

1973 Assembly Bill 664

**Date published:
September 29, 1973**

CHAPTER 121 , Laws of 1973

AN ACT to amend 139.03 (2m) (intro.), 139.06 (5) to (7) and 176.42; and to repeal and recreate 139.06 (2) of the statutes, relating to taxation of wine.

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

SECTION 1. 139.03 (2m) (intro.) of the statutes is amended to read:

139.03 (2m) (intro.) The rate of such tax, effective November 5, 1971, and thereafter, is \$2.60 per wine gallon on intoxicating liquor, except wine, containing 0.5% or more of alcohol by volume, and is computed in accordance with the following table:

SECTION 2. 139.06 (2) of the statutes is repealed and recreated to read:

139.06 (2) (a) The taxes on wine containing not in excess of 21% of alcohol by volume shall be paid to and a monthly return filed with the department on or before the 15th of the month following the month in which tax liability is incurred. Tax liability is incurred by the shipper when wine is shipped into the state. In the case of wine produced or bottled within the state and wine imported directly from a foreign country into the state by a Wisconsin permittee or winery licensee, tax liability is incurred by the permittee or winery licensee at the time of first sale within the state.

(b) All persons required to make return and payment of wine taxes, shall first enter into surety bond with corporate surety to secure payment of tax with bond and surety to be approved by the department. Such bond shall be twice the department's estimate of the taxpayer's maximum monthly tax liability but shall not be less than \$1,000 nor more than \$100,000. The bonds shall be filed with the department.

(c) To further secure the payment of the taxes on wine, the department shall require all persons liable for the return and payment of such taxes to maintain deposit of the department's estimate of tax liabilities in an amount equal to 150% of the estimated maximum monthly tax liability. Such deposit payment shall be paid to the department no later than 30 days after the effective date of this subsection (1973) or no later than 30 days after the date of the permit, whichever is later. This deposit shall be deposited in the general fund as taxes collected for apportionment purposes. Twelve months after such deposit is received from each person the department shall refund 25% of such deposit. At the end of each succeeding 12-month period the department shall refund 25% of the original deposit until 100% of each deposit has been refunded. In the event that any permittee or winery licensee has an unpaid tax liability at the time that a refund would be due him the department shall make no refund until such liability has been paid in full.

SECTION 3. 139.06 (5) to (7) of the statutes are amended to read:

139.06 (5) Vendors of intoxicating liquor without this state having Wisconsin permits may purchase tax stamps from the secretary and affix the proper amount thereof in the manner prescribed by him to containers of intoxicating liquor, except wine containing not in excess of 21% alcohol by volume, to be sold in the state and the affixing thereof shall constitute payment of such tax so that the recipient of such intoxicating liquor within this state and all persons who deal with the same thereafter shall not be required to affix stamps thereon.

(6) No retailer shall sell or remove any intoxicating liquor, except wine containing not in excess of 21% alcohol by volume, from any container, unless it has affixed thereto tax stamps of the proper amount. Every manufacturer, rectifier and wholesaler who is liable for the payment of the tax on sales made for resale or consumption within this state is required to affix stamps of the proper amount on every container containing intoxicating liquor, except wine containing not in excess of 21% alcohol by volume, including intoxicating liquor imported from without the state, which is sold, delivered or given to any purchaser or consumer within this state, unless the proper amount of stamps has been previously affixed thereto.

(7) Except as otherwise herein provided, no person shall sell intoxicating liquor, except wine containing not in excess of 21% alcohol by volume, without having affixed to the container the stamps required. A manufacturer or rectifier may have upon his

premises intoxicating liquor in unstamped containers, but the same, except wine containing not in excess of 21% alcohol by volume, shall not be removed from his premises except for shipment in interstate commerce or for shipment in bulk to a rectifier without stamps being affixed thereto.

SECTION 4. 176.42 of the statutes is amended to read:

176.42 Secretary to prescribe standards of containers. The secretary of revenue may by rule prescribe the standard size, form or character of bottles, kegs, barrels, packages or other containers in which intoxicating liquor shall be sold in this state, but shall not set the size of containers in which intoxicating liquor, except wine containing not in excess of 21% alcohol by volume, may be sold at a capacity greater than 32 fluid ounces.

SECTION 5. **Effective date.** This act shall take effect on January 1, 1974, or on the first day of the month following publication, whichever is later.
