class C" license or under a Class "B" or "Class B" license or permit during hours

1 when the premises are not open for business if those persons are performing
2 job-related activities.

3 **SECTION 2604bs.** 125.25 (1) of the statutes is amended to read:

4 125.25 (1) Every municipal governing body may issue Class "A" licenses for the
5 sale of fermented malt beverages from premises within the municipality. ~~Subject to~~
6 ~~s. 125.34 (5) and (6), a~~ A Class "A" license authorizes retail sales of fermented malt
7 beverages for consumption off the premises where sold and in original packages,
8 containers, and bottles. A Class "A" license also authorizes the licensee to provide,
9 free of charge, to customers and visitors who have attained the legal drinking age
10 fermented malt beverages taste samples that are not in original packages,
11 containers, or bottles and that do not exceed 3 fluid ounces each, for consumption on
12 the Class "A" premises. No Class "A" licensee may provide more than 2 taste samples
13 per day to any one person. Taste samples may be provided under this subsection only
14 between the hours of 11 a.m. and 7 p.m. Any other provision of this chapter
15 applicable to retail sales of fermented malt beverages by a Class "A" licensee also
16 applies to the provision of taste samples, free of charge, of fermented malt beverages
17 by a Class "A" licensee. A license may be issued after July 1. That license shall expire
18 on the following June 30.

19 **SECTION 2604bu.** 125.25 (2) (b) 1. of the statutes is amended to read:

20 125.25 (2) (b) 1. ~~Beginning on May 5, 1994, a~~ A Class "A" license may not be
21 issued to a person holding a wholesaler's license permit issued under s. 125.28 or to
22 a person who has a direct or indirect ownership interest in a premises operating
23 under a wholesaler's license permit issued under s. 125.28.

24 **SECTION 2604db.** 125.25 (2) (b) 2., 3. and 4. of the statutes are repealed.

25 **SECTION 2604dd.** 125.25 (3) of the statutes is amended to read:

1 125.25 (3) Class “A” licenses shall particularly describe the premises for which
2 issued and are not transferable, except under ~~sub. (2) (b) 4.~~ and s. 125.04 (12). A Class
3 “A” license is subject to revocation for violation of any of the terms or provisions
4 thereof.

5 **SECTION 2604df.** 125.26 (1) of the statutes is amended to read:

6 125.26 (1) Every municipal governing body may issue Class “B” licenses for the
7 sale of fermented malt beverages from premises within the municipality and may
8 authorize an official or body of the municipality to issue temporary Class “B” licenses
9 under sub. (6). ~~Subject to s. 125.34 (5) and (6), a~~ A Class “B” license authorizes retail
10 sales of fermented malt beverages to be consumed either on the premises where sold
11 or off the premises. A license may be issued after July 1. That license shall expire
12 on the following June 30. Persons holding a Class “B” license may sell beverages
13 containing less than 0.5% of alcohol by volume without obtaining a license under s.
14 66.0433 (1).

15 **SECTION 2604dh.** 125.26 (2) (b) 1. of the statutes is amended to read:

16 125.26 (2) (b) 1. Except as provided in ~~ss. s. 125.295 and 125.31,~~ Class “B”
17 licenses may not be issued to brewers or brewpubs.

18 **SECTION 2604dj.** 125.26 (2) (b) 2. a. of the statutes is renumbered 125.26 (2)
19 (b) 2. and amended to read:

20 125.26 (2) (b) 2. ~~Except as provided in s. 125.29, beginning on May 5, 1994, a~~
21 A Class “B” license may not be issued to a person holding a wholesaler’s license
22 permit issued under s. 125.28 or to a person who has a direct or indirect ownership
23 interest in a premises operating under a wholesaler’s license permit issued under s.
24 125.28.

25 **SECTION 2604dm.** 125.26 (2) (b) 2. b. and c. of the statutes are repealed.

1 **SECTION 2604do.** 125.275 (2) (b) 1. of the statutes is renumbered 125.275 (2)
2 (b) and amended to read:

3 125.275 (2) (b) ~~Beginning on May 5, 1994, an~~ An industrial fermented malt
4 beverages permit may not be issued to a person holding a wholesaler's license permit
5 issued under s. 125.28 or to a person who has a direct or indirect ownership interest
6 in a premises operating under a wholesaler's license permit issued under s. 125.28.

7 **SECTION 2604dp.** 125.275 (2) (b) 2. and 3. of the statutes are repealed.

8 **SECTION 2604dq.** 125.28 (title) of the statutes is amended to read:

9 **125.28 (title) Wholesalers' licenses permits.**

10 **SECTION 2604ds.** 125.28 (1) of the statutes is amended to read:

11 125.28 (1) (a) Subject to par. (b), ~~every municipal governing body the~~
12 department may issue licenses permits to wholesalers for the sale of fermented malt
13 beverages from premises within ~~the municipality~~ this state, which premises shall
14 comply with the requirements under s. 125.34 (2). Subject to s. 125.34, and except
15 as provided in pars. (e) and (f), a wholesaler's license permit authorizes sales of
16 fermented malt beverages only in original packages or containers to retailers or
17 wholesalers, ~~not to be consumed in or about the wholesaler's premises.~~

18 (b) If a wholesaler does not maintain any warehouse in this state but is licensed
19 and maintains a warehouse in an adjoining state that allows wholesalers licensed
20 holding a wholesaler's permit in this state to deliver fermented malt beverages to
21 retailers in the adjoining state without warehousing in that state and that further
22 requires that all fermented malt beverages be first unloaded and physically at rest
23 at, and distributed from, the warehouse of the licensed wholesaler in that state, the
24 wholesaler's license permit shall be issued by the ~~governing body of the municipality~~
25 ~~in which some part of the wholesaler's business is conducted in this state~~

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

6 (c) No additional license or permit is required for the solicitation of orders for
7 sale to or by ~~licensed~~ wholesalers holding a permit under this section.

8 (d) Wholesalers ~~licensed~~ holding a permit under this section, employees of such
9 wholesalers, and individuals representing such wholesalers may not provide or
10 participate in providing taste samples under ss. 125.25 (1) and 125.33 (12).

11 **SECTION 2604du.** 125.28 (1) (e) and (f) of the statutes are created to read:

12 125.28 (1) (e) Notwithstanding ss. 125.04 (9) and 125.09 (1), if a wholesaler was
13 issued a retail license prior to January 1, 2011, then the wholesaler may, under its
14 wholesaler's permit, continue to sell at retail fermented malt beverages to
15 individuals as was permitted under the previously issued retail license.

16 (f) A wholesaler's permit authorizes the wholesaler to sell or give fermented
17 malt beverages to its employees. Fermented malt beverages may be consumed on a
18 wholesaler's premises at events not open to the general public.

19 **SECTION 2604ed.** 125.28 (2) (a) of the statutes is amended to read:

20 125.28 (2) (a) A wholesaler's license permit may be issued to any person
21 qualified under s. 125.04 (5) except a person acting as an agent for, or in the employ
22 of, another person. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to
23 complete a responsible beverage server training course to be qualified for a ~~license~~
24 permit under this section.

25 **SECTION 2604ef.** 125.28 (2) (b) (intro.) of the statutes is amended to read:

1 125.28 (2) (b) (intro.) ~~Except as provided in par. (c) and s. 125.29, beginning on~~
2 ~~May 5, 1994, a~~ A wholesaler's license permit may not be issued to any of the
3 following:

4 **SECTION 2604eg.** 125.28 (2) (b) 1. b. and c. and 2. of the statutes are amended
5 to read:

6 125.28 (2) (b) 1. b. A Class "B" license issued under s. 125.26, ~~except as provided~~
7 ~~in s. 125.29 (4).~~

8 c. A Class "B" permit issued under s. 125.27, ~~except as provided in s. 125.29 (4).~~

9 2. ~~A~~ Except as provided in s. 125.33 (2m), a person who has a direct or indirect
10 ownership interest in a premises operating under one or more of the licenses or
11 permits listed in subd. 1. a. to e. f.

12 **SECTION 2604eh.** 125.28 (2) (b) 1. f. of the statutes is created to read:

13 125.28 (2) (b) 1. f. A brewer's permit issued under s. 125.29.

14 **SECTION 2604ej.** 125.28 (2) (c) of the statutes is repealed.

15 **SECTION 2604em.** 125.28 (2) (d) and (e) of the statutes are created to read:

16 125.28 (2) (d) Notwithstanding par. (b) 1. f. and 2., a wholesaler may not hold
17 any ownership interest in any brewer, except a wholesaler that holds an ownership
18 interest in a brewer on the effective date of this paragraph [LRB inserts date], may
19 continue to hold that interest.

20 (e) 1. Any person holding an unexpired wholesaler's license issued under s.
21 125.28, 2009 stats., prior to January 1, 2012, shall be treated as holding a valid
22 wholesaler's permit under this section until January 1, 2013. On January 1, 2013,
23 all wholesaler's licenses issued under s. 125.28, 2009 stats., shall be void.

24 2. After January 1, 2012, the department shall issue to each person holding an
25 unexpired wholesaler's license issued under s. 125.28, 2009 stats., a wholesaler's

1 permit if the person does not hold a license or permit prohibited under par. (b). The
2 issuance of a wholesaler's permit by the department to any person shall invalidate
3 any previous wholesaler's license issued under s. 125.28, 2009 stats., to the person.

4 **SECTION 2604eo.** 125.28 (3) of the statutes is amended to read:

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

9 **SECTION 2604eq.** 125.28 (4) of the statutes is amended to read:

10 125.28 (4) The amount of the ~~license~~ permit fee shall be ~~determined~~ established
11 by the ~~municipal governing body issuing the license but~~ department and shall be an
12 amount that is sufficient to fund one special agent position dedicated to alcohol and
13 tobacco enforcement at the department, but the permit fee may not exceed \$25
14 \$2,500 per year or fractional part thereof. All permit fees received under this
15 subsection shall be credited to the appropriation account under s. 20.566 (1) (hd).

16 **SECTION 2604es.** 125.28 (5) of the statutes is created to read:

17 125.28 (5) (a) The premises described in a permit issued under this section
18 shall be capable of warehousing fermented malt beverages. Any fermented malt
19 beverages sold by the wholesaler shall be physically unloaded at the premises
20 described in the permit, or at any warehouse premises for which the wholesaler also
21 holds a permit under this section and a permit issued under s. 125.19, prior to being
22 delivered to a retail licensee or to another wholesaler.

23 (b) A wholesaler under this section shall annually sell and deliver fermented
24 malt beverages to at least 25 retail licensees or other wholesalers that do not have
25 any direct or indirect interest in each other or in the wholesaler. The department

1 may not issue a permit under this section unless the applicant represents to the
2 department an intention to satisfy this requirement, and may not renew a permit
3 issued under this section unless the wholesaler demonstrates that this requirement
4 has been satisfied.

5 (c) No fermented malt beverages retail licensee or wholesaler may receive a
6 benefit from a violation under par. (a) or (b) with knowledge of the circumstances
7 giving rise to the violation.

8 (d) 1. A wholesaler that violates this subsection shall be fined not more than
9 \$10,000. In addition, a court shall order the wholesaler to forfeit an amount equal
10 to any profit gained by the wholesaler or retail licensee that violates par. (c), or by
11 both, resulting from the violation, and the court shall further order that the
12 wholesaler's permit be revoked.

13 2. A court shall order a retail licensee or wholesaler that violates this
14 subsection to forfeit an amount equal to any profit gained by the retail licensee or
15 wholesaler resulting from the violation, and the court shall further order that the
16 retail license or wholesaler's permit be revoked.

17 3. This paragraph shall not affect the authority of any municipality or the
18 department to revoke, suspend, or refuse to renew or issue a license or permit under
19 s. 125.12.

20 (e) The department shall promulgate rules to administer and enforce the
21 requirements under this subsection. The rules shall ensure coordination between
22 the department's issuance and renewal of permits under this section and its
23 enforcement of the requirements of this subsection, and shall require that all
24 applications for issuance or renewal of permits under this section be processed by
25 department personnel generally familiar with activities of fermented malt beverages

1 wholesalers. The department shall establish by rule minimum requirements for
2 warehouse facilities on premises described in permits issued under this section and
3 for periodic site inspections by the department of such warehouse facilities.

4 **SECTION 2604eu.** 125.29 (1) of the statutes is amended to read:

5 125.29 (1) PERMIT. No person may operate as a brewer unless that person
6 obtains a permit from the department. ~~Each wholesaler required to register under~~
7 ~~s. 139.09 shall obtain a permit under this subsection.~~ A permit under this section
8 may only be issued to a person who holds a valid certificate issued under s. 73.03 (50).

9 **SECTION 2604fc.** 125.29 (2) (title) of the statutes is repealed and recreated to
10 read:

11 125.29 (2) (title) INTEREST RESTRICTIONS.

12 **SECTION 2604fe.** 125.29 (2) of the statutes is renumbered 125.29 (2) (a) and
13 amended to read:

14 125.29 (2) (a) ~~Except as provided in s. 125.31, no~~ No person holding a Class "A"
15 license, Class "B" license or permit, or wholesaler's permit issued under this chapter
16 may register as a brewer.

17 **SECTION 2604fg.** 125.29 (2) (b) of the statutes is created to read:

18 125.29 (2) (b) 1. Except as provided in subd. 2. or 3., no brewer may hold any
19 ownership interest in any wholesaler.

20 2. A brewer may hold an ownership interest of less than 50 percent in a
21 wholesaler if this ownership interest will not occur for more than 3 years.

22 3. If a wholesaler that has been granted distribution rights by a brewer for a
23 brand in a designated sales territory is unable to service the designated sales
24 territory for any reason, including the discontinuation of the wholesaler's
25 distribution rights, bankruptcy, or criminal prosecution of the wholesaler in

1 connection with operation of the wholesaler, and the reason is not the result of an
2 action by the brewer, then a brewer shall be allowed, for a period of not more than
3 one year, to take temporary control and operation of the wholesaler.

4 **SECTION 2604fi.** 125.29 (3) of the statutes is repealed and recreated to read:

5 125.29 (3) AUTHORIZED ACTIVITIES. The department shall issue brewer's permits
6 to eligible applicants authorizing all of the following:

7 (a) The manufacture of fermented malt beverages on the brewery premises.

8 (b) The bottling, packaging, possession, and storage of fermented malt
9 beverages on the brewery premises.

10 (c) The transportation of fermented malt beverages between the brewery
11 premises and any depot or warehouse maintained by the brewer.

12 (d) The sale, shipment, transportation, and delivery, in original unopened
13 packages or containers, to wholesalers, from the brewery premises, of fermented
14 malt beverages that have been manufactured by the brewer on those premises or on
15 other premises of the brewer.

16 (e) Notwithstanding ss. 125.04 (9) and 125.09 (1), the retail sale of fermented
17 malt beverages that have been manufactured on the brewery premises or on other
18 premises of the brewer for on-premise consumption by individuals at the brewery
19 premises or an off-site retail outlet established by the brewer.

20 (f) Notwithstanding ss. 125.04 (9) and 125.09 (1), the retail sale to individuals
21 of fermented malt beverages, in original unopened packages or containers, that have
22 been manufactured on the brewery premises or on other premises of the brewer for
23 off-premise consumption by individuals, if the sale occurs at the brewery premises
24 or at an off-site retail outlet established by the brewer.

1 (g) Notwithstanding ss. 125.04 (9) and 125.09 (1), the retail sale of fermented
2 malt beverages, for on-premise consumption or for off-premise consumption in
3 original unopened packages or containers, that have been manufactured on another
4 brewery premises in this state if the fermented malt beverages have been purchased
5 by the brewer from a wholesaler holding a permit under s. 125.28 or from another
6 brewery located in this state that manufactures 300,000 or less barrels of beer in a
7 calendar year.

8 (h) Notwithstanding ss. 125.04 (9) and 125.09 (1), the retail sale of intoxicating
9 liquor, for on-premise consumption by individuals at the brewery premises or an
10 off-site retail outlet established by the brewer, if the brewer held, on June 1, 2011,
11 a license or permit authorizing the retail sale of intoxicating liquor and if the
12 intoxicating liquor has been purchased by the brewer from a wholesaler holding a
13 permit under s. 125.54.

14 (i) The provision of free taste samples on the brewery premises, at an off-site
15 retail outlet established by the brewer, or as authorized under s. 125.33 (12).

16 (j) The ownership, maintenance, or operation of places for the sale of fermented
17 malt beverages at the state fair park or on any county fairgrounds located in this
18 state.

19 **SECTION 2604fk.** 125.29 (3m) of the statutes is created to read:

20 125.29 (3m) SALES TO RETAILERS. (a) Except as provided in pars. (b) and (c), no
21 brewer may sell fermented malt beverages to a retail licensee.

22 (b) A brewer that manufactures 300,000 or less barrels of fermented malt
23 beverages in a calendar year from all locations may sell, ship, transport and deliver
24 to retailers, from the brewery premises, fermented malt beverages, in original
25 unopened packages or containers, that have been manufactured on the brewery

1 premises, if the brewer complies with the requirements in ss. 125.33 and 125.34, as
2 applicable, to the same extent as if the brewer were a wholesaler.

3 (c) If a wholesaler that has been granted distribution rights by a brewer for a
4 brand in a designated sales territory is unable to service the designated sale territory
5 for any reason, including the discontinuation of the wholesaler's distribution rights,
6 bankruptcy, or criminal prosecution of the wholesaler in connection with operation
7 of the wholesaler, and the reason is not the result of an action by the brewer, then a
8 brewer shall be allowed, for a period of not more than one year, to sell or ship any
9 brand of fermented malt beverages to retailers located in the wholesaler's designated
10 sales territory.

11 **SECTION 2604fm.** 125.29 (4) of the statutes is repealed.

12 **SECTION 2604fo.** 125.29 (6) of the statutes is repealed and recreated to read:

13 125.29 (6) RESTAURANTS. A brewer may operate a restaurant on the brewery
14 premises and at an off-site retail outlet established by the brewer. A brewer may not
15 hold a restaurant permit for the operation of a restaurant at any other location except
16 that a brewer may possess or hold an indirect interest in a Class "B" license for not
17 more than 20 restaurants in each of which the sale of alcohol beverages accounts for
18 less than 60 percent of the restaurant's gross receipts if no fermented malt beverages
19 manufactured by the brewer are offered for sale in any of these restaurants.

20 **SECTION 2604fq.** 125.295 (2) (a) 6. c. of the statutes is amended to read:

21 125.295 (2) (a) 6. c. A wholesaler's license permit issued under s. 125.28.

22 **SECTION 2604fs.** 125.30 (1) of the statutes is amended to read:

23 125.30 (1) The department shall issue out-of-state shippers' permits which,
24 except as provided in ~~s. 125.34 (6) (e) sub. (4)~~, authorize the permittee to ship
25 fermented malt beverages only to holders of a wholesaler's license permit issued

1 under s. 125.28. Except with respect to any shipment from a warehouse in an
2 adjoining state by a wholesaler issued a wholesale license permit under s. 125.28 (1)
3 (b), no person may receive fermented malt beverages in this state which have been
4 directly shipped from outside this state by any person other than the holder of a
5 permit issued under this section. Subject to s. 125.34 (2) ~~and (6) (e)~~, all shipments
6 of fermented malt beverages to a wholesaler of fermented malt beverages in this
7 state, whether shipped to the wholesaler from inside this state or from outside this
8 state, shall be unloaded in, physically at rest in, and only then distributed from the
9 wholesaler's warehouse in this state.

10 **SECTION 2604fu.** 125.30 (3) of the statutes is amended to read:

11 125.30 (3) Out-of-state shippers' permits may be issued only to a person who
12 holds a valid certificate issued under s. 73.03 (50) ~~and~~, who is qualified under s.
13 125.04 (5), who does not maintain an office or street address in this state, and who
14 is the primary source of supply for the brand of fermented malt beverages. An
15 out-of-state shipper's permit may not be issued to a person determined by the
16 department to be primarily engaged in wholesale or retail sales in another state.
17 Notwithstanding s. 125.04 (5) (a), natural persons obtaining out-of-state shippers'
18 permits are not required to be residents of this state. Notwithstanding s. 125.04 (5)
19 (a) 5., a person is not required to complete a responsible beverage server training
20 course to be qualified for a permit under this section. Notwithstanding s. 125.04 (6),
21 corporations or limited liability companies obtaining out-of-state shippers' permits
22 are not required to appoint agents.

23 **SECTION 2604gd.** 125.30 (4) of the statutes is created to read:

24 125.30 (4) An out-of-state brewer that manufactures 300,000 barrels or less
25 of fermented malt beverages in a calendar year from all locations and that holds an

1 out-of-state shipper's permit may sell and ship fermented malt beverages directly
2 to retail licensees if the out-of-state brewer registers with the department, files
3 whatever periodic reports with the department as the department may require, and
4 complies with the requirements in ss. 125.33 and 125.34, as applicable, to the same
5 extent as if the out-of-state brewer were a wholesaler holding a permit under s.
6 125.28.

7 **SECTION 2604ge.** 125.31 of the statutes is repealed.

8 **SECTION 2604gfe.** 125.32 (3) (c) of the statutes is amended to read:

9 125.32 (3) (c) Hotels and restaurants the principal business of which is the
10 furnishing of food and lodging to patrons, bowling centers, movie theaters, indoor
11 horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may
12 remain open for the conduct of their regular business but may not sell fermented
13 malt beverages during the hours specified in par. (a).

14 **SECTION 2604gfg.** 125.32 (3m) (h) of the statutes is created to read:

15 125.32 (3m) (h) A movie theater.

16 **SECTION 2604gg.** 125.33 (1) (a) of the statutes is amended to read:

17 125.33 (1) (a) Except as provided in this section and ~~ss. s. 125.295 and 125.31,~~
18 no brewer, brewpub, or wholesaler may furnish, give, lend, lease, or sell any
19 furniture, fixtures, fittings, equipment, money, or other thing of value to any campus
20 or Class "B" licensee or permittee, or to any person for the use, benefit, or relief of any
21 campus or Class "B" licensee or permittee, or guarantee the repayment of any loan
22 or the fulfillment of any financial obligation of any campus or Class "B" licensee or
23 permittee. Such actions may not be taken by the brewer, brewpub, or wholesaler
24 directly or indirectly, or through a subsidiary or affiliate corporation or limited
25 liability company, or by any officer, director, stockholder, partner, or member thereof.

1 **SECTION 2604gk.** 125.33 (7) (a) 1. a. of the statutes is amended to read:

2 125.33 (7) (a) 1. a. Receive, purchase, or acquire fermented malt beverages from
3 any licensee, ~~or wholesale permittee~~ or from any brewpub acting under authority of
4 s. 125.295 (1) (g), except for cash or credit for a period of not more than 15 days.

5 **SECTION 2604gm.** 125.33 (7) (a) 1. b. of the statutes is amended to read:

6 125.33 (7) (a) 1. b. Receive, purchase, or acquire fermented malt beverages from
7 any licensee ~~or wholesale permittee~~, or from any brewpub acting under authority of
8 s. 125.295 (1) (g), if at the time of the receipt, purchase, or acquisition he or she is
9 indebted to any licensee, wholesale permittee, or brewpub for fermented malt
10 beverages received, purchased, acquired, or delivered more than 15 days earlier.

11 **SECTION 2604go.** 125.33 (7) (c) of the statutes is amended to read:

12 125.33 (7) (c) ~~Wholesalers and brewpubs holding retail licenses and permits~~
13 ~~Brewpubs.~~ For purposes of this subsection, a person holding both a fermented malt
14 beverage wholesale license and a fermented malt beverage retail license is deemed
15 a fermented malt beverage retailer. For purposes of this subsection, a brewpub,
16 when acting under authority of a retail license with respect to fermented malt
17 beverages not manufactured by the brewpub, is deemed a fermented malt beverages
18 retailer. This paragraph does not affect any provision of this subsection with respect
19 to a brewpub acting under authority of s. 125.295 (1) (g).

20 **SECTION 2604gq.** 125.33 (9) of the statutes is amended to read:

21 125.33 (9) **CAMPUSES AND RETAILERS TO PURCHASE FROM WHOLESALERS.** Except as
22 provided in ~~s.~~ ss. 125.29 (3m) (b) and (c), 125.295 (1) (g), and 125.30 (4), no campus
23 or retail licensee or permittee may purchase or possess fermented malt beverages
24 purchased from any person other than a wholesaler holding a license permit under
25 this chapter for the sale of fermented malt beverages. Any person who violates this

1 subsection may be fined not more than \$10,000 or imprisoned for not more than 9
2 months or both.

3 **SECTION 2604gs.** 125.33 (10) (a) 3. of the statutes is amended to read:

4 125.33 (10) (a) 3. "Successor wholesaler" means any wholesaler who enters into
5 an agreement, whether oral or written, to obtain a supply of a brand of fermented
6 malt beverages that is a discontinued brand, or otherwise acquires the right to act
7 as a wholesaler for a discontinued brand, from a brewer, brewpub, brewer's agent,
8 brewpub's agent, or holder of an out-of-state shipper's permit ~~after the brewer,~~
9 ~~brewpub, brewer's agent, brewpub's agent, or holder of an out-of-state shipper's~~
10 ~~permit has terminated, cancelled, or failed to renew an agreement, whether oral or~~
11 ~~written, with a terminated wholesaler to supply that same brand of fermented malt~~
12 ~~beverages for purposes of selling the discontinued brand in a specifically defined~~
13 ~~territory, if the discontinued brand was sold by a terminated wholesaler in any~~
14 ~~portion of this same territory at a time immediately before the brand of fermented~~
15 ~~malt beverages became a discontinued brand.~~

16 **SECTION 2604gu.** 125.33 (11) of the statutes is amended to read:

17 125.33 (11) SOURCE OF FERMENTED MALT BEVERAGES. (a) Subject to s. 125.34 (3),
18 no wholesaler ~~who holds a retail license issued under this chapter~~ authorized to
19 make retail sales under s. 125.28 (1) (e) may sell a brand of fermented malt beverages
20 to ~~another~~ a retail licensee unless the wholesaler has an agreement for general
21 wholesale distribution of that brand of fermented malt beverages with the brewer,
22 brewpub, brewer's agent, brewpub's agent, or holder of an out-of-state shipper's
23 permit supplying that brand.

24 (b) If a wholesaler ~~who holds a retail license issued under this chapter~~ violates
25 par. (a), any other wholesaler aggrieved by such violation or the brewer or brewpub

1 may bring an action against such wholesaler in any court of competent jurisdiction
2 for damages sustained by the aggrieved wholesaler or the brewer or brewpub as a
3 consequence of the violation, together with the actual costs of the action.
4 Notwithstanding s. 814.04 (1), a wholesaler or the brewer or brewpub who prevails
5 in an action under this paragraph may recover reasonable actual attorney fees
6 incurred in the action.

7 **SECTION 2604hc.** 125.33 (12) of the statutes is amended to read:

8 125.33 (12) PROVIDING TASTE SAMPLES ON CLASS "A" PREMISES. Notwithstanding
9 s. 125.34 (6) (a), with the consent of the Class "A" licensee, a brewer may provide, free
10 of charge, on Class "A" premises, taste samples of fermented malt beverages to any
11 person who has attained the legal drinking age for consumption on the premises
12 during hours in which the Class "A" licensee is authorized under s. 125.25 (1) to
13 provide taste samples or, if more restrictive, only during hours established by
14 ordinance by a municipality under s. 125.32 (3) (d). The provision of taste samples
15 under this subsection shall be subject to the same limitations that apply to taste
16 samples provided by a Class "A" licensee under s. 125.25 (1). No brewer may provide
17 as taste samples under this subsection any fermented malt beverages that the
18 brewer did not purchase from the Class "A" licensee on whose premises the taste
19 samples are provided. A brewer may provide taste samples under this subsection
20 through an individual representing the brewer who is hired by the brewer and who
21 is not employed by or an agent of a wholesaler ~~other than, if the brewer holds a~~
22 ~~wholesale license, the brewer.~~ All provisions of this subsection that apply to a brewer
23 apply equally to any individual representing a brewer.

24 **SECTION 2604he.** 125.33 (13) of the statutes is created to read:

1 125.33 (13) WHOLESALERS' SOURCE OF SUPPLY. No wholesaler may purchase
2 fermented malt beverages for resale unless the wholesaler purchases them either
3 from the primary source of supply for the brand of fermented malt beverages sought
4 to be sold or from a wholesaler within this state that holds a permit issued under s.
5 125.28. No wholesaler may sell fermented malt beverages purchased by the
6 wholesaler to any other licensee or permittee under this chapter if the fermented
7 malt beverages have not been purchased by the wholesaler from the primary source
8 of supply or from a wholesaler within the state holding a permit issued under s.
9 125.28.

10 **SECTION 2604hg.** 125.34 (1) (g) of the statutes is amended to read:

11 125.34 (1) (g) "Wholesaler" means a licensee permittee under s. 125.28 ~~and~~
12 ~~includes a brewer or out-of-state shipper that holds a wholesaler's license under s.~~
13 ~~125.28.~~

14 **SECTION 2604hk.** 125.34 (2) (a) of the statutes is renumbered 125.34 (2) and
15 amended to read:

16 125.34 (2) Except as provided in ~~sub. (6) (b) and s. ss. 125.29 (3m) (b) and (c),~~
17 125.295 (1) (e) and (g), and 125.30 (4), no fermented malt beverages may be sold,
18 transported, or delivered to a retailer unless, prior to such sale, transport, or delivery,
19 the fermented malt beverages are first unloaded at, physically at rest at, and only
20 then distributed from a wholesaler's warehouse premises covered by both a
21 wholesaler's license permit issued under s. 125.28 and an alcohol beverage
22 warehouse permit issued under s. 125.19, which premises shall be in this state ~~and~~
23 ~~shall be a physically separate location from any retail premises or brewery premises.~~

24 This paragraph does not apply to a wholesaler issued a wholesaler's license permit
25 under s. 125.28 (1) (b) with respect to fermented malt beverages transported and

1 delivered from a warehouse in an adjoining state unless the wholesaler's warehouse
2 in the adjoining state is located on premises in the adjoining state used for the
3 manufacture of fermented malt beverages.

4 **SECTION 2604hm.** 125.34 (2) (bg), (bm) and (c) of the statutes are repealed.

5 **SECTION 2604ho.** 125.34 (3) (a) 1. of the statutes is amended to read:

6 125.34 (3) (a) 1. ~~Subject to subd. 3., a~~ A wholesaler may not sell, transport, or
7 deliver any brand of fermented malt beverages unless the wholesaler has entered
8 into a written agreement with the brewer, brewpub, or out-of-state shipper
9 supplying the brand that grants to the wholesaler distribution rights for the brand
10 and identifies the designated sales territory for which such distribution rights are
11 granted, including the precise geographical area comprising the designated sales
12 territory.

13 **SECTION 2604hq.** 125.34 (3) (a) 3. of the statutes is repealed.

14 **SECTION 2604hs.** 125.34 (4) (a) of the statutes is amended to read:

15 125.34 (4) (a) Any retailer located outside the wholesaler's designated sales
16 territory for the brand. This paragraph does not apply if another wholesaler that has
17 been granted distribution rights for the brand in the designated sales territory where
18 the sale, transportation, or delivery occurs is unable to service this designated sales
19 territory and the brewer, brewpub, or out-of-state shipper granting distribution
20 rights has, notwithstanding sub. (3) (a), given consent for the sale, transportation,
21 or delivery, which consent shall be limited to the time period that another wholesaler
22 is unable to service this designated sales territory. ~~This paragraph does not apply if~~
23 ~~the wholesaler is also a brewer and another wholesaler to whom this brewer has~~
24 ~~granted distribution rights for the brand in the designated sales territory where the~~

1 ~~sale, transportation, or delivery occurs has, notwithstanding sub. (3) (a), given~~
2 ~~consent for the sale, transportation, or delivery or refused to service this territory.~~

3 **SECTION 2604jc.** 125.34 (5) of the statutes is amended to read:

4 125.34 (5) Except as provided in ~~sub. (6) (b) and s. ss. 125.29 (3m) (b) and (c),~~
5 125.295 (1) (e) and (g), and 125.30 (4), deliveries of fermented malt beverages to
6 retailers may be made only by wholesalers and shall be made to retailers only at their
7 retail premises. No retailer may transport fermented malt beverages from one retail
8 premises to another retail premises for purposes of selling the fermented malt
9 beverages at the other retail premises unless both retail premises are operated by
10 a ~~brewer or~~ brewpub holding the retail licenses.

11 **SECTION 2604je.** 125.34 (6) (a) of the statutes is renumbered 125.34 (6) and
12 amended to read:

13 125.34 (6) Except as provided in ~~pars. (b) and (c) and ss. 125.06 (1) and 125.31~~
14 ~~(1) and (3) ss. 125.29 (3), (3m) (b) and (c) and 125.30 (4)~~, a brewer or out-of-state
15 shipper may sell, transport, and deliver fermented malt beverages only to a
16 wholesaler, ~~which may be the brewer or out-of-state shipper itself if, in its activities~~
17 ~~as a wholesaler, it complies with the requirements under subs. (2) to (5).~~

18 **SECTION 2604jg.** 125.34 (6) (b) of the statutes is repealed.

19 **SECTION 2604ji.** 125.34 (6) (c) of the statutes is repealed.

20 **SECTION 2604k.** 125.68 (4) (c) 4. of the statutes is amended to read:

21 125.68 (4) (c) 4. Hotels and restaurants the principal business of which is the
22 furnishing of food, drinks or lodging to patrons, bowling centers, movie theaters,
23 indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses
24 may remain open for the conduct of their regular business but may not sell

1 intoxicating liquor during the closing hours under subd. 1. or, with respect to the sale
2 of intoxicating liquor authorized under s. 125.51 (3r) (a), under subd. 3.

3 **SECTION 2605.** 132.001 (1m) of the statutes is created to read:

4 132.001 (1m) "Department" means the department of financial institutions.

5 **SECTION 2606.** 132.01 (1) of the statutes is amended to read:

6 132.01 (1) Any person, firm, partnership, corporation, association, or union of
7 workingmen, which has heretofore adopted or used or shall hereafter adopt or use
8 any mark for the purpose of designating, making known, or distinguishing any
9 goods, wares, merchandise, service, business, or other product of labor or
10 manufacture as having been made, manufactured, produced, prepared, packed, or
11 put on sale by such person, firm, partnership, corporation, association, or union of
12 workingmen, or by a member or members thereof, he, she, or they, if residents of this
13 or any other state of the United States, and such foreign corporations as may have
14 been duly licensed to transact business in the state of Wisconsin, may file an original,
15 a copy, or photographs, or cuts with specifications of the same for record ~~in the office~~
16 ~~of the secretary of state~~ with the department, by leaving 2 such originals, copies,
17 photographs, or cuts with specifications, the same being counterparts, facsimiles, or
18 drawings thereof, with ~~said secretary~~ the department and by filing therewith a
19 sworn statement, in such form as may be prescribed by the ~~secretary of state~~
20 department, specifying the name of the person, firm, partnership, corporation,
21 association, or union of workingmen, on whose behalf such mark is to be filed, the
22 class of merchandise and a separate description of the goods to which the same has
23 been or is intended to be appropriated, the residence, location, or place of business
24 of such party, that the party, on whose behalf such mark is to be filed, has the right
25 to the use of the same, and that no other person, or persons, firm, partnership,

1 corporation, association, or union of workingmen has such right either in the
2 identical form or in any such near resemblance thereto as may be calculated to
3 deceive, and that the originals, copies, photographs, or cuts, counterparts,
4 facsimiles, or drawings filed therewith are correct.

5 **SECTION 2607.** 132.01 (3) of the statutes is amended to read:

6 132.01 (3) For an original or renewal registration, or the recording of an
7 assignment, there shall be paid to the ~~secretary of state~~ department the fee of \$15.

8 **SECTION 2608.** 132.01 (5) of the statutes is amended to read:

9 132.01 (5) The ~~secretary of state~~ department may not register any mark which
10 consists of or comprises a replica or simulation of the flag, coat of arms, or insignia
11 of the United States of America, or of any state or municipality or any foreign nation.

12 **SECTION 2609.** 132.01 (6) of the statutes is amended to read:

13 132.01 (6) (a) A registration recorded or renewed under this section or s. 132.04
14 or 132.11 before May 1, 1990, is effective for 20 years. A registration may be renewed
15 on or after May 1, 1990, for 10-year periods upon application to the ~~secretary of state~~
16 department and payment of the same fee required for a registration. Application for
17 renewal shall be made within 6 months before the expiration of the 20-year
18 registration period or 10-year renewal period specified in this paragraph.

19 (b) A registration recorded under this section or s. 132.04 or 132.11 on or after
20 May 1, 1990, is effective for 10 years. A registration may be renewed for 10-year
21 periods upon application to the ~~secretary of state~~ department and payment of the
22 same fee required for a registration. Application for renewal shall be made within
23 6 months before the expiration of the 10-year period specified in this paragraph.

24 **SECTION 2610.** 132.01 (7) (intro.) of the statutes is amended to read:

1 132.01 (7) (intro.) The ~~secretary of state~~ department shall do all of the
2 following:

3 **SECTION 2611.** 132.01 (7) (b) of the statutes is amended to read:

4 132.01 (7) (b) Cancel from his or her register a registration of a mark under this
5 section upon the request of the registrant of the mark. The ~~secretary of state~~
6 department may not charge a fee for canceling a registration under this paragraph.

7 **SECTION 2612.** 132.01 (8) of the statutes is amended to read:

8 132.01 (8) Any person, firm, partnership, corporation, association or union who
9 claims a right to the use of subject matter conflicting with any registration by another
10 may bring action against such other in the circuit court for the county in which such
11 other resides, or in the circuit court for Dane County, and in any such action the right
12 to the use and registration of such subject matter shall be determined as between the
13 parties, and registration shall be granted or withheld or canceled by the ~~secretary~~
14 of state department in accordance with the final judgment in any such action.
15 Nonuser for a period of at least 2 years continuing to the date of commencement of
16 any action in which abandonment is in issue shall be prima facie evidence of
17 abandonment to the extent of such nonuser.

18 **SECTION 2613.** 132.01 (9) of the statutes is amended to read:

19 132.01 (9) Title to any registration hereunder shall pass to any person, firm or
20 corporation succeeding to the registrant's business to which such registration
21 pertains. Written assignments of any such registration from a registrant to such a
22 successor may be filed with and shall be recorded by the ~~secretary of state~~
23 department upon payment of the fee specified in sub. (3). When such assignment is
24 recorded, a new registration shall be entered in the name of the assignee, and on such
25 registration and any subsequent certificates or registration of an assigned

1 registration the ~~secretary of state~~ department shall show the previous ownership
2 and dates of assignment thereof.

3 **SECTION 2614.** 132.031 of the statutes is amended to read:

4 **132.031 Certificate; evidence.** The ~~secretary of state~~ department shall
5 deliver to the person, corporation, association or union so filing or causing to be filed
6 any such mark, or any assignment of such subject matter previously registered, or
7 to any person, corporation, association or union renewing a registration, as many
8 duly attested certificates of the registration or renewal of the same as may be desired.
9 Any such certificate shall, in all suits and prosecutions arising out of or depending
10 upon any rights claimed under such mark, be prima facie evidence of the adoption
11 thereof and of the facts prerequisite to registrations thereof as required by s. 132.01.

12 **SECTION 2615.** 132.04 (1) of the statutes is amended to read:

13 132.04 (1) Any person who is the owner of cans, tubs, firkins, boxes, bottles,
14 casks, barrels, kegs, cartons, tanks, fountains, vessels or containers with his or her
15 names, brands, designs, trademarks, devices or other marks of ownership stamped,
16 impressed, labeled, blown in or otherwise marked thereon, may file with the
17 ~~secretary of state~~ department and record with the register of deeds of any county in
18 which the person has his or her principal place of business, a written statement or
19 description verified by affidavit of the owner or his or her agent, of the names, brands,
20 designs, trademarks, devices or other marks of ownership used by him or her, and
21 of the articles upon which they are used, or if the principal place of business is outside
22 the state, then a written statement or verified description may be recorded with the
23 register of deeds of any county. The statement shall be published as a class 3 notice,
24 under ch. 985, in the county, and a copy of the publication, proved as provided in s.

1 985.12, shall also be filed with the ~~secretary of state~~ department and recorded with
2 the register of deeds.

3 **SECTION 2616.** 132.04 (2) of the statutes is amended to read:

4 132.04 (2) All such written statements or descriptions and all such certificates
5 of publication so filed or recorded shall be subject at all reasonable hours to public
6 inspection. The ~~secretary of state~~ department and the register of deeds shall deliver
7 to all applicants certified copies of all such written statements or descriptions or
8 names, brands, designs, trademarks, devices, or other marks of ownership and of all
9 certificates of publication filed or recorded with them and such certified copies shall
10 be admissible in evidence in all prosecutions under ss. 132.04 to 132.08, and shall be
11 prima facie evidence that this section has been complied with, and of the title of the
12 owner named therein to the property upon which the name, brand, design,
13 trademark, device, or other marks of ownership of the owner appear as described
14 therein.

15 **SECTION 2617.** 132.04 (3) of the statutes is amended to read:

16 132.04 (3) The ~~secretary of state~~ department shall receive a fee of \$15 and the
17 register of deeds shall receive the fee specified in s. 59.43 (2) (ag) or (e) for each
18 statement and certificate of publication filed or recorded and shall also receive the
19 fee specified in s. 59.43 (2) (b) for each certified copy of such statement and certificate
20 of publication, to be paid for by the person filing, recording or applying for the same.

21 **SECTION 2618.** 132.04 (4) of the statutes is amended to read:

22 132.04 (4) (a) The ~~secretary of state~~ department and register of deeds shall
23 cancel a statement or description under this section upon the request of the person
24 named in the records of the ~~secretary of state~~ department or register of deeds as the
25 owner of marks of ownership described in the statement or description.

1 (b) The ~~secretary of state~~ department and register of deeds may not charge a
2 fee for canceling a statement or description under par. (a).

3 **SECTION 2619.** 132.11 (1) (intro.) of the statutes is amended to read:

4 132.11 (1) (intro.) The ~~secretary of state~~ department shall do all of the
5 following:

6 **SECTION 2620.** 132.11 (1) (c) of the statutes is amended to read:

7 132.11 (1) (c) Cancel the description of a name, brand or trademark recorded
8 under par. (a) upon the request of the person, firm or corporation named in the
9 records of the ~~secretary of state~~ department as the owner of the name, brand or
10 trademark. The ~~secretary of state~~ department may not charge a fee for canceling a
11 description under this paragraph.

12 **SECTION 2621.** 132.16 (1m) of the statutes is amended to read:

13 132.16 (1m) Any organization may register, ~~in the office of the secretary of~~
14 ~~state,~~ with the department a facsimile, duplicate, or description of any of the
15 organization's identifying information and may, by reregistration, alter or cancel the
16 organization's identifying information.

17 **SECTION 2622.** 132.16 (2) of the statutes is amended to read:

18 132.16 (2) Application for registration or reregistration under sub. (1m) shall
19 be made by the organization's chief officer or officers upon forms provided by the
20 ~~secretary of state~~ department. The registration shall be for the use, benefit, and on
21 behalf of the organization and the organization's current and future individual
22 members throughout this state.

23 **SECTION 2623.** 132.16 (3) of the statutes is amended to read:

1 132.16 (3) The ~~secretary of state~~ department shall keep a properly indexed file
2 of all registrations under this section, which shall also show any alterations or
3 cancelations by reregistration.

4 **SECTION 2624.** 132.16 (5) of the statutes is amended to read:

5 132.16 (5) Upon granting registration under this section, the ~~secretary of state~~
6 department shall issue ~~his or her~~ a certificate to the petitioners, setting forth the fact
7 of the registration.

8 **SECTION 2625.** 132.16 (6) of the statutes is amended to read:

9 132.16 (6) The fees of the ~~secretary of state~~ department for registration or
10 reregistration under this section, searches made by the ~~secretary of state~~
11 department, and certificates issued by the ~~secretary of state~~ department under this
12 section, shall be the same as provided by law for similar services. The fees collected
13 under this section shall be paid by the ~~secretary of state~~ department into the state
14 treasury.

15 **SECTION 2626.** 137.01 (1) (a) of the statutes is amended to read:

16 137.01 (1) (a) The governor shall appoint notaries public who shall be United
17 States residents and at least 18 years of age. Applicants who are not attorneys shall
18 file an application with the ~~secretary of state~~ department of financial institutions
19 and pay a \$20 fee.

20 **SECTION 2627.** 137.01 (1) (b) of the statutes is amended to read:

21 137.01 (1) (b) The ~~secretary of state~~ financial institutions shall satisfy himself
22 or herself that the applicant has the equivalent of an 8th grade education, is familiar
23 with the duties and responsibilities of a notary public and, subject to ss. 111.321,
24 111.322 and 111.335, does not have an arrest or conviction record.

25 **SECTION 2628.** 137.01 (1) (d) of the statutes is amended to read:

1 137.01 (1) (d) Qualified applicants shall be notified by the ~~secretary of state~~
2 department of financial institutions to take and file the official oath and execute and
3 file an official bond in the sum of \$500, with a surety executed by a surety company
4 and approved by the secretary of ~~state~~ financial institutions.

5 **SECTION 2629.** 137.01 (1) (e) of the statutes is amended to read:

6 137.01 (1) (e) The qualified applicant shall file his or her signature, post-office
7 address and an impression of his or her official seal, or imprint of his or her official
8 rubber stamp with the ~~secretary of state~~ department of financial institutions.

9 **SECTION 2630.** 137.01 (1) (g) of the statutes is amended to read:

10 137.01 (1) (g) At least 30 days before the expiration of a commission the
11 ~~secretary of state~~ department of financial institutions shall mail notice of the
12 expiration date to the holder of a commission.

13 **SECTION 2631.** 137.01 (2) (a) of the statutes is amended to read:

14 137.01 (2) (a) Except as provided in par. (am), any United States resident who
15 is licensed to practice law in this state is entitled to a permanent commission as a
16 notary public upon application to the ~~secretary of state~~ department of financial
17 institutions and payment of a \$50 fee. The application shall include a certificate of
18 good standing from the supreme court, the signature and post-office address of the
19 applicant and an impression of the applicant's official seal, or imprint of the
20 applicant's official rubber stamp.

21 **SECTION 2632.** 137.01 (2) (am) of the statutes is amended to read:

22 137.01 (2) (am) If a United States resident has his or her license to practice law
23 in this state suspended or revoked, upon reinstatement of his or her license to
24 practice law in this state, the person may be entitled to receive a certificate of
25 appointment as a notary public for a term of 4 years. An eligible notary appointed

1 under this paragraph is entitled to reappointment for 4-year increments. At least
2 30 days before the expiration of a commission under this paragraph the ~~secretary of~~
3 ~~state~~ department of financial institutions shall mail notice of the expiration date to
4 the holder of the commission.

5 **SECTION 2633.** 137.01 (2) (b) of the statutes is amended to read:

6 137.01 (2) (b) The secretary of state financial institutions shall issue a
7 certificate of appointment as a notary public to persons who qualify under the
8 requirements of this subsection. The certificate shall state that the notary
9 commission is permanent or is for 4 years.

10 **SECTION 2634.** 137.01 (2) (c) of the statutes is amended to read:

11 137.01 (2) (c) The supreme court shall file with the ~~secretary of state~~
12 department of financial institutions notice of the surrender, suspension or revocation
13 of the license to practice law of any attorney who holds a permanent commission as
14 a notary public. Such notice shall be deemed a revocation of said commission.

15 **SECTION 2635.** 137.01 (6) (a) of the statutes is amended to read:

16 137.01 (6) (a) The secretary of state financial institutions may certify to the
17 official qualifications of any notary public and to the genuineness of the notary
18 public's signature and seal or rubber stamp.

19 **SECTION 2636.** 137.01 (6m) of the statutes is amended to read:

20 137.01 (6m) CHANGE OF RESIDENCE. A notary public does not vacate his or her
21 office by reason of his or her change of residence within the United States. Written
22 notice of any change of address shall be given to the ~~secretary of state~~ department
23 of financial institutions within 10 days of the change.

24 **SECTION 2637.** 137.01 (7) of the statutes is amended to read:

1 137.01 (7) OFFICIAL RECORDS TO BE FILED. When any notary public ceases to hold
2 office, the notary public, or in case of the notary public's death the notary public's
3 personal representative, shall deposit the notary public's official records and papers
4 ~~in the office of the secretary of state~~ with the department of financial institutions.

5 If the notary or personal representative, after the records and papers come to his or
6 her hands, neglects for 3 months to deposit them, he or she shall forfeit not less than
7 \$50 nor more than \$500. If any person knowingly destroys, defaces, or conceals any
8 records or papers of any notary public, the person shall forfeit not less than \$50 nor
9 more than \$500, and shall be liable for all damages resulting to the party injured.

10 The ~~secretary of state~~ department of financial institutions shall receive and safely
11 keep all such papers and records.

12 **SECTION 2637b.** 138.045 of the statutes is created to read:

13 **138.045 Method of calculating interest.** Interest on any note, bond, or
14 other instrument computed on the declining unpaid principal balance from time to
15 time outstanding may be computed and charged on actual unpaid balances at 1/360
16 of the annual rate for the actual number of days outstanding if the use of this
17 calculation method is disclosed in the note, bond, or other instrument. This section
18 does not apply to pawnbrokers' loans under s. 138.10.

19 **SECTION 2637d.** 138.09 (1a) (a) of the statutes is amended to read:

20 138.09 (1a) (a) Banks, savings banks, savings and loan associations, trust
21 companies, credit unions, or any of their affiliates.

22 **SECTION 2637gc.** 138.14 (1) (bd) of the statutes is created to read:

23 138.14 (1) (bd) "Consumer report" has the meaning given in 15 USC 1681a (d).

24 **SECTION 2637gd.** 138.14 (1) (be) of the statutes is created to read:

1 138.14 (1) (be) “Consumer reporting agency” has the meaning given in 15 USC
2 1681a (f).

3 **SECTION 2637gf.** 138.14 (1) (k) 1. of the statutes is amended to read:

4 138.14 (1) (k) 1. A transaction between an individual with an account at a
5 financial establishment and another person, including a person who is not physically
6 located in this state, in which the person agrees to accept from the individual one or
7 more checks, to hold the check or checks for a period of time before negotiating or
8 presenting the check or checks for payment, and to loan to the individual, for a term
9 of 90 days or less, before negotiating or presenting the check or checks for payment,
10 an amount that is agreed to by the individual.

11 **SECTION 2637gg.** 138.14 (1) (k) 2. of the statutes is amended to read:

12 138.14 (1) (k) 2. A transaction between an individual with an account at a
13 financial establishment and another person, including a person who is not physically
14 located in this state, in which the person agrees to accept the individual’s
15 authorization to initiate one or more electronic fund transfers from the account, to
16 wait a period of time before initiating the electronic fund transfer or transfers, and
17 to loan to the individual, for a term of 90 days or less, before initiating the electronic
18 fund transfer or transfers, an amount that is agreed to by the individual.

19 **SECTION 2637gi.** 138.14 (3) of the statutes is amended to read:

20 138.14 (3) EXEMPTIONS. This section does not apply to banks, savings banks,
21 savings and loan associations, trust companies, credit unions, or any of their
22 affiliates.

23 **SECTION 2637gk.** 138.14 (7) (e) 6. of the statutes is amended to read:

24 138.14 (7) (e) 6. The number of payday loans made during the preceding year
25 that resulted in repayment under sub. (11g) (a).

1 **SECTION 2637gm.** 138.14 (9g) (a) 6. of the statutes is amended to read:

2 138.14 **(9g)** (a) 6. Disclose to the applicant the payment requirements that may
3 apply under sub. (11g) (a) if the loan is not paid in full at the end of the loan term.

4 **SECTION 2637go.** 138.14 (9m) of the statutes is created to read:

5 138.14 **(9m)** INCOME VERIFICATION. Before entering into a payday loan with an
6 applicant that has not previously been a customer of the licensee, the licensee may
7 request the applicant's consumer report from a consumer reporting agency as part
8 of the licensee's underwriting process and the licensee may rely on the consumer
9 report as a permissible method of income verification in making the payday loan.
10 The licensee may also rely on the same consumer report in underwriting and making
11 subsequent payday loans to the same customer.

12 **SECTION 2637gq.** 138.14 (9r) (c) 4. of the statutes is amended to read:

13 138.14 **(9r)** (c) 4. The percentage of customers originating payday loans that
14 resulted in repayment under sub. (11g) (a).

15 **SECTION 2637gs.** 138.14 (10) (a) 2. of the statutes is amended to read:

16 138.14 **(10)** (a) 2. If a payday loan is not paid in full on or before the maturity
17 date, a licensee may charge, after the maturity date, interest at a rate not exceeding
18 2.75 percent per month, except that if a licensee makes a subsequent payday loan to
19 the customer under sub. (12) (a), and the customer does not pay the subsequent loan
20 in full on or before the maturity date of the subsequent loan, the licensee may charge,
21 after the maturity date of the subsequent loan, interest at a rate not exceeding 2.75
22 percent per month on the subsequent loan and the licensee may not charge any
23 interest under this subdivision on the prior loan. Interest earned under this
24 subdivision shall be calculated at the rate of one-thirtieth of the monthly rate

1 charged for each calendar day that the balance of the loan is outstanding. Interest
2 may not be assessed on any interest earned under this subdivision.

3 **SECTION 2637gu.** 138.14 (10) (am) of the statutes is amended to read:

4 138.14 (10) (am) *Penalties.* Except as provided in par. (b) 2., no licensee may
5 impose any penalty on a customer arising from the customer's prepayment of or
6 default or late payment on a payday loan, including any payment under sub. (11g)
7 (a).

8 **SECTION 2637hc.** 138.14 (11g) of the statutes is renumbered 138.14 (11g) (a)
9 and amended to read:

10 138.14 (11g) (a) ~~If~~ Except as provided in par. (b), if a customer fails to repay a
11 payday loan in full at the end of the loan term, the licensee that made the loan shall
12 offer the customer the opportunity to repay the outstanding balance of the loan in
13 4 equal installments with due dates coinciding with the customer's pay period
14 schedule.

15 **SECTION 2637he.** 138.14 (11g) (b) of the statutes is created to read:

16 138.14 (11g) (b) If a licensee offers a customer the opportunity to make
17 repayment under par. (a), then, during the 12-month period following the offer, no
18 licensee, including the licensee making the offer, is required to offer the customer
19 another opportunity to repay a payday loan under par. (a).

20 **SECTION 2637hg.** 138.14 (12) (b) of the statutes is amended to read:

21 138.14 (12) (b) No licensee may make a payday loan to a customer that results
22 in the customer having an outstanding aggregate liability in principal, interest, and
23 all other fees and charges, to all licensees who have made payday loans to the
24 customer of more than \$1,500 or 35 percent of the customer's gross monthly income,

1 whichever is less. As provided in sub. (9m), a licensee may rely on a consumer report
2 to verify a customer's income for purposes of this paragraph.

3 **SECTION 2637hi.** 138.14 (14) (d) 4. of the statutes is amended to read:

4 138.14 (14) (d) 4. ~~Designate~~ Automatically designate a payday loan as paid in
5 the database 5 days after the maturity date of the loan unless a licensee reports to
6 the database provider before that time that the loan remains open because of the
7 customer's failure to make payment; that the loan is open because the customer's
8 check or an electronic redeposit is in the process of clearing the banking system; that
9 the loan remains open because the customer's check is being returned to the licensee
10 for insufficient funds, a closed account, or a stop payment order; or that any other
11 factors determined by the division are applicable. If a licensee makes such a report,
12 the database provider shall designate the payday loan as an open transaction until
13 the database provider is notified that the transaction is closed.

14 **SECTION 2637hk.** 138.14 (14) (h) of the statutes is amended to read:

15 138.14 (14) (h) The division shall, by order or rule, specify a database
16 transaction fee of no more than \$1 that the database provider shall charge to
17 licensees to cover the costs of developing and implementing the database, and
18 accessing the database to verify that a customer does not have any payday loans with
19 the licensee or others that in combination with a new transaction will create a
20 violation of this section. The database fee is payable directly to the division in a
21 manner prescribed by the division and, if the department has contracted with a
22 3rd-party provider to operate the database, the division shall remit the fee to the
23 3rd-party provider as specified in the contract.

24 **SECTION 2637hm.** 138.14 (14) (j) of the statutes is created to read:

1 138.14 (14) (j) If the database, as determined by the division, is not fully
2 operational, or the licensee is unable to access the database and, as determined
3 under rules promulgated by the division, the alternate process established under
4 par. (d) 2. is also unavailable, a licensee may rely upon the written verification of the
5 customer in a statement provided in substantially the following form in at least
6 12-point type:

7 “I DO NOT HAVE ANY OUTSTANDING PAYDAY LOANS WITH THIS
8 LICENSEE AND I DO NOT HAVE MORE PAYDAY LOANS WITH ANY OTHER
9 LICENSED PAYDAY LOAN PROVIDER IN THIS STATE.”

10 **SECTION 2637kd.** 138.16 (1) (a) of the statutes is created to read:

11 138.16 (1) (a) “Division” means the division of banking attached to the
12 department of financial institutions.

13 **SECTION 2637ke.** 138.16 (1) (bm) of the statutes is created to read:

14 138.16 (1) (bm) “Licensed location” means the location specified in a license
15 issued under s. 138.09 (1m) (a).

16 **SECTION 2637kf.** 138.16 (1) (c) of the statutes is amended to read:

17 138.16 (1) (c) “Title loan” means a loan of \$25,000 or less to a borrower, who
18 obtains or seeks to obtain the loan for personal, family, or household purposes, that
19 is, or is to be, secured by an interest, other than a purchase money security interest,
20 in the borrower’s motor vehicle, and that has an original term of not more than 6
21 months.

22 **SECTION 2637kg.** 138.16 (1m) of the statutes is created to read:

23 138.16 (1m) CERTIFICATE OF AUTHORIZATION. (a) Before a licensed lender may
24 make title loans under this section, the licensed lender shall first obtain from the

1 division, for each licensed location at which any title loan is to be made, a certificate
2 authorizing the licensed lender to make title loans from that location.

3 (b) At the time of making an application for a certificate under par. (a), an
4 applicant shall pay to the division an initial annual fee of \$5,000. The valid period
5 for the certificate shall be a calendar year and each certificate shall expire on the last
6 day of the calendar year. To renew a certificate, the certificate holder shall, on or
7 before December 10 of the year in which the certificate is to expire, pay to the division
8 an annual renewal fee of \$5,000 for the following calendar year.

9 **SECTION 2637kh.** 138.16 (2) of the statutes is renumbered 138.16 (2) (a) and
10 amended to read:

11 138.16 (2) (a) No licensed lender may make a title loan to a borrower that
12 results in the borrower having liability for the loan, in principal, of more than 50
13 percent of the retail value of the motor vehicle used as security for the loan. The
14 division shall promulgate rules for determining the retail value of a motor vehicle for
15 purposes of this paragraph, including rules specifying nationally recognized pricing
16 guides that may be used for determining retail value at the time of loan origination.

17 **SECTION 2637ki.** 138.16 (2) (b) of the statutes is created to read:

18 138.16 (2) (b) 1. This section imposes no limit on the interest that a licensed
19 lender may charge before the maturity date of a title loan.

20 2. If a title loan is not paid in full on or before the maturity date, a licensed
21 lender may charge, after the maturity date, interest at a rate not exceeding 2.75
22 percent per month. Interest earned under this subdivision shall be calculated at the
23 rate of one-thirtieth of the monthly rate charged for each calendar day that the
24 balance of the loan is outstanding. Interest may not be assessed on any interest
25 earned under this subdivision.

1 **SECTION 2637kj.** 138.16 (3) of the statutes is created to read:

2 138.16 (3) RESCISSION. A borrower may rescind a title loan, before the close of
3 business on the next day of business after the loan is made, or, if the place of business
4 where the loan is made is open 24 hours, before 5 p.m. on the next day of business
5 after the loan is made, by returning to the licensed lender the proceeds of the loan.
6 The licensed lender may not charge the borrower any fee for rescinding the title loan
7 as provided in this subsection.

8 **SECTION 2637kk.** 138.16 (4) of the statutes is created to read:

9 138.16 (4) OTHER REQUIREMENTS. (a) A licensed lender may not make a title loan
10 to a borrower that is secured by an interest in a motor vehicle if the motor vehicle is
11 subject to another security interest.

12 (b) A licensed lender may not require a borrower to provide the licensed lender
13 with a key or copy of a key to a motor vehicle used as security for a title loan as a
14 condition for making the title loan to the borrower.

15 (c) A licensed lender or person acting on behalf of a licensed lender may not take
16 possession of a motor vehicle used as security for a title loan to a borrower without
17 sending notice to the borrower at least 20 days prior to taking possession. The notice
18 shall state the intent to take possession and describe the basis for the right to take
19 possession. This paragraph does not apply to possession that is obtained by a
20 borrower's voluntary surrender of a motor vehicle.

21 (d) A licensed lender or other person may charge a borrower a reasonable
22 storage fee for a motor vehicle of the borrower of which the licensed lender or person
23 acting on behalf of the licensed lender has obtained possession, including possession
24 that is obtained by voluntary surrender.

1 (e) A licensed lender shall return to a borrower the amount of any proceeds from
2 the disposition of a motor vehicle used as security for a title loan to the borrower that
3 exceed the borrower's liability to the licensed lender for the loan.

4 (f) A borrower is not liable to a licensed lender for any deficiency resulting from
5 the licensed lender's disposition of a motor vehicle used as security for a title loan,
6 unless the borrower has done any of the following:

7 1. Impaired the licensed lender's security interest by intentionally damaging
8 or destroying the motor vehicle.

9 2. Intentionally concealed the motor vehicle.

10 3. Pledged to the licensed lender a motor vehicle that is already encumbered
11 by an undisclosed prior lien.

12 4. Subsequent to obtaining the title loan, pledged or sold to a third party a
13 motor vehicle used as security for a title loan without the licensed lender's written
14 consent.

15 **SECTION 2637m.** 139.01 (4) of the statutes is amended to read:

16 139.01 (4) "License," and "fermented malt beverages" have the same meaning
17 as in s. 125.02, and "licensed premises" are premises described in licenses and
18 permits issued by the department, cities, villages, or towns under the authority of
19 said section.

20 **SECTION 2637n.** 139.76 (1) of the statutes is amended to read:

21 139.76 (1) An excise tax is imposed upon the sale, offering or exposing for sale,
22 possession with intent to sell or removal for consumption or sale or other disposition
23 for any purpose of tobacco products by any person engaged as a distributor of them
24 at the rate, for tobacco products, not including moist snuff, of 71 percent of the
25 manufacturer's established list price to distributors without diminution by volume

1 or other discounts on domestic products and, for moist snuff, at the rate of 100
2 ~~percent of the manufacturer's established list price to distributors without~~
3 ~~diminution by volume or other discounts on domestic products \$1.76 per ounce, and~~
4 at a proportionate rate for any other quantity or fractional part in excess of 1.2
5 ounces. The tax imposed on a can or package of moist snuff that weighs less than 1.2
6 ounces shall be equal to the amount of the tax imposed on a can or package that
7 weighs 1.2 ounces. The tax imposed under this subsection on cigars shall not exceed
8 an amount equal to 50 cents for each cigar. On products imported from another
9 country, not including moist snuff, the rate of tax is 71 percent of the amount obtained
10 by adding the manufacturer's list price to the federal tax, duties and transportation
11 costs to the United States. ~~On moist snuff imported from another country, the rate~~
12 ~~of the tax is 100 percent of the amount obtained by adding the manufacturer's list~~
13 ~~price to the federal tax, duties, and transportation costs to the United States.~~ The
14 tax attaches at the time the tobacco products are received by the distributor in this
15 state. The tax shall be passed on to the ultimate consumer of the tobacco products.
16 All tobacco products received in this state for sale or distribution within this state,
17 except tobacco products actually sold as provided in sub. (2), shall be subject to such
18 tax.

19 **SECTION 2637p.** 139.78 (1) of the statutes is amended to read:

20 139.78 (1) A tax is imposed upon the use or storage by consumers of tobacco
21 products in this state at the rate, for tobacco products, not including moist snuff, of
22 71 percent of the cost of the tobacco products and, for moist snuff, at the rate of 100
23 ~~percent of the manufacturer's established list price to distributors without~~
24 ~~diminution by volume or other discounts on domestic products \$1.76 per ounce, and~~
25 at a proportionate rate for any other quantity or fractional part in excess of 1.2

1 ounces. The tax imposed on a can or package of moist snuff that weighs less than 1.2
2 ounces shall be equal to the amount of the tax imposed on a can or package that
3 weighs 1.2 ounces. The tax imposed under this subsection on cigars shall not exceed
4 an amount equal to 50 cents for each cigar. The tax does not apply if the tax imposed
5 by s. 139.76 (1) on the tobacco products has been paid or if the tobacco products are
6 exempt from the tobacco products tax under s. 139.76 (2).

7 **SECTION 2638.** 145.01 (4) of the statutes is amended to read:

8 145.01 (4) DEPARTMENT. "Department" means the department of commerce
9 safety and professional services.

10 **SECTION 2639.** 145.02 (4) (a) of the statutes is amended to read:


11 145.02 (4) (a) The department shall prescribe rules as to the qualifications,
12 examination and licensing of master and journeyman plumbers and restricted
13 plumber licensees, for the licensing of utility contractors, for the registration of
14 plumbing apprentices and pipe layers and for the registration and training of
15 registered learners. The plumbers council, created under s. ~~15.157 (6)~~ 15.407 (16),
16 shall advise the department in formulating the rules.

17 **SECTION 2640.** 145.17 (2) of the statutes is amended to read:

18 145.17 (2) The department shall prescribe rules as to the qualifications,
19 examination and licensing of journeymen automatic fire sprinkler system fitters and
20 automatic fire sprinkler contractors and for the registration and training of
21 automatic fire sprinkler system apprentices. The automatic fire sprinkler system
22 contractors and journeymen council, created under s. ~~15.157 (9)~~ 15.407 (17), shall
23 advise the department in formulating the rules.

24 **SECTION 2641.** 145.20 (5) (c) of the statutes is amended to read:

1 145.20 (5) (c) The department of natural resources may suspend or revoke a
2 license issued under s. 281.48 or a certificate issued under s. 281.17 (3) to the
3 operator of a septage servicing vehicle if the department of natural resources finds
4 that the licensee or operator falsified information on inspection forms. The
5 department of ~~commerce~~ safety and professional services may suspend or revoke the
6 license of a plumber licensed under this chapter if the department finds that the
7 plumber falsified information on inspection forms.

8 
9 **SECTION 2642.** 145.245 (12m) (e) of the statutes is amended to read:

10 145.245 (12m) (e) The department of ~~commerce~~ safety and professional
11 services and the department of administration may enter into a financial assistance
12 agreement with a governmental unit that applies for a loan under this subsection
13 and meets the eligibility requirements for a loan, including the requirements under
14 par. (d).

15 **SECTION 2643.** 145.245 (12m) (f) of the statutes is amended to read:

16 145.245 (12m) (f) The department of administration, in consultation with the
17 department of ~~commerce~~ safety and professional services, may establish those terms
18 and conditions of a financial assistance agreement that relate to its financial
19 management, including what type of municipal obligation is required for the
20 repayment of the financial assistance. In setting the terms and conditions, the
21 department of administration may consider factors that the department of
22 administration finds are relevant, including the type of obligation evidencing the
23 loan, the pledge of security for the obligation and the applicant's creditworthiness.

24 **SECTION 2644.** 145.245 (12m) (g) of the statutes is amended to read:

1 145.245 (12m) (g) The department of administration shall make and disburse
2 a loan to an applicant that has entered into a financial assistance agreement under
3 par. (e). The department of administration, in consultation with the department of
4 ~~commerce~~ safety and professional services, shall establish procedures for disbursing
5 loans.

6 **SECTION 2645.** 145.245 (12m) (h) of the statutes is amended to read:

7 145.245 (12m) (h) If a governmental unit fails to make a principal repayment
8 after its due date, the department of administration shall place on file a certified
9 statement of all amounts due under this subsection. After consulting the
10 department of ~~commerce~~ safety and professional services, the department of
11 administration may collect all amounts due by deducting those amounts from any
12 state payments due the governmental unit or may add a special charge to the amount
13 of taxes apportioned to and levied upon the county under s. 70.60. If the department
14 of administration collects amounts due, it shall remit those amounts to the fund to
15 which they are due and notify the department of ~~commerce~~ safety and professional
16 services of that action.

17 **SECTION 2646.** 146.085 (3) of the statutes is amended to read:

18 146.085 (3) ENFORCEMENT. The department, the department of ~~commerce~~
19 safety and professional services, and the public service commission shall enforce this
20 section within their respective jurisdictions.

21 **SECTION 2646t.** 146.38 (1) (b) 2. of the statutes, as created by 2011 Wisconsin
22 Act 2, is amended to read:

23 146.38 (1) (b) 2. A facility, association, or business entity, as specified in s.
24 146.81 (1) (i) to (q) and including a residential care apartment complex, as defined
25 in s. 50.01 (1d).

1 **SECTION 2647.** 146.40 (4r) (em) of the statutes is amended to read:

2 146.40 (4r) (em) If the department receives a report under par. (a) or (am) and
3 determines that an individual who is the subject of the report holds a credential that
4 is related to the individual's employment at, or contract with, the entity, the
5 department shall refer the report to the department of ~~regulation and licensing~~
6 safety and professional services.

7 **SECTION 2648L.** 146.66 of the statutes is created to read:

8 **146.66 Low-income dental clinics.** (1) From the appropriation account
9 under s. 20.435 (1) (dk), in each fiscal year, the department shall award grants to no
10 fewer than 9 nonprofit dental clinics that meet the eligibility requirements under
11 sub. (2) and are located in this state.

12 (2) To be eligible for a grant under sub. (1), a nonprofit dental clinic must satisfy
13 all of the following requirements:

14 (a) The clinic does not receive federal funds under 42 USC 254b.

15 (b) The clinic's primary purpose is to provide dental care to low-income
16 patients, which may include any of the following individuals:

17 1. Recipients of medical assistance, as defined in s. 49.43 (8).

18 2. Low-income individuals who do not qualify for medical assistance, as
19 defined in s. 49.43 (8).

20 3. Individuals under the age of 18.

21 4. Individuals over the age of 65.

22 5. Individuals with disabilities.

23 (3) The department shall seek federal funding to support the operations of
24 dental clinics that receive grants under sub. (1) and shall request that the federal
25 department of health and human services encourage collaborative arrangements

1 between private dentists and health centers that receive federal funds under 42 USC
2 254b.

3 **SECTION 2648q.** 146.82 (2) (a) 22. of the statutes is created to read:

4 146.82 (2) (a) 22. By a person specified in subd. 21. to a correctional officer of
5 the department of corrections who has custody of or is responsible for the supervision
6 of a prisoner, to a person designated by a jailer to have custodial authority over a
7 prisoner, or to a law enforcement officer or other person who is responsible for
8 transferring a prisoner to or from a prison or jail, if the patient health care record
9 indicates that the prisoner has a communicable disease and disclosure of that
10 information is necessary for the health and safety of the prisoner or of other
11 prisoners, of the person whom the information is disclosed, or of any employee of the
12 prison or jail.

13 **SECTION 2649x.** 146.83 (1d) of the statutes is renumbered 146.83 (1c) and
14 amended to read:

15 146.83 (1c) Except as provided in s. 51.30 or 146.82 (2), any patient or person
16 authorized by the patient may, upon submitting a statement of informed consent,
17 inspect the health care records of a health care provider pertaining to that patient.
18 ~~Except as provided in sub. (1g), the health care provider shall make the records~~
19 ~~available for inspection by the patient or person authorized by the patient during~~
20 ~~regular business hours, after the health care provider receives notice from the~~
21 ~~patient or person authorized by the patient. A health care provider may not charge~~
22 ~~a fee for inspection under this subsection at any time during regular business hours,~~
23 upon reasonable notice.

24 **SECTION 2653.** 146.83 (1f) (a) of the statutes is repealed.

25 **SECTION 2654.** 146.83 (1f) (b) of the statutes is repealed.

1 **SECTION 2655.** 146.83 (1f) (c) of the statutes is repealed.

2 **SECTION 2656.** 146.83 (1f) (d) 1. of the statutes is renumbered 146.83 (1f) (am)
3 and amended to read:

4 146.83 (1f) (am) If a patient or person authorized by the patient requests copies
5 of the patient's health care records under this ~~subsection~~ section for use in appealing
6 a denial of social security disability insurance, under 42 USC 401 to 433, or
7 supplemental security income, under 42 USC 1381 to 1385, the health care provider
8 may charge the patient or person authorized by the patient no more than the amount
9 that the federal social security administration reimburses the department for copies
10 of patient health care records.

11 **SECTION 2657.** 146.83 (1f) (d) 2. of the statutes is renumbered 146.83 (1f) (cm)
12 and amended to read:

13 146.83 (1f) (cm) Except as provided in sub. (1g), a health care provider may not
14 charge a patient or a person authorized by the patient more than 25 percent of the
15 applicable fee under sub. (3f) for providing one set of copies of a patient's health care
16 records under this ~~subsection~~ section if the patient is eligible for medical assistance,
17 as defined in s. 49.43 (8). A health care provider may require that a patient or person
18 authorized by the patient provide proof that the patient is eligible for medical
19 assistance before providing copies under this ~~subdivision~~ without paragraph at a
20 reduced charge. A health care provider may charge ~~the fees~~ 100 percent of the
21 applicable fee under par. (e) sub. (3f) for providing a 2nd or additional set of copies
22 of patient health care records for a patient who is eligible for medical assistance.

23 **SECTION 2658x.** 146.83 (1g) of the statutes is amended to read:

24 146.83 (1g) ~~The time limit for making records available for inspection under~~
25 ~~sub. (1d), the time limits for providing copies of records under sub. (1f) (a) and (b),~~

1 ~~and the~~ requirement under sub. (1f) ~~(d) 2. (cm)~~ to provide one set of copies of records
2 ~~without at a reduced~~ charge if the patient is eligible for medical assistance ~~de does~~
3 not apply if the health care provider is the department or the department of
4 corrections.

5 **SECTION 2659x.** 146.83 (1h) (a) of the statutes is repealed.

6 **SECTION 2659y.** 146.83 (1h) (b) of the statutes is repealed.

7 **SECTION 2659z.** 146.83 (1h) (c) of the statutes is renumbered 146.83 (1f) (bm).

8 **SECTION 2660.** 146.83 (1k) of the statutes is repealed.

9 **SECTION 2661.** 146.83 (1m) of the statutes is renumbered 146.83 (1m) (a).

10 **SECTION 2662.** 146.83 (1m) (b) of the statutes is created to read:

11 146.83 **(1m)** (b) The health care provider under par. (a) may be charged
12 reasonable costs for the provision of the patient's health care records.

13 **SECTION 2663m.** 146.83 (3f) of the statutes is created to read:

14 146.83 **(3f)** (a) Except as provided in sub. (1f) or s. 51.30 or 146.82 (2), if a person
15 requests copies of a patient's health care records, provides informed consent, and
16 pays the applicable fees under par. (b), the health care provider shall provide the
17 person making the request copies of the requested records.

18 (b) Except as provided in sub. (1f), a health care provider may charge no more
19 than the total of all of the following that apply for providing the copies requested
20 under par. (a):

21 1. For paper copies: \$1 per page for the first 25 pages; 75 cents per page for
22 pages 26 to 50; 50 cents per page for pages 51 to 100; and 30 cents per page for pages
23 101 and above.

24 2. For microfiche or microfilm copies, \$1.50 per page.

25 3. For a print of an X-ray, \$10 per image.

1 4. If the requester is not the patient or a person authorized by the patient, for
2 certification of copies, a single \$8 charge.

3 5. If the requester is not the patient or a person authorized by the patient, a
4 single retrieval fee of \$20 for all copies requested.

5 6. Actual shipping costs and any applicable taxes.

6 (c) 1. In this paragraph, "consumer price index" means the average of the
7 consumer price index for all urban consumers, U.S. city average, as determined by
8 the bureau of labor statistics of the U.S. department of labor.

9 2. On each July 1, beginning on July 1, 2012, the department shall adjust the
10 dollar amounts specified under par. (b) by the percentage difference between the
11 consumer price index for the 12-month period ending on December 31 of the
12 preceding year and the consumer price index for the 12-month period ending on
13 December 31 of the year before the preceding year. The department shall notify the
14 legislative reference bureau of the adjusted amounts and the legislative reference
15 bureau shall publish the adjusted amounts in the Wisconsin Administrative
16 Register.

17 **SECTION 2664.** 146.84 (2) (a) 1. of the statutes is amended to read:

18 146.84 (2) (a) 1. Requests or obtains confidential information under s. 146.82
19 or 146.83 ~~(1d), (1f), or (1h)~~ (1c) or (3f) under false pretenses.

20 **SECTION 2664b.** 146.89 (1) (d) 2. of the statutes is amended to read:

21 146.89 (1) (d) 2. A private school, as defined in s. 115.001 (3r), that participates
22 in the choice program under s. 118.60 or the Milwaukee Parental Choice Program
23 under s. 119.23.

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24 **SECTION 2664d.** 146.89 (1) (g) 3. of the statutes is amended to read:

1 146.89 (1) (g) 3. A private school, as defined in s. 115.001 (3r), that participates
2 in the choice program under s. 118.60 or the Milwaukee Parental Choice Program
3 under s. 119.23.

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4 **SECTION 2664f.** 146.89 (3) (b) 9. of the statutes is created to read:

5 146.89 (3) (b) 9. Any outpatient surgery that is permitted under the volunteer
6 health care provider's license under sub. (1) (r) 1. and for which the provider has the
7 necessary training, experience, equipment, and facilities.

8 **SECTION 2664h.** 146.89 (3r) (b) 1. of the statutes is amended to read:

9 146.89 (3r) (b) 1. Except as specified in par. (c), the health care services
10 specified in sub. (3) (b) 1. to 5. and 7., other than referrals to reproductive health care
11 specialists, and in sub. (3) (b) 8. and 9.

12 **SECTION 2664j.** 146.89 (3r) (c) 2. of the statutes is amended to read:

13 146.89 (3r) (c) 2. Surgery, except as provided in par. (b) 2. and 5. and sub. (3)
14 (b) 9.

15 **SECTION 2665.** 150.31 (5m) of the statutes is amended to read:

16 150.31 (5m) The department shall decrease the statewide bed limit specified
17 in sub. (1) to account for any reduction in the approved bed capacity of a skilled
18 nursing facility operated by the department of veterans affairs under s. 45.50 (1), as
19 specified in s. 45.50 (10).

20 **SECTION 2666.** 150.84 (3) of the statutes is amended to read:

21 150.84 (3) "Health care provider" means any person licensed, registered,
22 permitted or certified by the department or by the department of ~~regulation and~~
23 ~~licensing safety and professional services~~ to provide health care services in this state.

24 **SECTION 2667.** 153.60 (1) of the statutes is amended to read:

1 153.60 (1) The department shall, by the first October 1 after the
2 commencement of each fiscal year, estimate the total amount of expenditures under
3 this subchapter for the department for that fiscal year for data collection, database
4 development and maintenance, generation of data files and standard reports,
5 orientation and training provided under s. 153.05 (9) (a) and contracting with the
6 data organization under s. 153.05 (2r). The department shall assess the estimated
7 total amount for that fiscal year, less the estimated total amount to be received for
8 purposes of administration of this subchapter under s. 20.435 (1) (hi) during the
9 fiscal year and the unencumbered balance of the amount received for purposes of
10 administration of this subchapter under s. 20.435 (1) (hi) from the prior fiscal year,
11 to health care providers, other than hospitals and ambulatory surgery centers, who
12 are in a class of health care providers from whom the department collects data under
13 this subchapter in a manner specified by the department by rule. The department
14 shall work together with the department of ~~regulation and licensing~~ safety and
15 professional services to develop a mechanism for collecting assessments from health
16 care providers other than hospitals and ambulatory surgery centers. No health care
17 provider that is not a facility may be assessed under this subsection an amount that
18 exceeds \$75 per fiscal year. All payments of assessments shall be credited to the
19 appropriation under s. 20.435 (1) (hg).

20 **SECTION 2668.** 157.061 (5) of the statutes is amended to read:

21 157.061 (5) "Department" means the department of ~~regulation and licensing~~
22 safety and professional services.

23 **SECTION 2669.** 157.11 (9m) of the statutes is amended to read:

24 157.11 (9m) ACTION BY DISTRICT ATTORNEY. If any money or property is not
25 turned over when required by this section, or default occurs under a bond, the district

1 attorney, upon the request of the department of ~~regulation and licensing~~ safety and
2 professional services, shall bring action to recover.

3 **SECTION 2670.** 157.12 (1) of the statutes is amended to read:

4 157.12 (1) DEFINITION. Notwithstanding s. 157.061 (5), in this section,
5 “department” means the department of ~~commerce~~ safety and professional services.

6 **SECTION 2671.** 157.12 (3) (b) of the statutes is amended to read:

7 157.12 (3) (b) The cemetery’s treasurer is the custodian of the fund. The
8 treasurer shall file with the cemetery, at the cemetery’s expense, a bond with sureties
9 approved by the department of ~~regulation and licensing~~ safety and professional
10 services to indemnify the cemetery against loss if the treasurer fails to maintain the
11 fund. No indemnity is required if the terms of sale of a mausoleum space require the
12 purchaser to pay directly to a trust company in the state, designated by the cemetery
13 as custodian of the fund. The fund shall be invested as provided in s. 157.19. Income
14 from investment may be used only to maintain the mausoleum, except that if the
15 amount of income exceeds the amount necessary to properly maintain the
16 mausoleum the excess amount may be used to maintain any portion of the cemetery.

17 **SECTION 2672.** 157.65 (1) (a) of the statutes is amended to read:

18 157.65 (1) (a) If the department of ~~regulation and licensing~~ safety and
19 professional services has reason to believe that any person is violating or has violated
20 this subchapter or any rule promulgated under this subchapter and that the
21 continuation of that activity might cause injury to the public interest, the
22 department of ~~regulation and licensing~~ safety and professional services may
23 investigate.

24 **SECTION 2673.** 157.65 (1) (b) of the statutes is amended to read: