

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

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

9           125.07 (3) (a) 13. An underage person who enters or remains in a banquet or  
10 hospitality room on brewery premises ~~operated under a Class “B” or “Class B” license~~  
11 for the purpose of attending a brewery tour.

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

13           125.10 (4) REGULATION OF CLOSED RETAIL PREMISES. A municipality may not  
14 prohibit the permittee, licensee, employees, salespersons, employees of wholesalers  
15 licensed issued a permit under s. 125.28 (1) or 125.54 (1); employees of permittees  
16 under s. 125.295 with respect to the permittee’s own retail premises; or service  
17 personnel from being present on premises operated under a Class “A”, “Class A” or  
18 “Class C” license or under a Class “B” or “Class B” license or permit during hours  
19 when the premises are not open for business if those persons are performing  
20 job-related activities.

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

22           125.25 (1) Every municipal governing body may issue Class “A” licenses for the  
23 sale of fermented malt beverages from premises within the municipality. ~~Subject to~~  
24 ~~s. 125.34 (5) and (6), a~~ A Class “A” license authorizes retail sales of fermented malt  
25 beverages for consumption off the premises where sold and in original packages,

1 containers, and bottles. A Class “A” license also authorizes the licensee to provide,  
2 free of charge, to customers and visitors who have attained the legal drinking age  
3 fermented malt beverages taste samples that are not in original packages,  
4 containers, or bottles and that do not exceed 3 fluid ounces each, for consumption on  
5 the Class “A” premises. No Class “A” licensee may provide more than 2 taste samples  
6 per day to any one person. Taste samples may be provided under this subsection only  
7 between the hours of 11 a.m. and 7 p.m. Any other provision of this chapter  
8 applicable to retail sales of fermented malt beverages by a Class “A” licensee also  
9 applies to the provision of taste samples, free of charge, of fermented malt beverages  
10 by a Class “A” licensee. A license may be issued after July 1. That license shall expire  
11 on the following June 30.

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

13 125.25 (2) (b) 1. ~~Beginning on May 5, 1994, a~~ A Class “A” license may not be  
14 issued to a person holding a wholesaler’s license permit issued under s. 125.28 or to  
15 a person who has a direct or indirect ownership interest in a premises operating  
16 under a wholesaler’s license permit issued under s. 125.28.

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

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

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

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

24 125.26 (1) Every municipal governing body may issue Class “B” licenses for the  
25 sale of fermented malt beverages from premises within the municipality and may

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

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

9 125.26 (2) (b) 1. Except as provided in ~~ss. s. 125.295 and 125.31~~, Class “B”  
10 licenses may not be issued to brewers or brewpubs.

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

13 125.26 (2) (b) 2. ~~Except as provided in s. 125.29, beginning on May 5, 1994, a~~  
14 A Class “B” license may not be issued to a person holding a wholesaler’s license  
15 permit issued under s. 125.28 or to a person who has a direct or indirect ownership  
16 interest in a premises operating under a wholesaler’s license permit issued under s.  
17 125.28.

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

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

21 125.275 (2) (b) ~~Beginning on May 5, 1994, an~~ An industrial fermented malt  
22 beverages permit may not be issued to a person holding a wholesaler’s license permit  
23 issued under s. 125.28 or to a person who has a direct or indirect ownership interest  
24 in a premises operating under a wholesaler’s license permit issued under s. 125.28.

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

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

2           **125.28 (title) Wholesalers' licenses permits.**

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

4           125.28 (1) (a) Subject to par. (b), ~~every municipal governing body the~~  
5           department may issue ~~licenses~~ permits to wholesalers for the sale of fermented malt  
6           beverages from premises within ~~the municipality this state~~, which premises shall  
7           comply with the requirements under s. 125.34 (2). Subject to s. 125.34, and except  
8           as provided in pars. (e) and (f), a wholesaler's license permit authorizes sales of  
9           fermented malt beverages only in original packages or containers to retailers or  
10          wholesalers, ~~not to be consumed in or about the wholesaler's premises.~~

11          (b) If a wholesaler does not maintain any warehouse in this state but is licensed  
12          and maintains a warehouse in an adjoining state that allows wholesalers ~~licensed~~  
13          holding a wholesaler's permit in this state to deliver fermented malt beverages to  
14          retailers in the adjoining state without warehousing in that state and that further  
15          requires that all fermented malt beverages be first unloaded and physically at rest  
16          at, and distributed from, the warehouse of the licensed wholesaler in that state, the  
17          wholesaler's license permit shall be issued by the ~~governing body of the municipality~~  
18          ~~in which some part of the wholesaler's business is conducted in this state~~  
19          department. Notwithstanding s. 125.04 (5) (a) 2. and (c) and (6), the ~~municipal~~  
20          ~~governing body~~ department may issue the wholesaler's license permit to a  
21          wholesaler described in this paragraph who is a natural person and not a resident  
22          of this state or that is a corporation or limited liability company and has not  
23          appointed an agent in this state.

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

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

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

5 125.28 (1) (e) Notwithstanding ss. 125.04 (9) and 125.09 (1), if a wholesaler was  
6 issued a retail license prior to January 1, 2011, then the wholesaler may, under its  
7 wholesaler's permit, continue to sell at retail fermented malt beverages to  
8 individuals as was permitted under the previously issued retail license.

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

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

13 125.28 (2) (a) A wholesaler's license permit may be issued to any person  
14 qualified under s. 125.04 (5) except a person acting as an agent for, or in the employ  
15 of, another person. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to  
16 complete a responsible beverage server training course to be qualified for a license  
17 permit under this section.

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

19 125.28 (2) (b) (intro.) ~~Except as provided in par. (c) and s. 125.29, beginning on~~  
20 ~~May 5, 1994, a~~ A wholesaler's license permit may not be issued to any of the  
21 following:

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

24 125.28 (2) (b) 1. b. A Class "B" license issued under s. 125.26, ~~except as provided~~  
25 ~~in s. 125.29 (4).~~

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

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

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

6 125.28 (2) (b) 1. f. A brewer's permit issued under s. 125.29.

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

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

9 125.28 (2) (d) Notwithstanding par. (b) 1. f. and 2., a wholesaler may not hold  
10 any ownership interest in any brewer, except a wholesaler that holds an ownership  
11 interest in a brewer on the effective date of this paragraph .... [LRB inserts date], may  
12 continue to hold that interest.

13 (e) 1. Any person holding an unexpired wholesaler's license issued under s.  
14 125.28, 2009 stats., prior to January 1, 2012, shall be treated as holding a valid  
15 wholesaler's permit under this section until January 1, 2013. On January 1, 2013,  
16 all wholesaler's licenses issued under s. 125.28, 2009 stats., shall be void.

17 2. After January 1, 2012, the department shall issue to each person holding an  
18 unexpired wholesaler's license issued under s. 125.28, 2009 stats., a wholesaler's  
19 permit if the person does not hold a license or permit prohibited under par. (b). The  
20 issuance of a wholesaler's permit by the department to any person shall invalidate  
21 any previous wholesaler's license issued under s. 125.28, 2009 stats., to the person.

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

23 125.28 (3) Wholesalers' licenses permits shall particularly describe the  
24 premises for which issued and are not transferable, except as provided in ~~ss. s.~~ 125.04

1 (12) ~~and 125.25 (2) (b)~~ 4. A wholesaler's license permit is subject to revocation for  
2 violation of any of the terms or provisions thereof.

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

4 125.28 (4) The amount of the license permit fee shall be ~~determined~~ established  
5 by the ~~municipal governing body issuing the license but~~ department and shall be an  
6 amount that is sufficient to fund one special agent position dedicated to alcohol and  
7 tobacco enforcement at the department, but the permit fee may not exceed \$25  
8 \$2,500 per year or fractional part thereof. All permit fees received under this  
9 subsection shall be credited to the appropriation account under s. 20.566 (1) (hd).

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

11 125.28 (5) (a) The premises described in a permit issued under this section  
12 shall be capable of warehousing fermented malt beverages. Any fermented malt  
13 beverages sold by the wholesaler shall be physically unloaded at the premises  
14 described in the permit, or at any warehouse premises for which the wholesaler also  
15 holds a permit under this section and a permit issued under s. 125.19, prior to being  
16 delivered to a retail licensee or to another wholesaler.

17 (b) A wholesaler under this section shall annually sell and deliver fermented  
18 malt beverages to at least 25 retail licensees or other wholesalers that do not have  
19 any direct or indirect interest in each other or in the wholesaler. The department  
20 may not issue a permit under this section unless the applicant represents to the  
21 department an intention to satisfy this requirement, and may not renew a permit  
22 issued under this section unless the wholesaler demonstrates that this requirement  
23 has been satisfied.

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

4 (d) 1. A wholesaler that violates this subsection shall be fined not more than  
5 \$10,000. In addition, a court shall order the wholesaler to forfeit an amount equal  
6 to any profit gained by the wholesaler or retail licensee that violates par. (c), or by  
7 both, resulting from the violation, and the court shall further order that the  
8 wholesaler's permit be revoked.

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

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

16 (e) The department shall promulgate rules to administer and enforce the  
17 requirements under this subsection. The rules shall ensure coordination between  
18 the department's issuance and renewal of permits under this section and its  
19 enforcement of the requirements of this subsection, and shall require that all  
20 applications for issuance or renewal of permits under this section be processed by  
21 department personnel generally familiar with activities of fermented malt beverages  
22 wholesalers. The department shall establish by rule minimum requirements for  
23 warehouse facilities on premises described in permits issued under this section and  
24 for periodic site inspections by the department of such warehouse facilities.

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

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

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

7           125.29 (2) (title) INTEREST RESTRICTIONS.

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

10           125.29 (2) (a) ~~Except as provided in s. 125.31, no~~ No person holding a Class “A”  
11 license, Class “B” license or permit, or wholesaler’s permit issued under this chapter  
12 may register as a brewer.

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

14           125.29 (2) (b) 1. Except as provided in subd. 2. or 3., no brewer may hold any  
15 ownership interest in any wholesaler.

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

18           3. If a wholesaler that has been granted distribution rights by a brewer for a  
19 brand in a designated sales territory is unable to service the designated sales  
20 territory for any reason, including the discontinuation of the wholesaler’s  
21 distribution rights, bankruptcy, or criminal prosecution of the wholesaler in  
22 connection with operation of the wholesaler, and the reason is not the result of an  
23 action by the brewer, then a brewer shall be allowed, for a period of not more than  
24 one year, to take temporary control and operation of the wholesaler.

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

1           125.29 (3) AUTHORIZED ACTIVITIES. The department shall issue brewer's permits  
2 to eligible applicants authorizing all of the following:

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

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

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

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

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

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

21           (g) Notwithstanding ss. 125.04 (9) and 125.09 (1), the retail sale of fermented  
22 malt beverages, for on-premise consumption or for off-premise consumption in  
23 original unopened packages or containers, that have been manufactured on another  
24 brewery premises in this state if the fermented malt beverages have been purchased  
25 by the brewer from a wholesaler holding a permit under s. 125.28 or from another

1 brewery located in this state that manufactures 300,000 or less barrels of beer in a  
2 calendar year.

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

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

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

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

15 125.29 (3m) SALES TO RETAILERS. (a) Except as provided in pars. (b) and (c), no  
16 brewer may sell fermented malt beverages to a retail licensee.

17 (b) A brewer that manufactures 300,000 or less barrels of fermented malt  
18 beverages in a calendar year from all locations may sell, ship, transport and deliver  
19 to retailers, from the brewery premises, fermented malt beverages, in original  
20 unopened packages or containers, that have been manufactured on the brewery  
21 premises, if the brewer complies with the requirements in ss. 125.33 and 125.34, as  
22 applicable, to the same extent as if the brewer were a wholesaler.

23 (c) If a wholesaler that has been granted distribution rights by a brewer for a  
24 brand in a designated sales territory is unable to service the designated sale territory  
25 for any reason, including the discontinuation of the wholesaler's distribution rights,

1 bankruptcy, or criminal prosecution of the wholesaler in connection with operation  
2 of the wholesaler, and the reason is not the result of an action by the brewer, then a  
3 brewer shall be allowed, for a period of not more than one year, to sell or ship any  
4 brand of fermented malt beverages to retailers located in the wholesaler's designated  
5 sales territory.

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

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

8 125.29 (6) RESTAURANTS. A brewer may operate a restaurant on the brewery  
9 premises and at an off-site retail outlet established by the brewer. A brewer may not  
10 hold a restaurant permit for the operation of a restaurant at any other location except  
11 that a brewer may possess or hold an indirect interest in a Class "B" license for not  
12 more than 20 restaurants in each of which the sale of alcohol beverages accounts for  
13 less than 60 percent of the restaurant's gross receipts if no fermented malt beverages  
14 manufactured by the brewer are offered for sale in any of these restaurants.

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

16 125.295 (2) (a) 6. c. A wholesaler's license permit issued under s. 125.28.

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

18 125.30 (1) The department shall issue out-of-state shippers' permits which,  
19 except as provided in s. ~~125.34 (6) (e)~~ sub. (4), authorize the permittee to ship  
20 fermented malt beverages only to holders of a wholesaler's license permit issued  
21 under s. 125.28. Except with respect to any shipment from a warehouse in an  
22 adjoining state by a wholesaler issued a wholesale license permit under s. 125.28 (1)  
23 (b), no person may receive fermented malt beverages in this state which have been  
24 directly shipped from outside this state by any person other than the holder of a  
25 permit issued under this section. Subject to s. 125.34 (2) ~~and (6) (e)~~, all shipments

1 of fermented malt beverages to a wholesaler of fermented malt beverages in this  
2 state, whether shipped to the wholesaler from inside this state or from outside this  
3 state, shall be unloaded in, physically at rest in, and only then distributed from the  
4 wholesaler's warehouse in this state.

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

6 125.30 (3) Out-of-state shippers' permits may be issued only to a person who  
7 holds a valid certificate issued under s. 73.03 (50) ~~and~~, who is qualified under s.  
8 125.04 (5), who does not maintain an office or street address in this state, and who  
9 is the primary source of supply for the brand of fermented malt beverages. An  
10 out-of-state shipper's permit may not be issued to a person determined by the  
11 department to be primarily engaged in wholesale or retail sales in another state.  
12 Notwithstanding s. 125.04 (5) (a), natural persons obtaining out-of-state shippers'  
13 permits are not required to be residents of this state. Notwithstanding s. 125.04 (5)  
14 (a) 5., a person is not required to complete a responsible beverage server training  
15 course to be qualified for a permit under this section. Notwithstanding s. 125.04 (6),  
16 corporations or limited liability companies obtaining out-of-state shippers' permits  
17 are not required to appoint agents.

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

19 125.30 (4) An out-of-state brewer that manufactures 300,000 barrels or less  
20 of fermented malt beverages in a calendar year from all locations and that holds an  
21 out-of-state shipper's permit may sell and ship fermented malt beverages directly  
22 to retail licensees if the out-of-state brewer registers with the department, files  
23 whatever periodic reports with the department as the department may require, and  
24 complies with the requirements in ss. 125.33 and 125.34, as applicable, to the same

1 extent as if the out-of-state brewer were a wholesaler holding a permit under s.  
2 125.28.

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

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

5 125.32 (3) (c) Hotels and restaurants the principal business of which is the  
6 furnishing of food and lodging to patrons, bowling centers, movie theaters, indoor  
7 horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may  
8 remain open for the conduct of their regular business but may not sell fermented  
9 malt beverages during the hours specified in par. (a).

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

11 125.32 (3m) (h) A movie theater.

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

13 125.33 (1) (a) Except as provided in this section and ss. s. 125.295 and 125.31,  
14 no brewer, brewpub, or wholesaler may furnish, give, lend, lease, or sell any  
15 furniture, fixtures, fittings, equipment, money, or other thing of value to any campus  
16 or Class "B" licensee or permittee, or to any person for the use, benefit, or relief of any  
17 campus or Class "B" licensee or permittee, or guarantee the repayment of any loan  
18 or the fulfillment of any financial obligation of any campus or Class "B" licensee or  
19 permittee. Such actions may not be taken by the brewer, brewpub, or wholesaler  
20 directly or indirectly, or through a subsidiary or affiliate corporation or limited  
21 liability company, or by any officer, director, stockholder, partner, or member thereof.

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

23 125.33 (7) (a) 1. a. Receive, purchase, or acquire fermented malt beverages from  
24 any licensee, or wholesale permittee or from any brewpub acting under authority of  
25 s. 125.295 (1) (g), except for cash or credit for a period of not more than 15 days.

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

2           125.33 (7) (a) 1. b. 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), if at the time of the receipt, purchase, or acquisition he or she is  
5 indebted to any licensee, wholesale permittee, or brewpub for fermented malt  
6 beverages received, purchased, acquired, or delivered more than 15 days earlier.

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

8           125.33 (7) (c) ~~Wholesalers and brewpubs holding retail licenses and permits~~  
9 ~~Brewpubs.~~ For purposes of this subsection, a person holding both a fermented malt  
10 beverage wholesale license and a fermented malt beverage retail license is deemed  
11 a fermented malt beverage retailer. For purposes of this subsection, a brewpub,  
12 when acting under authority of a retail license with respect to fermented malt  
13 beverages not manufactured by the brewpub, is deemed a fermented malt beverages  
14 retailer. This paragraph does not affect any provision of this subsection with respect  
15 to a brewpub acting under authority of s. 125.295 (1) (g).

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

17           125.33 (9) **CAMPUSES AND RETAILERS TO PURCHASE FROM WHOLESALERS.** Except as  
18 provided in ~~s.~~ ss. 125.29 (3m) (b) and (c), 125.295 (1) (g), and 125.30 (4), no campus  
19 or retail licensee or permittee may purchase or possess fermented malt beverages  
20 purchased from any person other than a wholesaler holding a license permit under  
21 this chapter for the sale of fermented malt beverages. Any person who violates this  
22 subsection may be fined not more than \$10,000 or imprisoned for not more than 9  
23 months or both.

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

1           125.33 (10) (a) 3. “Successor wholesaler” means any wholesaler who enters into  
2           an agreement, whether oral or written, to obtain a supply of a brand of fermented  
3           malt beverages that is a discontinued brand, or otherwise acquires the right to act  
4           as a wholesaler for a discontinued brand, from a brewer, brewpub, brewer’s agent,  
5           brewpub’s agent, or holder of an out-of-state shipper’s permit ~~after the brewer,~~  
6           ~~brewpub, brewer’s agent, brewpub’s agent, or holder of an out-of-state shipper’s~~  
7           ~~permit has terminated, cancelled, or failed to renew an agreement, whether oral or~~  
8           ~~written, with a terminated wholesaler to supply that same brand of fermented malt~~  
9           ~~beverages for purposes of selling the discontinued brand in a specifically defined~~  
10          ~~territory, if the discontinued brand was sold by a terminated wholesaler in any~~  
11          ~~portion of this same territory at a time immediately before the brand of fermented~~  
12          ~~malt beverages became a discontinued brand.~~

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

14           125.33 (11) SOURCE OF FERMENTED MALT BEVERAGES. (a) Subject to s. 125.34 (3),  
15           no wholesaler ~~who holds a retail license issued under this chapter~~ authorized to  
16           make retail sales under s. 125.28 (1) (e) may sell a brand of fermented malt beverages  
17           to ~~another~~ a retail licensee unless the wholesaler has an agreement for general  
18           wholesale distribution of that brand of fermented malt beverages with the brewer,  
19           brewpub, brewer’s agent, brewpub’s agent, or holder of an out-of-state shipper’s  
20           permit supplying that brand.

21           (b) If a wholesaler ~~who holds a retail license issued under this chapter~~ violates  
22           par. (a), any other wholesaler aggrieved by such violation or the brewer or brewpub  
23           may bring an action against such wholesaler in any court of competent jurisdiction  
24           for damages sustained by the aggrieved wholesaler or the brewer or brewpub as a  
25           consequence of the violation, together with the actual costs of the action.

1 Notwithstanding s. 814.04 (1), a wholesaler or the brewer or brewpub who prevails  
2 in an action under this paragraph may recover reasonable actual attorney fees  
3 incurred in the action.

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

5 125.33 (12) PROVIDING TASTE SAMPLES ON CLASS "A" PREMISES. Notwithstanding  
6 s. 125.34 (6) (a), with the consent of the Class "A" licensee, a brewer may provide, free  
7 of charge, on Class "A" premises, taste samples of fermented malt beverages to any  
8 person who has attained the legal drinking age for consumption on the premises  
9 during hours in which the Class "A" licensee is authorized under s. 125.25 (1) to  
10 provide taste samples or, if more restrictive, only during hours established by  
11 ordinance by a municipality under s. 125.32 (3) (d). The provision of taste samples  
12 under this subsection shall be subject to the same limitations that apply to taste  
13 samples provided by a Class "A" licensee under s. 125.25 (1). No brewer may provide  
14 as taste samples under this subsection any fermented malt beverages that the  
15 brewer did not purchase from the Class "A" licensee on whose premises the taste  
16 samples are provided. A brewer may provide taste samples under this subsection  
17 through an individual representing the brewer who is hired by the brewer and who  
18 is not employed by or an agent of a wholesaler ~~other than, if the brewer holds a~~  
19 ~~wholesale license, the brewer.~~ All provisions of this subsection that apply to a brewer  
20 apply equally to any individual representing a brewer.

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

22 125.33 (13) WHOLESALERS' SOURCE OF SUPPLY. No wholesaler may purchase  
23 fermented malt beverages for resale unless the wholesaler purchases them either  
24 from the primary source of supply for the brand of fermented malt beverages sought  
25 to be sold or from a wholesaler within this state that holds a permit issued under s.

1 125.28. No wholesaler may sell fermented malt beverages purchased by the  
2 wholesaler to any other licensee or permittee under this chapter if the fermented  
3 malt beverages have not been purchased by the wholesaler from the primary source  
4 of supply or from a wholesaler within the state holding a permit issued under s.  
5 125.28.

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

7 125.34 (1) (g) "Wholesaler" means a ~~licensee~~ permittee under s. 125.28 and  
8 ~~includes a brewer or out-of-state shipper that holds a wholesaler's license under s.~~  
9 ~~125.28.~~

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

12 125.34 (2) Except as provided in ~~sub. (6) (b) and s. ss. 125.29 (3m) (b) and (c),~~  
13 125.295 (1) (e) and (g), and 125.30 (4), no fermented malt beverages may be sold,  
14 transported, or delivered to a retailer unless, prior to such sale, transport, or delivery,  
15 the fermented malt beverages are first unloaded at, physically at rest at, and only  
16 then distributed from a wholesaler's warehouse premises covered by both a  
17 wholesaler's ~~license~~ permit issued under s. 125.28 and an alcohol beverage  
18 warehouse permit issued under s. 125.19, which premises shall be in this state ~~and~~  
19 ~~shall be a physically separate location from any retail premises or brewery premises.~~  
20 This paragraph does not apply to a wholesaler issued a wholesaler's ~~license~~ permit  
21 under s. 125.28 (1) (b) with respect to fermented malt beverages transported and  
22 delivered from a warehouse in an adjoining state unless the wholesaler's warehouse  
23 in the adjoining state is located on premises in the adjoining state used for the  
24 manufacture of fermented malt beverages.

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

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

2           125.34 (3) (a) 1. ~~Subject to subd. 3, a~~ A wholesaler may not sell, transport, or  
3 deliver any brand of fermented malt beverages unless the wholesaler has entered  
4 into a written agreement with the brewer, brewpub, or out-of-state shipper  
5 supplying the brand that grants to the wholesaler distribution rights for the brand  
6 and identifies the designated sales territory for which such distribution rights are  
7 granted, including the precise geographical area comprising the designated sales  
8 territory.

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

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

11          125.34 (4) (a) Any retailer located outside the wholesaler's designated sales  
12 territory for the brand. This paragraph does not apply if another wholesaler that has  
13 been granted distribution rights for the brand in the designated sales territory where  
14 the sale, transportation, or delivery occurs is unable to service this designated sales  
15 territory and the brewer, brewpub, or out-of-state shipper granting distribution  
16 rights has, notwithstanding sub. (3) (a), given consent for the sale, transportation,  
17 or delivery, which consent shall be limited to the time period that another wholesaler  
18 is unable to service this designated sales territory. ~~This paragraph does not apply if  
19 the wholesaler is also a brewer and another wholesaler to whom this brewer has  
20 granted distribution rights for the brand in the designated sales territory where the  
21 sale, transportation, or delivery occurs has, notwithstanding sub. (3) (a), given  
22 consent for the sale, transportation, or delivery or refused to service this territory.~~

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

24          125.34 (5) Except as provided in sub. (6) (b) and s. ss. 125.29 (3m) (b) and (c),  
25 125.295 (1) (e) and (g), and 125.30 (4), deliveries of fermented malt beverages to

1 retailers may be made only by wholesalers and shall be made to retailers only at their  
2 retail premises. No retailer may transport fermented malt beverages from one retail  
3 premises to another retail premises for purposes of selling the fermented malt  
4 beverages at the other retail premises unless both retail premises are operated by  
5 a ~~brewer or~~ brewpub holding the retail licenses.

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

8 125.34 (6) Except as provided in ~~pars. (b) and (c) and ss. 125.06 (1) and 125.31~~  
9 ~~(1) and (3) ss. 125.29 (3), (3m) (b) and (c) and 125.30 (4)~~, a brewer or out-of-state  
10 shipper may sell, transport, and deliver fermented malt beverages only to a  
11 wholesaler, ~~which may be the brewer or out-of-state shipper itself if, in its activities~~  
12 ~~as a wholesaler, it complies with the requirements under subs. (2) to (5).~~

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

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

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

16 125.68 (4) (c) 4. Hotels and restaurants the principal business of which is the  
17 furnishing of food, drinks or lodging to patrons, bowling centers, movie theaters,  
18 indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses  
19 may remain open for the conduct of their regular business but may not sell  
20 intoxicating liquor during the closing hours under subd. 1. or, with respect to the sale  
21 of intoxicating liquor authorized under s. 125.51 (3r) (a), under subd. 3.

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

23 132.001 (1m) "Department" means the department of financial institutions.

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

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

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

1           132.01 (3) For an original or renewal registration, or the recording of an  
2 assignment, there shall be paid to the ~~secretary of state~~ department the fee of \$15.

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

4           132.01 (5) The ~~secretary of state~~ department may not register any mark which  
5 consists of or comprises a replica or simulation of the flag, coat of arms, or insignia  
6 of the United States of America, or of any state or municipality or any foreign nation.

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

8           132.01 (6) (a) A registration recorded or renewed under this section or s. 132.04  
9 or 132.11 before May 1, 1990, is effective for 20 years. A registration may be renewed  
10 on or after May 1, 1990, for 10-year periods upon application to the ~~secretary of state~~  
11 department and payment of the same fee required for a registration. Application for  
12 renewal shall be made within 6 months before the expiration of the 20-year  
13 registration period or 10-year renewal period specified in this paragraph.

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

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

20           132.01 (7) (intro.) The ~~secretary of state~~ department shall do all of the  
21 following:

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

23           132.01 (7) (b) Cancel from his or her register a registration of a mark under this  
24 section upon the request of the registrant of the mark. The ~~secretary of state~~  
25 department may not charge a fee for canceling a registration under this paragraph.

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

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

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

13           132.01 (9) Title to any registration hereunder shall pass to any person, firm or  
14 corporation succeeding to the registrant's business to which such registration  
15 pertains. Written assignments of any such registration from a registrant to such a  
16 successor may be filed with and shall be recorded by the ~~secretary of state~~  
17 department upon payment of the fee specified in sub. (3). When such assignment is  
18 recorded, a new registration shall be entered in the name of the assignee, and on such  
19 registration and any subsequent certificates or registration of an assigned  
20 registration the ~~secretary of state~~ department shall show the previous ownership  
21 and dates of assignment thereof.

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

23           **132.031 Certificate; evidence.** The ~~secretary of state~~ department shall  
24 deliver to the person, corporation, association or union so filing or causing to be filed  
25 any such mark, or any assignment of such subject matter previously registered, or

1 to any person, corporation, association or union renewing a registration, as many  
2 duly attested certificates of the registration or renewal of the same as may be desired.  
3 Any such certificate shall, in all suits and prosecutions arising out of or depending  
4 upon any rights claimed under such mark, be prima facie evidence of the adoption  
5 thereof and of the facts prerequisite to registrations thereof as required by s. 132.01.

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

7 132.04 (1) Any person who is the owner of cans, tubs, firkins, boxes, bottles,  
8 casks, barrels, kegs, cartons, tanks, fountains, vessels or containers with his or her  
9 names, brands, designs, trademarks, devices or other marks of ownership stamped,  
10 impressed, labeled, blown in or otherwise marked thereon, may file with the  
11 ~~secretary of state~~ department and record with the register of deeds of any county in  
12 which the person has his or her principal place of business, a written statement or  
13 description verified by affidavit of the owner or his or her agent, of the names, brands,  
14 designs, trademarks, devices or other marks of ownership used by him or her, and  
15 of the articles upon which they are used, or if the principal place of business is outside  
16 the state, then a written statement or verified description may be recorded with the  
17 register of deeds of any county. The statement shall be published as a class 3 notice,  
18 under ch. 985, in the county, and a copy of the publication, proved as provided in s.  
19 985.12, shall also be filed with the ~~secretary of state~~ department and recorded with  
20 the register of deeds.

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

22 132.04 (2) All such written statements or descriptions and all such certificates  
23 of publication so filed or recorded shall be subject at all reasonable hours to public  
24 inspection. The ~~secretary of state~~ department and the register of deeds shall deliver  
25 to all applicants certified copies of all such written statements or descriptions or

1 names, brands, designs, trademarks, devices, or other marks of ownership and of all  
2 certificates of publication filed or recorded with them and such certified copies shall  
3 be admissible in evidence in all prosecutions under ss. 132.04 to 132.08, and shall be  
4 prima facie evidence that this section has been complied with, and of the title of the  
5 owner named therein to the property upon which the name, brand, design,  
6 trademark, device, or other marks of ownership of the owner appear as described  
7 therein.

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

9 132.04 (3) The ~~secretary of state~~ department shall receive a fee of \$15 and the  
10 register of deeds shall receive the fee specified in s. 59.43 (2) (ag) or (e) for each  
11 statement and certificate of publication filed or recorded and shall also receive the  
12 fee specified in s. 59.43 (2) (b) for each certified copy of such statement and certificate  
13 of publication, to be paid for by the person filing, recording or applying for the same.

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

15 132.04 (4) (a) The ~~secretary of state~~ department and register of deeds shall  
16 cancel a statement or description under this section upon the request of the person  
17 named in the records of the ~~secretary of state~~ department or register of deeds as the  
18 owner of marks of ownership described in the statement or description.

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

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

22 132.11 (1) (intro.) The ~~secretary of state~~ department shall do all of the  
23 following:

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

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

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

7           132.16 (1m) Any organization may register, ~~in the office of the secretary of~~  
8 ~~state,~~ with the department a facsimile, duplicate, or description of any of the  
9 organization's identifying information and may, by reregistration, alter or cancel the  
10 organization's identifying information.

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

12           132.16 (2) Application for registration or reregistration under sub. (1m) shall  
13 be made by the organization's chief officer or officers upon forms provided by the  
14 ~~secretary of state~~ department. The registration shall be for the use, benefit, and on  
15 behalf of the organization and the organization's current and future individual  
16 members throughout this state.

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

18           132.16 (3) The ~~secretary of state~~ department shall keep a properly indexed file  
19 of all registrations under this section, which shall also show any alterations or  
20 cancelations by reregistration.

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

22           132.16 (5) Upon granting registration under this section, the ~~secretary of state~~  
23 department shall issue ~~his or her~~ a certificate to the petitioners, setting forth the fact  
24 of the registration.

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

1           132.16 (6) The fees of the ~~secretary of state~~ department for registration or  
2 reregistration under this section, searches made by the ~~secretary of state~~  
3 department, and certificates issued by the ~~secretary of state~~ department under this  
4 section, shall be the same as provided by law for similar services. The fees collected  
5 under this section shall be paid by the ~~secretary of state~~ department into the state  
6 treasury.

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

8           137.01 (1) (a) The governor shall appoint notaries public who shall be United  
9 States residents and at least 18 years of age. Applicants who are not attorneys shall  
10 file an application with the ~~secretary of state~~ department of financial institutions  
11 and pay a \$20 fee.

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

13           137.01 (1) (b) The secretary of state financial institutions shall satisfy himself  
14 or herself that the applicant has the equivalent of an 8th grade education, is familiar  
15 with the duties and responsibilities of a notary public and, subject to ss. 111.321,  
16 111.322 and 111.335, does not have an arrest or conviction record.

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

18           137.01 (1) (d) Qualified applicants shall be notified by the ~~secretary of state~~  
19 department of financial institutions to take and file the official oath and execute and  
20 file an official bond in the sum of \$500, with a surety executed by a surety company  
21 and approved by the secretary of state financial institutions.

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

23           137.01 (1) (e) The qualified applicant shall file his or her signature, post-office  
24 address and an impression of his or her official seal, or imprint of his or her official  
25 rubber stamp with the ~~secretary of state~~ department of financial institutions.

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

2           137.01 (1) (g) At least 30 days before the expiration of a commission the  
3 ~~secretary of state~~ department of financial institutions shall mail notice of the  
4 expiration date to the holder of a commission.

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

6           137.01 (2) (a) Except as provided in par. (am), any United States resident who  
7 is licensed to practice law in this state is entitled to a permanent commission as a  
8 notary public upon application to the ~~secretary of state~~ department of financial  
9 institutions and payment of a \$50 fee. The application shall include a certificate of  
10 good standing from the supreme court, the signature and post-office address of the  
11 applicant and an impression of the applicant's official seal, or imprint of the  
12 applicant's official rubber stamp.

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

14           137.01 (2) (am) If a United States resident has his or her license to practice law  
15 in this state suspended or revoked, upon reinstatement of his or her license to  
16 practice law in this state, the person may be entitled to receive a certificate of  
17 appointment as a notary public for a term of 4 years. An eligible notary appointed  
18 under this paragraph is entitled to reappointment for 4-year increments. At least  
19 30 days before the expiration of a commission under this paragraph the ~~secretary of~~  
20 ~~state~~ department of financial institutions shall mail notice of the expiration date to  
21 the holder of the commission.

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

23           137.01 (2) (b) The secretary of ~~state~~ financial institutions shall issue a  
24 certificate of appointment as a notary public to persons who qualify under the

1 requirements of this subsection. The certificate shall state that the notary  
2 commission is permanent or is for 4 years.

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

4 137.01 (2) (c) The supreme court shall file with the ~~secretary of state~~  
5 department of financial institutions notice of the surrender, suspension or revocation  
6 of the license to practice law of any attorney who holds a permanent commission as  
7 a notary public. Such notice shall be deemed a revocation of said commission.

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

9 137.01 (6) (a) The secretary of state financial institutions may certify to the  
10 official qualifications of any notary public and to the genuineness of the notary  
11 public's signature and seal or rubber stamp.

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

13 137.01 (6m) CHANGE OF RESIDENCE. A notary public does not vacate his or her  
14 office by reason of his or her change of residence within the United States. Written  
15 notice of any change of address shall be given to the ~~secretary of state~~ department  
16 of financial institutions within 10 days of the change.

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

18 137.01 (7) OFFICIAL RECORDS TO BE FILED. When any notary public ceases to hold  
19 office, the notary public, or in case of the notary public's death the notary public's  
20 personal representative, shall deposit the notary public's official records and papers  
21 ~~in the office of the secretary of state~~ with the department of financial institutions.  
22 If the notary or personal representative, after the records and papers come to his or  
23 her hands, neglects for 3 months to deposit them, he or she shall forfeit not less than  
24 \$50 nor more than \$500. If any person knowingly destroys, defaces, or conceals any  
25 records or papers of any notary public, the person shall forfeit not less than \$50 nor

1 more than \$500, and shall be liable for all damages resulting to the party injured.  
2 The ~~secretary of state~~ department of financial institutions shall receive and safely  
3 keep all such papers and records.

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

5 **138.045 Method of calculating interest.** Interest on any note, bond, or  
6 other instrument computed on the declining unpaid principal balance from time to  
7 time outstanding may be computed and charged on actual unpaid balances at 1/360  
8 of the annual rate for the actual number of days outstanding if the use of this  
9 calculation method is disclosed in the note, bond, or other instrument. This section  
10 does not apply to pawnbrokers' loans under s. 138.10.

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

12 138.09 (1a) (a) Banks, savings banks, savings and loan associations, trust  
13 companies, credit unions, or any of their affiliates.

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

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

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

17 138.14 (1) (be) "Consumer reporting agency" has the meaning given in 15 USC  
18 1681a (f).

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

20 138.14 (1) (k) 1. A transaction between an individual with an account at a  
21 financial establishment and another person, including a person who is not physically  
22 located in this state, in which the person agrees to accept from the individual one or  
23 more checks, to hold the check or checks for a period of time before negotiating or  
24 presenting the check or checks for payment, and to loan to the individual, for a term

1 of 90 days or less, before negotiating or presenting the check or checks for payment,  
2 an amount that is agreed to by the individual.

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

4 138.14 (1) (k) 2. 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 the individual's  
7 authorization to initiate one or more electronic fund transfers from the account, to  
8 wait a period of time before initiating the electronic fund transfer or transfers, and  
9 to loan to the individual, for a term of 90 days or less, before initiating the electronic  
10 fund transfer or transfers, an amount that is agreed to by the individual.

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

12 138.14 (3) EXEMPTIONS. This section does not apply to banks, savings banks,  
13 savings and loan associations, trust companies, credit unions, or any of their  
14 affiliates.

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

16 138.14 (7) (e) 6. The number of payday loans made during the preceding year  
17 that resulted in repayment under sub. (11g) (a).

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

19 138.14 (9g) (a) 6. Disclose to the applicant the payment requirements that may  
20 apply under sub. (11g) (a) if the loan is not paid in full at the end of the loan term.

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

22 138.14 (9m) INCOME VERIFICATION. Before entering into a payday loan with an  
23 applicant that has not previously been a customer of the licensee, the licensee may  
24 request the applicant's consumer report from a consumer reporting agency as part  
25 of the licensee's underwriting process and the licensee may rely on the consumer

1 report as a permissible method of income verification in making the payday loan.  
2 The licensee may also rely on the same consumer report in underwriting and making  
3 subsequent payday loans to the same customer.

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

5 138.14 (9r) (c) 4. The percentage of customers originating payday loans that  
6 resulted in repayment under sub. (11g) (a).

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

8 138.14 (10) (a) 2. If a payday loan is not paid in full on or before the maturity  
9 date, a licensee may charge, after the maturity date, interest at a rate not exceeding  
10 2.75 percent per month, except that if a licensee makes a subsequent payday loan to  
11 the customer under sub. (12) (a), and the customer does not pay the subsequent loan  
12 in full on or before the maturity date of the subsequent loan, the licensee may charge,  
13 after the maturity date of the subsequent loan, interest at a rate not exceeding 2.75  
14 percent per month on the subsequent loan and the licensee may not charge any  
15 interest under this subdivision on the prior loan. Interest earned under this  
16 subdivision shall be calculated at the rate of one-thirtieth of the monthly rate  
17 charged for each calendar day that the balance of the loan is outstanding. Interest  
18 may not be assessed on any interest earned under this subdivision.

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

20 138.14 (10) (am) *Penalties.* Except as provided in par. (b) 2., no licensee may  
21 impose any penalty on a customer arising from the customer's prepayment of or  
22 default or late payment on a payday loan, including any payment under sub. (11g)  
23 (a).

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

1           138.14 (11g) (a) If Except as provided in par. (b), if a customer fails to repay a  
2           payday loan in full at the end of the loan term, the licensee that made the loan shall  
3           offer the customer the opportunity to repay the outstanding balance of the loan in  
4           4 equal installments with due dates coinciding with the customer's pay period  
5           schedule.

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

7           138.14 (11g) (b) If a licensee offers a customer the opportunity to make  
8           repayment under par. (a), then, during the 12-month period following the offer, no  
9           licensee, including the licensee making the offer, is required to offer the customer  
10          another opportunity to repay a payday loan under par. (a).

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

12          138.14 (12) (b) No licensee may make a payday loan to a customer that results  
13          in the customer having an outstanding aggregate liability in principal, interest, and  
14          all other fees and charges, to all licensees who have made payday loans to the  
15          customer of more than \$1,500 or 35 percent of the customer's gross monthly income,  
16          whichever is less. As provided in sub. (9m), a licensee may rely on a consumer report  
17          to verify a customer's income for purposes of this paragraph.

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

19          138.14 (14) (d) 4. Designate Automatically designate a payday loan as paid in  
20          the database 5 days after the maturity date of the loan unless a licensee reports to  
21          the database provider before that time that the loan remains open because of the  
22          customer's failure to make payment; that the loan is open because the customer's  
23          check or an electronic redeposit is in the process of clearing the banking system; that  
24          the loan remains open because the customer's check is being returned to the licensee  
25          for insufficient funds, a closed account, or a stop payment order; or that any other

1 factors determined by the division are applicable. If a licensee makes such a report,  
2 the database provider shall designate the payday loan as an open transaction until  
3 the database provider is notified that the transaction is closed.

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

5 138.14 (14) (h) The division shall, by order or rule, specify a database  
6 transaction fee of no more than \$1 that the database provider shall charge to  
7 licensees to cover the costs of developing and implementing the database, and  
8 accessing the database to verify that a customer does not have any payday loans with  
9 the licensee or others that in combination with a new transaction will create a  
10 violation of this section. The database fee is payable directly to the division in a  
11 manner prescribed by the division and, if the department has contracted with a  
12 3rd-party provider to operate the database, the division shall remit the fee to the  
13 3rd-party provider as specified in the contract.

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

15 138.14 (14) (j) If the database, as determined by the division, is not fully  
16 operational, or the licensee is unable to access the database and, as determined  
17 under rules promulgated by the division, the alternate process established under  
18 par. (d) 2. is also unavailable, a licensee may rely upon the written verification of the  
19 customer in a statement provided in substantially the following form in at least  
20 12-point type:

21 "I DO NOT HAVE ANY OUTSTANDING PAYDAY LOANS WITH THIS  
22 LICENSEE AND I DO NOT HAVE MORE PAYDAY LOANS WITH ANY OTHER  
23 LICENSED PAYDAY LOAN PROVIDER IN THIS STATE."

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

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

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

4           138.16 (1) (bm) “Licensed location” means the location specified in a license  
5 issued under s. 138.09 (1m) (a).

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

7           138.16 (1) (c) “Title loan” means a loan of \$25,000 or less to a borrower, who  
8 obtains or seeks to obtain the loan for personal, family, or household purposes, that  
9 is, or is to be, secured by an interest, other than a purchase money security interest,  
10 in the borrower’s motor vehicle, and that has an original term of not more than 6  
11 months.

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

13           138.16 (1m) CERTIFICATE OF AUTHORIZATION. (a) Before a licensed lender may  
14 make title loans under this section, the licensed lender shall first obtain from the  
15 division, for each licensed location at which any title loan is to be made, a certificate  
16 authorizing the licensed lender to make title loans from that location.

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

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

1           138.16 (2) (a) No licensed lender may make a title loan to a borrower that  
2 results in the borrower having liability for the loan, in principal, of more than 50  
3 percent of the retail value of the motor vehicle used as security for the loan. The  
4 division shall promulgate rules for determining the retail value of a motor vehicle for  
5 purposes of this paragraph, including rules specifying nationally recognized pricing  
6 guides that may be used for determining retail value at the time of loan origination.

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

8           138.16 (2) (b) 1. This section imposes no limit on the interest that a licensed  
9 lender may charge before the maturity date of a title loan.

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

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

17           138.16 (3) RESCISSION. A borrower may rescind a title loan, before the close of  
18 business on the next day of business after the loan is made, or, if the place of business  
19 where the loan is made is open 24 hours, before 5 p.m. on the next day of business  
20 after the loan is made, by returning to the licensed lender the proceeds of the loan.  
21 The licensed lender may not charge the borrower any fee for rescinding the title loan  
22 as provided in this subsection.

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

1           138.16 (4) OTHER REQUIREMENTS. (a) A licensed lender may not make a title loan  
2 to a borrower that is secured by an interest in a motor vehicle if the motor vehicle is  
3 subject to another security interest.

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

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

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

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

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

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

25           2. Intentionally concealed the motor vehicle.

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

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

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

7           139.01 (4) "License," and "fermented malt beverages" have the same meaning  
8 as in s. 125.02, and "licensed premises" are premises described in licenses and  
9 permits issued by the department, cities, villages, or towns under the authority of  
10 said section.

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

12           139.76 (1) An excise tax is imposed upon the sale, offering or exposing for sale,  
13 possession with intent to sell or removal for consumption or sale or other disposition  
14 for any purpose of tobacco products by any person engaged as a distributor of them  
15 at the rate, for tobacco products, not including moist snuff, of 71 percent of the  
16 manufacturer's established list price to distributors without diminution by volume  
17 or other discounts on domestic products and, for moist snuff, at the rate of ~~100~~  
18 ~~percent of the manufacturer's established list price to distributors without~~  
19 ~~diminution by volume or other discounts on domestic products~~ \$1.76 per ounce, and  
20 at a proportionate rate for any other quantity or fractional part in excess of 1.2  
21 ounces. The tax imposed on a can or package of moist snuff that weighs less than 1.2  
22 ounces shall be equal to the amount of the tax imposed on a can or package that  
23 weighs 1.2 ounces. The tax imposed under this subsection on cigars shall not exceed  
24 an amount equal to 50 cents for each cigar. On products imported from another  
25 country, not including moist snuff, the rate of tax is 71 percent of the amount obtained

1 by adding the manufacturer's list price to the federal tax, duties and transportation  
2 costs to the United States. ~~On moist snuff imported from another country, the rate~~  
3 ~~of the tax is 100 percent of the amount obtained by adding the manufacturer's list~~  
4 ~~price to the federal tax, duties, and transportation costs to the United States.~~ The  
5 tax attaches at the time the tobacco products are received by the distributor in this  
6 state. The tax shall be passed on to the ultimate consumer of the tobacco products.  
7 All tobacco products received in this state for sale or distribution within this state,  
8 except tobacco products actually sold as provided in sub. (2), shall be subject to such  
9 tax.

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

11 139.78 (1) A tax is imposed upon the use or storage by consumers of tobacco  
12 products in this state at the rate, for tobacco products, not including moist snuff, of  
13 71 percent of the cost of the tobacco products and, for moist snuff, at the rate of 100  
14 ~~percent of the manufacturer's established list price to distributors without~~  
15 ~~diminution by volume or other discounts on domestic products \$1.76 per ounce, and~~  
16 at a proportionate rate for any other quantity or fractional part in excess of 1.2  
17 ounces. The tax imposed on a can or package of moist snuff that weighs less than 1.2  
18 ounces shall be equal to the amount of the tax imposed on a can or package that  
19 weighs 1.2 ounces. The tax imposed under this subsection on cigars shall not exceed  
20 an amount equal to 50 cents for each cigar. The tax does not apply if the tax imposed  
21 by s. 139.76 (1) on the tobacco products has been paid or if the tobacco products are  
22 exempt from the tobacco products tax under s. 139.76 (2).

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

24 145.01 (4) DEPARTMENT. "Department" means the department of ~~commerce~~  
25 safety and professional services.

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

2           145.02 (4) (a) The department shall prescribe rules as to the qualifications,  
3 examination and licensing of master and journeyman plumbers and restricted  
4 plumber licensees, for the licensing of utility contractors, for the registration of  
5 plumbing apprentices and pipe layers and for the registration and training of  
6 registered learners. The plumbers council, created under s. ~~15.157(6)~~ 15.407 (16),  
7 shall advise the department in formulating the rules.

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

9           145.17 (2) The department shall prescribe rules as to the qualifications,  
10 examination and licensing of journeymen automatic fire sprinkler system fitters and  
11 automatic fire sprinkler contractors and for the registration and training of  
12 automatic fire sprinkler system apprentices. The automatic fire sprinkler system  
13 contractors and journeymen council, created under s. ~~15.157(9)~~ 15.407 (17), shall  
14 advise the department in formulating the rules.

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

16           145.20 (5) (c) The department of natural resources may suspend or revoke a  
17 license issued under s. 281.48 or a certificate issued under s. 281.17 (3) to the  
18 operator of a septage servicing vehicle if the department of natural resources finds  
19 that the licensee or operator falsified information on inspection forms. The  
20 department of ~~commerce~~ safety and professional services may suspend or revoke the  
21 license of a plumber licensed under this chapter if the department finds that the  
22 plumber falsified information on inspection forms.

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

24           145.245 (12m) (e) The department of ~~commerce~~ safety and professional  
25 services and the department of administration may enter into a financial assistance

1 agreement with a governmental unit that applies for a loan under this subsection  
2 and meets the eligibility requirements for a loan, including the requirements under  
3 par. (d).

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

5 145.245 (12m) (f) The department of administration, in consultation with the  
6 department of ~~commerce~~ safety and professional services, may establish those terms  
7 and conditions of a financial assistance agreement that relate to its financial  
8 management, including what type of municipal obligation is required for the  
9 repayment of the financial assistance. In setting the terms and conditions, the  
10 department of administration may consider factors that the department of  
11 administration finds are relevant, including the type of obligation evidencing the  
12 loan, the pledge of security for the obligation and the applicant's creditworthiness.

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

14 145.245 (12m) (g) The department of administration shall make and disburse  
15 a loan to an applicant that has entered into a financial assistance agreement under  
16 par. (e). The department of administration, in consultation with the department of  
17 ~~commerce~~ safety and professional services, shall establish procedures for disbursing  
18 loans.

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

20 145.245 (12m) (h) If a governmental unit fails to make a principal repayment  
21 after its due date, the department of administration shall place on file a certified  
22 statement of all amounts due under this subsection. After consulting the  
23 department of ~~commerce~~ safety and professional services, the department of  
24 administration may collect all amounts due by deducting those amounts from any  
25 state payments due the governmental unit or may add a special charge to the amount

1 of taxes apportioned to and levied upon the county under s. 70.60. If the department  
2 of administration collects amounts due, it shall remit those amounts to the fund to  
3 which they are due and notify the department of ~~commerce~~ safety and professional  
4 services of that action.

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

6 146.085 (3) ENFORCEMENT. The department, the department of ~~commerce~~  
7 safety and professional services, and the public service commission shall enforce this  
8 section within their respective jurisdictions.

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

11 146.38 (1) (b) 2. A facility, association, or business entity, as specified in s.  
12 146.81 (1) (i) to (q) and including a residential care apartment complex, as defined  
13 in s. 50.01 (1d).

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

15 146.40 (4r) (em) If the department receives a report under par. (a) or (am) and  
16 determines that an individual who is the subject of the report holds a credential that  
17 is related to the individual's employment at, or contract with, the entity, the  
18 department shall refer the report to the department of ~~regulation and licensing~~  
19 safety and professional services.

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

21 **146.66 Low-income dental clinics.** (1) From the appropriation account  
22 under s. 20.435 (1) (dk), in each fiscal year, the department shall award grants to no  
23 fewer than 9 nonprofit dental clinics that meet the eligibility requirements under  
24 sub. (2) and are located in this state.

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

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

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

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

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

9           3. Individuals under the age of 18.

10          4. Individuals over the age of 65.

11          5. Individuals with disabilities.

12          **(3)** The department shall seek federal funding to support the operations of  
13 dental clinics that receive grants under sub. (1) and shall request that the federal  
14 department of health and human services encourage collaborative arrangements  
15 between private dentists and health centers that receive federal funds under 42 USC  
16 254b.

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

18          146.82 **(2)** (a) 22. By a person specified in subd. 21. to a correctional officer of  
19 the department of corrections who has custody of or is responsible for the supervision  
20 of a prisoner, to a person designated by a jailer to have custodial authority over a  
21 prisoner, or to a law enforcement officer or other person who is responsible for  
22 transferring a prisoner to or from a prison or jail, if the patient health care record  
23 indicates that the prisoner has a communicable disease and disclosure of that  
24 information is necessary for the health and safety of the prisoner or of other

1 prisoners, of the person whom the information is disclosed, or of any employee of the  
2 prison or jail.

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

5 146.83 (1c) Except as provided in s. 51.30 or 146.82 (2), any patient or person  
6 authorized by the patient may, upon submitting a statement of informed consent,  
7 inspect the health care records of a health care provider pertaining to that patient.  
8 ~~Except as provided in sub. (1g), the health care provider shall make the records~~  
9 ~~available for inspection by the patient or person authorized by the patient during~~  
10 ~~regular business hours, after the health care provider receives notice from the~~  
11 ~~patient or person authorized by the patient. A health care provider may not charge~~  
12 ~~a fee for inspection under this subsection at any time during regular business hours,~~  
13 upon reasonable notice.

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

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

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

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

19 146.83 (1f) (am) If a patient or person authorized by the patient requests copies  
20 of the patient's health care records under this subsection section for use in appealing  
21 a denial of social security disability insurance, under 42 USC 401 to 433, or  
22 supplemental security income, under 42 USC 1381 to 1385, the health care provider  
23 may charge the patient or person authorized by the patient no more than the amount  
24 that the federal social security administration reimburses the department for copies  
25 of patient health care records.

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

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

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

14           146.83 (1g) ~~The time limit for making records available for inspection under~~  
15 ~~sub. (1d), the time limits for providing copies of records under sub. (1f) (a) and (b),~~  
16 ~~and the requirement under sub. (1f) (d) 2. (cm) to provide one set of copies of records~~  
17 ~~without~~ at a reduced charge if the patient is eligible for medical assistance ~~do~~ does  
18 not apply if the health care provider is the department or the department of  
19 corrections.

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

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

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

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

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

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

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

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

4           146.83 **(3f)** (a) Except as provided in sub. (1f) or s. 51.30 or 146.82 (2), if a person  
5 requests copies of a patient's health care records, provides informed consent, and  
6 pays the applicable fees under par. (b), the health care provider shall provide the  
7 person making the request copies of the requested records.

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

11           1. For paper copies: \$1 per page for the first 25 pages; 75 cents per page for  
12 pages 26 to 50; 50 cents per page for pages 51 to 100; and 30 cents per page for pages  
13 101 and above.

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

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

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

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

20           6. Actual shipping costs and any applicable taxes.

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

24           2. On each July 1, beginning on July 1, 2012, the department shall adjust the  
25 dollar amounts specified under par. (b) by the percentage difference between the

1 consumer price index for the 12-month period ending on December 31 of the  
2 preceding year and the consumer price index for the 12-month period ending on  
3 December 31 of the year before the preceding year. The department shall notify the  
4 legislative reference bureau of the adjusted amounts and the legislative reference  
5 bureau shall publish the adjusted amounts in the Wisconsin Administrative  
6 Register.

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

8 146.84 (2) (a) 1. Requests or obtains confidential information under s. 146.82  
9 or 146.83 ~~(1d), (1f), or (1h)~~ (1c) or (3f) under false pretenses.

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

11 146.89 (1) (d) 2. A private school, as defined in s. 115.001 (3r), that participates  
12 in the choice program under s. 118.60 or the Milwaukee Parental Choice Program  
13 under s. 119.23.

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

15 146.89 (1) (g) 3. A private school, as defined in s. 115.001 (3r), that participates  
16 in the choice program under s. 118.60 or the Milwaukee Parental Choice Program  
17 under s. 119.23.

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

19 146.89 (3) (b) 9. Any outpatient surgery that is permitted under the volunteer  
20 health care provider's license under sub. (1) (r) 1. and for which the provider has the  
21 necessary training, experience, equipment, and facilities.

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

23 146.89 (3r) (b) 1. Except as specified in par. (c), the health care services  
24 specified in sub. (3) (b) 1. to 5. and 7., other than referrals to reproductive health care  
25 specialists, and in sub. (3) (b) 8. and 9.

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

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

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

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

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

10           150.84 **(3)** “Health care provider” means any person licensed, registered,  
11           permitted or certified by the department or by the department of ~~regulation and~~  
12           ~~licensing safety and professional services~~ to provide health care services in this state.

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

14           153.60 **(1)** The department shall, by the first October 1 after the  
15           commencement of each fiscal year, estimate the total amount of expenditures under  
16           this subchapter for the department for that fiscal year for data collection, database  
17           development and maintenance, generation of data files and standard reports,  
18           orientation and training provided under s. 153.05 (9) (a) and contracting with the  
19           data organization under s. 153.05 (2r). The department shall assess the estimated  
20           total amount for that fiscal year, less the estimated total amount to be received for  
21           purposes of administration of this subchapter under s. 20.435 (1) (hi) during the  
22           fiscal year and the unencumbered balance of the amount received for purposes of  
23           administration of this subchapter under s. 20.435 (1) (hi) from the prior fiscal year,  
24           to health care providers, other than hospitals and ambulatory surgery centers, who  
25           are in a class of health care providers from whom the department collects data under

1 this subchapter in a manner specified by the department by rule. The department  
2 shall work together with the department of ~~regulation and licensing~~ safety and  
3 professional services to develop a mechanism for collecting assessments from health  
4 care providers other than hospitals and ambulatory surgery centers. No health care  
5 provider that is not a facility may be assessed under this subsection an amount that  
6 exceeds \$75 per fiscal year. All payments of assessments shall be credited to the  
7 appropriation under s. 20.435 (1) (hg).

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

9 157.061 (5) "Department" means the department of ~~regulation and licensing~~  
10 safety and professional services.

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

12 157.11 (9m) ACTION BY DISTRICT ATTORNEY. If any money or property is not  
13 turned over when required by this section, or default occurs under a bond, the district  
14 attorney, upon the request of the department of ~~regulation and licensing~~ safety and  
15 professional services, shall bring action to recover.

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

17 157.12 (1) DEFINITION. Notwithstanding s. 157.061 (5), in this section,  
18 "department" means the department of ~~commerce~~ safety and professional services.

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

20 157.12 (3) (b) The cemetery's treasurer is the custodian of the fund. The  
21 treasurer shall file with the cemetery, at the cemetery's expense, a bond with sureties  
22 approved by the department of ~~regulation and licensing~~ safety and professional  
23 services to indemnify the cemetery against loss if the treasurer fails to maintain the  
24 fund. No indemnity is required if the terms of sale of a mausoleum space require the  
25 purchaser to pay directly to a trust company in the state, designated by the cemetery

1 as custodian of the fund. The fund shall be invested as provided in s. 157.19. Income  
2 from investment may be used only to maintain the mausoleum, except that if the  
3 amount of income exceeds the amount necessary to properly maintain the  
4 mausoleum the excess amount may be used to maintain any portion of the cemetery.

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

6 157.65 (1) (a) If the department of ~~regulation and licensing~~ safety and  
7 professional services has reason to believe that any person is violating or has violated  
8 this subchapter or any rule promulgated under this subchapter and that the  
9 continuation of that activity might cause injury to the public interest, the  
10 department of ~~regulation and licensing~~ safety and professional services may  
11 investigate.

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

13 157.65 (1) (b) If the department of ~~commerce~~ safety and professional services  
14 has reason to believe that any person is violating s. 157.12 or any rule promulgated  
15 under s. 157.12 and that the continuation of that activity might cause injury to the  
16 public interest, the department of ~~commerce~~ safety and professional services may  
17 investigate.

18 **SECTION 2674.** 157.65 (2) of the statutes is amended to read:

19 157.65 (2) The department of justice or any district attorney, upon informing  
20 the department of justice, may commence an action in circuit court in the name of  
21 the state to restrain by temporary or permanent injunction any violation of this  
22 subchapter. The court may, prior to entry of final judgment, make such orders or  
23 judgments as may be necessary to restore to any person any pecuniary loss suffered  
24 because of the acts or practices involved in the action, if proof of such loss is submitted  
25 to the satisfaction of the court. The department of justice may subpoena persons and