



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4041/1
ARG&MCP:ahc

2017 ASSEMBLY BILL 752

December 19, 2017 - Introduced by Representatives BALLWEG, BORN, BRANDTJEN, E. BROOKS, R. BROOKS, DOYLE, GENRICH, KOOYENGA, KRUG, KUGLITSCH, MACCO, MURSAU, NOVAK, PETRYK, RIPP, SWEARINGEN, TAUCHEN, VANDERMEER and VORPAGEL, cosponsored by Senators PETROWSKI, BEWLEY, COWLES, DARLING, ERPENBACH, FEYEN, LEMAHIEU, KAPENGA, MARKLEIN, MOULTON, NASS, RINGHAND, STROEBEL, TESTIN, VUKMIR and WIRCH. Referred to Committee on Local Government.

1 **AN ACT** *to amend* 125.04 (3) (e) 1.; and *to create* 125.04 (3) (bm), 125.04 (3) (j),
2 125.04 (6) (g), 134.65 (1r) and 134.65 (5m) of the statutes; **relating to:**
3 applications for alcohol beverage licenses and permits and for cigarette and
4 tobacco products retailer licenses, appointment of corporate agents of alcohol
5 beverage licensees and permittees, and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill provides that alcohol beverage license and permit application forms may not require more than one signature on behalf of the applicant and are not required to be sworn to or notarized. The bill also provides that forms for appointment of corporate agents of alcohol beverage licensees and permittees may not require more than one signature on behalf of the licensee or permittee. In addition, the bill provides that forms for cigarette and tobacco products retailer licenses are not required to be notarized.

Current law requires the Department of Revenue to prepare application forms for most kinds of alcohol beverage licenses and permits and requires the use of these forms when such applications are submitted to DOR and municipalities. Current law also requires that most alcohol beverage license applications be sworn to by the applicant.

Under this bill, these forms may not require the signature of more than one person signing on behalf of the applicant and may not require that an applicant's signature be notarized. The bill also eliminates the requirement that a license

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application be sworn to by the applicant and creates a penalty, a forfeiture of up to \$1,000, for a person who knowingly provides materially false information in an application.

Current law requires a corporation or limited liability company (LLC) issued an alcohol beverage license or permit to appoint an agent responsible for the conduct of the licensee's or permittee's business. This bill specifies that a form relating to the appointment of an agent may not require the signature of more than one person signing on behalf of the corporation or LLC submitting the form.

Current law also requires a person who sells or distributes cigarettes or tobacco products to obtain a cigarette and tobacco products retailer license from the municipality in which the goods will be sold or distributed. Under this bill, the municipality, and any form used as an application for a cigarette and tobacco products retailer license, may not require the applicant's signature to be notarized. Under the bill, a person who knowingly provides materially false information in an application may be subject to a forfeiture of up to \$1,000.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 125.04 (3) (bm) of the statutes is created to read:

2 125.04 (3) (bm) *Signature on, and notarization of, forms.* The application forms
3 prepared by the department for a license or permit under this chapter may not
4 require any of the following:

- 5 1. The signature of more than one person signing on behalf of the applicant.
- 6 2. That an applicant's signature be notarized.

7 **SECTION 2.** 125.04 (3) (e) 1. of the statutes is amended to read:

8 125.04 (3) (e) 1. Each application for a license, ~~other than a manager's or~~
9 ~~operator's license,~~ shall be sworn to signed by the applicant. The applicant shall file
10 the application for a license with the municipal clerk of the intended place of sale.

11 **SECTION 3.** 125.04 (3) (j) of the statutes is created to read:

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1 125.04 (3) (j) *Penalty for materially false application information.* Any person
2 who knowingly provides materially false information in an application for a license
3 or permit under this chapter may be required to forfeit not more than \$1,000.

4 **SECTION 4.** 125.04 (6) (g) of the statutes is created to read:

5 125.04 (6) (g) *Forms.* If the department or any municipality prepares a form
6 relating to the appointment of an agent under this subsection, including any
7 cancellation of an appointment or appointment of a successor agent, the form may
8 not require the signature of more than one person signing on behalf of the corporation
9 or limited liability company submitting the form.

10 **SECTION 5.** 134.65 (1r) of the statutes is created to read:

11 134.65 (1r) A city, village, or town clerk may not require an applicant's
12 signature on an application for a cigarette and tobacco products retailer license to be
13 notarized. If a city, village, town, or any department of this state prepares an
14 application form for a cigarette and tobacco products retailer license, the form may
15 not require an applicant's signature on the form to be notarized.

16 **SECTION 6.** 134.65 (5m) of the statutes is created to read:

17 134.65 (5m) Any person who knowingly provides materially false information
18 in an application for a cigarette and tobacco products retailer license under this
19 section may be required to forfeit not more than \$1,000.

20 **SECTION 7. Initial applicability.**

21 (1) This act first applies to applications for licenses and permits and agent
22 appointment forms submitted on the effective date of this subsection.

23 **SECTION 8. Effective date.**

