

1977 Assembly Bill 1119

Date published: June 6, 1978

CHAPTER 431, Laws of 1977

AN ACT to amend 66.054 (6), (7), (8) (a), (11) (a) and 176.05 (13); and to create 66.054 (10m) and 176.05 (10m) of the statutes, relating to issuance of fermented malt beverage or intoxicating liquor licenses to corporations, and issuance, the effect and requiring the obtainment of a manager's license, and providing a penalty.

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

SECTION 1. 66.054 (6) and (7), as affected by chapter 138, laws of 1977, of the statutes are amended to read:

66.054 (6) WHOLESALERS' LICENSES. Wholesalers' licenses may be issued ~~only~~ to domestic corporations, to foreign corporations ~~licensed under ch. 180 to do business in this state~~ or to persons of good moral character who have been residents of this state continuously for not less than one year prior to the date of filing application for ~~said the wholesalers' license. Said Corporations applying for wholesalers' licenses shall comply with s. 176.05 (13).~~ Wholesalers' licenses shall authorize sales of fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises where sold. The fee for a wholesaler's license ~~shall~~ may not exceed \$25 per year or fractional part thereof.

(7) CLASS "A" RETAILERS' LICENSES. Class "A" retailers' licenses may be issued only to domestic corporations, to foreign corporations ~~licensed under ch. 180 to do business in this state~~ or to persons of good moral character who are citizens of the United States and of this state and have resided in this state continuously for not less than one year prior to the date of the filing of application for the license. Corporations applying for Class "A" retailers' licenses shall comply with s. 176.05 (13). The license authorizes sales of fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles. The license fee for a Class "A" license shall be determined by the city, village or town in which the premises are located. Not more than 2 Class "A" licenses may be issued in the state to any one corporation or person, and in each application for a Class "A" license the applicant shall state that he or she has not made application for more than one other Class "A" license for any other location in the state. No such license may be issued to any person acting as agent for or in the employ of another.

SECTION 2. 66.054 (8) (a) of the statutes is amended to read:

66.054 (8) (a) Class "B" retailers' licenses shall be issued only to persons 18 years of age or over of good moral character, who are citizens of the United States and of the state, and have resided in this state continuously for not less than one year prior to the date of filing the application. ~~No such Class "B" retailers' license shall be granted for any premises where any other business is conducted, in connection with said the licensed premises and no other business may be conducted on such the licensed premises after the granting of such the Class "B" license except that such restriction shall not apply to a hotel, or to a restaurant not a part of or located in any mercantile establishment, or to a combination grocery store and tavern, or to a combination~~

sporting goods store and tavern in towns, villages and cities of the ~~fourth~~ 4th class, or to novelty store and tavern, or to a bowling alley or recreation premises or to a bona fide club, society or lodge that shall have been in existence for not less than 6 months prior to the date of filing application for ~~such~~ the Class "B" license. Not more than 2 Class "B" licenses shall be issued in the state to any one person, and in each application for a Class "B" license the applicant shall state that he or she has not made application for more than one other Class "B" license for any other location in the state. No ~~such~~ Class "B" license ~~shall~~ may be issued to any person acting as agent for or in the employ of another, except that this restriction shall not apply to a hotel or to a restaurant not a part of or located in or upon the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for not less than 6 months prior to the date of application. ~~Such~~ A Class "B" license for a hotel, restaurant, club, society or lodge may be taken in the name of an officer or manager, who shall be personally responsible for compliance with all of the terms and provisions of this section. ~~The provisions of s. 176.05 (13) relating to the issuance of licenses to domestic or foreign corporations for the sale of intoxicating liquor and to the appointment of agents and successor agents by such corporations shall also be applicable to Class "B" retailers' licenses issued to domestic or foreign corporations for the sale of fermented malt beverages. Corporations applying for Class "B" retailers' licenses shall comply with s. 176.05 (13).~~

SECTION 3. 66.054 (10m) of the statutes is created to read:

66.054 (10m) MANAGER'S LICENSE. (a) Every city council, village board or town board which may issue a Class "B" license under this section or a "Class B" license under s. 176.05 may provide by ordinance that manager's licenses shall be issued as provided by this section.

(am) The city council, village board or town board electing by ordinance as provided by par. (a) may issue manager's licenses, which shall be granted only upon application in writing. A manager's license shall be required only for the purpose of compliance with par. (c) or s. 176.05 (10m) (a). A manager's license shall be issued only to persons 18 years of age or over of good moral character who are residents of this state, except cities of the 1st class may issue a manager's license only to a person who has been a resident of the city for the period commencing on the date one year prior to the issuance of the license and terminating on the date the license is issued. A manager's license is valid only within the limits of the city, village or town in which it is issued.

(b) The fee for a manager's license may not exceed \$25 per year. A manager's license shall be issued for a period not to exceed one year and shall expire on June 30 of the year for which issued, except for cities of the 1st class in which the license shall expire on December 31.

(c) If the city council, village board or town board elects by ordinance to issue manager's licenses, no person may manage premises operating under a Class "B" license issued by that city, village or town, unless the person is the licensee, an agent of a corporation appointed as required by s. 176.05 (13) or has a manager's license. A person manages Class "B" premises if that person has responsibility or authority for:

1. Personnel management of all employees, without regard to whether the person is authorized to sign employment contracts;

2. The terms of contracts for the purchase or sale of goods or services, without regard to whether the person is authorized to sign contracts for the goods or services; or

3. The daily operations of the Class "B" premises.

(d) The city council, village board or town board may, by ordinance, define factors in addition to those listed in par. (c) which constitute management of a Class "B" premises.

(e) No requirement of s. 176.05 (5) that the department of revenue furnish or prescribe forms applies to applications for manager's licenses under this section.

SECTION 4. 66.054 (11) (a) of the statutes is amended to read:

66.054 (11) (a) Every city council, village or town board may issue a license known as an "Operator's" license, which ~~shall~~ may be granted only upon application in writing, and which ~~shall~~ may not be required of any person or for any purpose other than to comply with par. (b). ~~Said An~~ operator's license ~~shall~~ may be issued only to persons 18 years of age or over who are of good moral character. ~~Such Operators'~~ licenses shall be operative only within the limits of the city, village or town in which issued. For the purpose of this subsection and s. 176.05 (11) any member of the immediate family of the licensee or person holding a manager's license shall be considered as holding an operator's license.

SECTION 5. 176.05 (10m) of the statutes is created to read:

176.05 (10m) RESTRICTIONS ON PREMISES UNDER RETAIL "CLASS B" LICENSES. (a) If the city council, village board or town board elects by ordinance to issue manager's licenses as provided by s. 66.054 (10m), no person may manage premises operating under a "Class B" license issued by that city, village or town, unless the person is the licensee, an agent of a corporation appointed as required by s. 176.05 (13) or has a manager's license issued under s. 66.054 (10m). A person manages "Class B" premises if the person has responsibility or authority for:

1. Personnel management of all employees, without regard to whether the person is authorized to sign employment contracts;
2. The terms of contracts for the purchase or sale of goods or services, without regard to whether the person is authorized to sign contracts for such goods or services; or
3. The daily operations of the "Class B" premises.

(b) The city council, village board or town board may, by ordinance, define factors in addition to those listed in par. (a) which constitute management of a "Class B" premises.

SECTION 6. 176.05 (13) of the statutes is amended to read:

176.05 (13) LICENSES TO CORPORATIONS; APPOINTMENT OF AGENTS. No corporation organized under the laws of this state or of any other state or foreign country, shall be given a license to sell in any manner any intoxicating liquor, a wholesaler's license under s. 66.054 (6), Class "A" license under s. 66.054 (7) or Class "B" license under s. 66.054 (8) unless ~~such the~~ corporation shall ~~have first appointed~~ appoint, in ~~such the~~ manner as the department of revenue ~~shall prescribe~~ prescribes, as agent, a citizen of the United States and ~~shall have vested~~ vest in the agent by properly authorized and executed written delegation full authority and control of the premises, described in the license of ~~such the~~ corporation, and of the conduct of all business ~~therein on the premises~~ relative to intoxicating liquors or fermented malt beverages as the licensee itself could in any way have and exercise if it were a natural person resident in the state, ~~nor.~~ The license shall not be issued unless ~~such the~~ appointed agent is, with respect to character, record and reputation, satisfactory to the department. ~~Such A~~ corporation may cancel the appointment of ~~such an~~ agent appointed under this subsection and appoint a successor agent, qualified as the one first appointed and to act in the agent's stead, for the remainder of the license year or until another agent is appointed, by giving the licensing authority and the department immediate written notice thereof stating the reason for ~~such the~~ cancellation and new appointment. ~~Such The~~ successor agent shall have all the authority and perform all the functions and be charged with all the duties of such the previous agent of the corporation with like force and effect as if the successor agent had been first appointed by approval of the department until the next regular or special meeting of the licensing authority; provided, that such. The license shall cease to be in force prior to ~~such the next~~ regular or special meeting upon receipt by the clerk of the licensing authority of notice of disapproval of such the successor agent by the department or by the sheriff or other peace officer of the municipality wherein the license was issued. Such The license of ~~such the~~ corporation shall not be in force after such the next regular or special meeting

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unless and until ~~such~~ the successor agent or another qualified agent is appointed and approved by the licensing authority and the department. ~~Such~~ The corporation shall, in each instance, following the approval of ~~such~~ the successor agent or another qualified agent by the licensing authority and the department, pay to the licensing authority a fee of \$10.

SECTION 7. Effective date. This act shall take effect on June 30, 1978, or on the day after publication, whichever is later.
