



## 2019 ASSEMBLY BILL 216

May 15, 2019 - Introduced by Representatives KNODL, BALLWEG, DUCHOW, KITCHENS, KURTZ, MURSAU, PLUMER, ROHRKASTE, SANFELIPPO, SCHRAA, SKOWRONSKI, SPIROS, STEFFEN, SUBECK, TITTL, ZIMMERMAN and WICHGERS, cosponsored by Senators KAPENGA, KOOYENGA, NASS, STROEBEL, WANGGAARD and SMITH. Referred to Committee on State Affairs.

1     **AN ACT to amend** 125.17 (1), 125.17 (4) (intro.), 125.17 (5) (b), 125.17 (6) (a)  
2             (intro.) and 125.17 (6) (b) of the statutes; **relating to:** issuance by  
3             municipalities of alcohol beverage operator's licenses.

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### *Analysis by the Legislative Reference Bureau*

This bill allows a municipal governing body to delegate authority to issue operator's licenses (commonly referred to as "bartender's licenses") to a designated municipal official.

Under current law, a municipal governing body must issue an operator's license to a qualified applicant. Although a person is not required to hold an operator's license to provide alcohol beverages on retail licensed premises, a retail licensee may not be open for business unless the licensee, the designated agent of a corporate licensee, or a person who possesses an operator's license or manager's license is present and responsible for the acts of all persons providing alcohol beverages on the premises.

This bill allows the governing body of a municipality, by ordinance, to authorize a designated municipal official to issue operator's licenses.

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

4             **SECTION 1.** 125.17 (1) of the statutes is amended to read:

**ASSEMBLY BILL 216****SECTION 1**

1           125.17 (1) AUTHORIZATION. Every municipal governing body shall issue an  
2 operator's license to any applicant who is qualified under s. 125.04 (5), except that  
3 the municipal governing body may by ordinance authorize a designated municipal  
4 official to issue operator's licenses. Operators' licenses may not be required other  
5 than for the purpose of complying with ss. 125.32 (2) and 125.68 (2) or s. 125.06 (3g).  
6 Operators' licenses may be issued only upon written application.

7           **SECTION 2.** 125.17 (4) (intro.) of the statutes is amended to read:

8           125.17 (4) TEMPORARY LICENSE. (intro.) Any municipal governing body or  
9 designated municipal official may issue a temporary operator's license under the  
10 terms of subs. (1) to (3), except that:

11           **SECTION 3.** 125.17 (5) (b) of the statutes is amended to read:

12           125.17 (5) (b) A provisional license may be issued only to a person who has  
13 applied for an operator's license under sub. (1). A provisional license may not be  
14 issued to any person who has been denied a license under sub. (1) by the municipal  
15 governing body or designated municipal official.

16           **SECTION 4.** 125.17 (6) (a) (intro.) of the statutes is amended to read:

17           125.17 (6) (a) (intro.) Except as provided in par. (b), no municipal governing  
18 body or designated municipal official may issue an operator's license unless the  
19 applicant has successfully completed a responsible beverage server training course  
20 at any location that is offered by a technical college district and that conforms to  
21 curriculum guidelines specified by the technical college system board or a  
22 comparable training course, which may include computer-based training and  
23 testing, that is approved by the department or the department of safety and  
24 professional services, or unless the applicant fulfills one of the following  
25 requirements:

