

1977 Assembly Bill 460

Date published: July 27, 1977

CHAPTER 64, Laws of 1977

AN ACT to repeal 66.054 (9) (g), (20), (22) and (24) (c), (d) and (f); to renumber 66.054 (24) (title), (a), (b) and (e) and (25); and to amend 66.054 (9) (b) and (19); (20) (title), (a) and (b) as renumbered; 175.20 (2) and 343.30 (6) (a) of the statutes, relating to fermented malt beverage regulations affecting persons under 18 accompanied by an adult spouse.

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

SECTION 1. 66.054 (9) (b) and (19) of the statutes are amended to read:

66.054 (9) (b) No fermented malt beverages ~~shall~~ may be sold, dispensed, given away or furnished to any person under the age of 18 years unless accompanied by parent ~~or~~ guardian or adult spouse.

(19) PRESENCE IN PLACES OF SALE PROHIBITED; PENALTY. ~~Every A~~ keeper of any place, ~~of any nature or character, whatsoever,~~ for the sale of any fermented malt beverage under a Class "B" retailer's license, who ~~shall~~ directly or indirectly ~~suffer or permit any~~ suffers or permits a person ~~of either sex~~ under the age of 18 years, unaccompanied by his or her parent ~~or~~ guardian or adult spouse, who is not a resident, employe or a bona fide lodger or boarder on the premises controlled by the proprietor or licensee of ~~such the~~ place, and of which ~~such the~~ place consists or is a part, to enter

or be on ~~such the~~ licensed premises for any purpose, excepting the transaction of bona fide business other than amusement, the purchase, receiving or consumption of edibles or beverages, ~~shall, for every such offense, be liable to a penalty not exceeding~~ may be fined not more than \$250, besides costs, or ~~imprisonment not exceeding~~ imprisoned for not more than 60 days; ~~and any such. A person so entering or remaining as aforesaid, under the age of 18 years who enters or remains on the premises without a valid purpose and who is not a resident, employe or a bona fide lodger or boarder on such the premises, or who is not accompanied by his or her parent or, guardian or adult spouse, shall also be liable to a penalty of~~ may be fined not more than ~~\$20~~ \$100, besides costs. This subsection ~~shall~~ does not apply to hotels, drug stores, grocery stores, bowling alleys, premises in the state fair park, concessions authorized on state-owned premises in the state parks and state forests as defined or designated in chs. 27 and 28, parks owned or operated by agricultural societies receiving state aid, cars operated on any railroad, regularly established athletic fields or stadiums nor to premises operated under both a Class "B" license and a restaurant permit where the principal business conducted therein is that of a restaurant. It ~~shall be~~ is presumed where ~~such the~~ premises are ~~so~~ operated under both a Class "B" license and a restaurant permit, that the principal business conducted ~~therein~~ is that of the sale of fermented malt beverage, until ~~such the~~ presumption is rebutted by competent evidence. The provisions of sub. (15) providing for punishment of violators of this section by fine and imprisonment ~~shall do~~ not apply to this subsection. This prohibition ~~shall does~~ apply to any person who is not a resident, employe or a bona fide lodger or boarder on ~~such the~~ premises, after the legal hour for closing.

SECTION 2. 66.054 (9) (g), (20), (22) and (24) (c), (d) and (f) of the statutes are repealed.

SECTION 3. 66.054 (24) (title), (a), (b) and (c) and (25) of the statutes are renumbered 66.054 (20) (title), (a), (b) and (c) and (22), and 66.054 (20) (title), (a) and (b), as renumbered, are amended to read:

66.054 (20) (title) RESTRICTIONS ON SALE TO AND POSSESSION BY MINORS. (a) Except as otherwise ~~herein~~ provided in this section, whoever sells or furnishes fermented malt beverages to ~~any unemancipated a~~ minor not accompanied by his parent or, guardian or a chaperone, for consumption outside of a building or permanent structure covered by a retail Class "B" fermented malt beverage license adult spouse may be fined not more than \$500 or imprisoned not more than 30 days or both. ~~If a license for a picnic or similar gathering is issued pursuant to sub. (8) (b), an unemancipated minor not accompanied by his parent or guardian or a chaperone may be sold or furnished and may possess fermented malt beverages within such confines as the licensing authority expressly designates on the face of the license.~~

(b) ~~Any unemancipated A~~ minor, not accompanied by his parent or, guardian or a chaperone adult spouse, who possesses fermented malt beverages ~~outside of licensed premises specified in par. (a)~~ may be fined not more than \$500 or imprisoned not more than 30 days or both and the court also shall restrict or suspend the motor vehicle operating privilege as provided in s. 343.30 (6).

SECTION 4. 175.20 (2) of the statutes is amended to read:

175.20 (2) No person who is the proprietor of any dance hall or who conducts, manages or is in charge of any dance hall or pavilion in this state, whether ~~such the~~ dance hall or pavilion is licensed or not under any local or county regulation, ~~shall~~ may permit during any public dance held in ~~such the~~ hall or pavilion the presence of intoxicated persons in ~~such the~~ dance hall or on the premises on which ~~such the~~ dance hall is situated, or the presence of any ~~child of 17 years of age or less who is not person~~ under the age of 18 years unless accompanied by his parent or, lawful guardian or

adult spouse when intoxicating or fermented malt beverages are available for consumption on the premises.

SECTION 5. 343.30 (6) (a) of the statutes is amended to read:

343.30 (6) (a) A court shall restrict or suspend the operating privilege of a person under the age of 18 convicted under s. 66.054 ~~(24)~~ (20) for unlawful possession of fermented malt beverages, for any period not exceeding one year in addition to the penalties provided in s. 66.054 ~~(24)~~ (20).
