CHAPTER 99
PUBLIC WAREHOUSES

99.01 Definitions. For the purpose of this chapter, unless the context otherwise requires:

(1) "Food" has the meaning specified in s. 97.01 (6).
(2) "Property" means goods as defined in s. 407.102 (1) (g). "Property" includes food; agricultural and commercial products, commodities or equipment; household furnishings; automobiles; boats, snowmobiles or other vehicles and conveyances; and all other items of a personal, family, household, agricultural, business or commercial nature which may be the subject of a contract of storage.
(3) "Public warehouse" means a warehouse that is operated by a public warehousekeeper for the storage for hire of the property of others. "Public warehouse" includes a food warehouse, as defined in s. 97.27 (1) (b), if the warehouse is operated by a public warehousekeeper for a storage for hire basis. "Public warehouse" does not include a frozen−food locker plant as defined in s. 97.27 (1) (e).
(4) "Public warehousekeeper" means any person who is required to be licensed under s. 99.02.
(5) "Warehouse" means any building, room, structure or facility used for the storage of property.


99.015 Warehouses classified. For the purposes of this chapter, public warehouses are classified as follows:

(1) Class 1 warehouses have less than 10,000 square feet of floor space.
(2) Class 2 warehouses have 10,000 square feet or over but less than 50,000.
(3) Class 3 warehouses have 50,000 square feet or over but less than 100,000.
(4) Class 4 warehouses have 100,000 square feet or over but less than 150,000.
(5) Class 5 warehouses have 150,000 square feet or over.


99.02 Public warehouse keepers; licensing. (1) APPLICATION. Except as provided in sub. (2), no person may operate a warehouse, including a cold−storage warehouse, for the storage of property as bailee for hire without a public warehousekeeper's license. A person desiring a public warehousekeeper's license shall apply on a form furnished by the department and shall set forth the location, size, character and equipment of the building or premises to be used by the applicant, the kinds of goods intended to be stored, the name of each partner if a partnership or of each member if a limited liability company, the names of the officers if a corporation, and such other facts as the department requires to show that the property proposed to be used is suitable for a warehouse and that the applicant is qualified as a public warehousekeeper. Subject to s. 93.135, if the property proposed to be used is suitable for a public warehouse and the applicant is otherwise qualified, a license shall be issued upon payment of the license fee under sub. (3) and the filing of security or insurance as required under s. 99.03.

(2) LICENSE NOT REQUIRED. No license is required for any of the following:
(a) A municipal corporation.
(b) A cooperative association or an unincorporated cooperative association storing farm products and merchandise for members.
(c) A person who operates a warehouse storing only grain, as defined under s. 126.01 (13).
(d) A person who stores property received under a writ of restitution under s. 799.44 (2) if that person was the plaintiff in the action that resulted in the issuance of the writ of restitution.
(e) A person who operates a food warehouse or a frozen−food locker plant as defined in s. 97.27 (1) (e).
(f) A common carrier engaged solely in the transit and storage of property for periods not exceeding 30 days.
(g) A person who stores property received under a writ of restitution under s. 799.44 (2) if that person was the plaintiff in the action that resulted in the issuance of the writ of restitution.
(h) An agricultural society, association, or board that conducts a county or district fair and that receives aid under s. 93.23.

(3) FEES. (a) An applicant for a public warehousekeeper's license shall pay the following annual license fee, unless the fee is otherwise established by department rule:
1. For a Class 1 public warehouse, $50.
2. For a Class 2 public warehouse, $100.
3. For a Class 3 public warehouse, $150.
4. For a Class 4 public warehouse, $200.
5. For a Class 5 public warehouse, $250.

Cross-reference: See also s. ATCP 97.04 (4), Wis. adm. code.
(b) No license shall be issued for part of a year for less than the annual fee, and the license is not transferable. The license period expires June 30.
(c) The department may exempt from the operation of this section a public warehouse or portion thereof if the operator has a license under the federal bonded warehouse act.
(d) If the department conducts a reinspection of any warehouse operated by a person licensed under this section due to any violation of any federal or state law that the department determines in a regularly scheduled inspection of that warehouse, the department shall charge the license holder for the reinspection as follows:
1. The holder of a license under par. (a) 1.: $50.
2. The holder of a license under par. (a) 2.: $100.
3. The holder of a license under par. (a) 3.: $150.
4. The holder of a license under par. (a) 4.: $200.
5. The holder of a license under par. (a) 5.: $250.

(e) An applicant for a public warehousekeeper's license shall pay a license fee surcharge of $100 if the department determines that, within one year before submitting the license application, the applicant operated the public warehouse without a license in violation of sub. (1). Payment of this license fee surcharge does not relieve the applicant of any other civil or criminal liability that results from the unlicensed operation of the public warehouse, but does not constitute evidence of any other violation of law.

(4) SIGN POSTED. Every public warehousekeeper shall keep a conspicuous sign posted on the outside of each public ware-
house, at its main entrance, which sign shall state clearly the name of the public warehouse keeper and that the warehouse is a public warehouse.


**Cross-reference:** See also s. ATPC 97.04, Wis. adm. code.

### 99.03 Public warehouse keeper; security. (1) Security required. Form of security. Every applicant for a public warehouse keeper’s license shall file with the department any of the following:

(a) A commercial surety bond that is issued by a surety company licensed to do business in this state, that secures the applicant’s faithful performance of all duties and obligations of a public warehouse keeper, that is payable to the department for the benefit of owners of stored property or their assignees, that is issued in a form acceptable to the department that provides that it may not be terminated without at least 30 days’ written notice to the department.

(b) An original or certified copy of a legal liability insurance policy that is payable to the department for the benefit of the owners of stored property or their assignees, that is in a form acceptable to the department and that provides that it may not be terminated except upon at least 30 days’ written notice to the department.

(c) A personal bond or 3rd-party guarantee in a form acceptable to the department and supported by one of the following forms of security held under sub. (3):

1. Cash.
2. A certificate of deposit.
4. An irrevocable bank letter of credit issued by a financial institution in this state.

(d) If the warehouse keeper is engaged exclusively in storing apparel, an original or certified copy of a bailee’s customers’ insurance policy that protects the owners of all stored property against loss or damage by fire, wind, water or theft, that names the department as an additional insured party for the benefit of owners of stored property, that is in a form acceptable to the department and that provides that it may not be terminated except upon 30 days’ written notice to the department.

(2) Amount of security required. The aggregate amount of the security required under sub. (1) (a) to (c) shall be not less than the following:

(a) For a Class 1 public warehouse, $10,000.
(b) For a Class 2 public warehouse, $20,000.
(c) For a Class 3 public warehouse, $30,000.
(d) For a Class 4 public warehouse, $40,000.
(e) For a Class 5 public warehouse, $50,000.

(3) Security held by department; release. The department or its agent shall hold security filed under sub. (1) (c). The security shall remain in effect, and the department may not release it, until one of the following occurs:

(a) A period of 180 days elapses after the warehouse keeper gives notice to the department that the warehouse keeper is no longer in business.

(b) A period of 180 days elapses after the warehouse keeper’s license expires or is revoked.

(c) The department determines that the warehouse keeper is no longer in business and that all claims of persons storing property at the warehouse have been satisfied.

(4) Use of a deductible clause. Nothing in this section prohibits the use of a deductible clause in any insurance policy by agreement between the public warehouse keeper and the insurer if the insurer remains liable to owners of stored property or their assignees for the deductible portion of any loss or damage to stored property.
(2) A person who willfully violates this chapter or rules promulgated under this chapter shall be fined not less than $200 nor more than $1,000 or imprisoned not more than 6 months or both.

(3) Each day of violation constitutes a separate offense.


99.08 Rule-making authority. The department may promulgate rules that are needed for the administration and enforcement of this chapter.

History: 1983 a. 500; 1987 a. 399 s. 362; Stats. 1987 s. 99.08.

Cross-reference: See also ch. ATCP 97, Wis. adm. code.