

1985 Assembly Bill 662

Date of enactment: April 10, 1986
Date of publication: April 21, 1986

1985 Wisconsin Act 221

AN ACT to amend 125.07 (3) (a) 8, 125.32 (2) and 125.68 (2); and to create 125.07 (3) (a) 10 of the statutes, relating to underage persons on licensed premises during certain times.

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

SECTION 1. 125.07 (3) (a) 8 of the statutes is amended to read:

125.07 (3) (a) 8. An underage person who enters or remains in a room on Class "B" or "Class B" licensed premises separate from any room where alcohol beverages are sold or served, ~~for the purpose of engaging in marching or drilling with a group of other persons~~ if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present and the presence of underage persons is authorized under this subdivision. An underage person may enter and remain on Class "B" or "Class B" premises under this subdivision only if the municipality which issued the Class "B" or "Class B" license adopts an ordinance permitting underage persons to enter and remain on the premises as provided in this subdivision and the law enforcement agency responsible for enforcing the ordinance issues to the Class "B" or "Class B" licensee a written authorization permitting underage persons to be present under this subdivision on the date specified in the authorization. Before issuing the authorization, the law enforcement agency shall make a determination that the presence of under-

age persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.

SECTION 2. 125.07 (3) (a) 10 of the statutes is created to read:

125.07 (3) (a) 10. An underage person who enters or remains in a room on Class "B" or "Class B" licensed premises on a date specified by the licensee or permittee during times when no alcohol beverages are consumed, sold or given away. During those times, the licensee, the agent named in the license if the licensee is a corporation or a person who has an operator's license shall be on the premises unless all alcohol beverages are stored in a locked portion of the premises. An underage person may enter and remain on Class "B" or "Class B" premises under this subdivision only if the municipality which issued the Class "B" or "Class B" license adopts an ordinance permitting underage persons to enter and remain on the premises as provided in this subdivision and the law enforcement agency responsible for enforcing the ordinance issues to the Class "B" or "Class B" licensee a written authorization permitting underage persons to be

present under this subdivision on the date specified in the authorization. Before issuing the authorization, the law enforcement agency shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.

SECTION 3. 125.32 (2) of the statutes, as affected by 1985 Wisconsin Acts 28 and 33, is amended to read:

125.32 (2) OPERATORS' LICENSES; CLASS "A" OR CLASS "B" PREMISES. Except as provided under sub. (3) (b) and s. 125.07 (3) (a) 10, no premises operated under a Class "A" or Class "B" license or permit may be open for business unless there is upon the premises the licensee, the agent named in the license if the licensee is a corporation, the agent named in a Class "B" permit or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. For the purpose of this subsection, any person holding a manager's license under s. 125.18 or any member of the licensee's immediate family who has attained the legal drinking age shall be considered the holder of an operator's license. No person, including underage members of the licensee's immediate family, other than the licensee or agent may serve fermented malt beverages in any place operated under a Class "A" or Class "B" license or permit unless he or she

has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee or agent or a person holding an operator's license, who is on the premises at the time of the service.

SECTION 4. 125.68 (2) of the statutes, as affected by 1985 Wisconsin Act 28, is amended to read:

125.68 (2) OPERATORS' LICENSES; "CLASS A" OR "CLASS B" PREMISES. ~~No~~ Except as provided under s. 125.07 (3) (a) 10, no premises operated under a "Class A" or "Class B" license or permit may be open for business unless there is upon the premises either the licensee, the agent named in the license if the licensee is a corporation, the agent named in a "Class B" permit or some person who has an operator's license and who is responsible for the acts of all persons selling or serving any intoxicating liquor to customers. For the purpose of this subsection, any person holding a manager's license issued under s. 125.18 or any member of the licensee's immediate family who has attained the legal drinking age shall be considered the holder of an operator's license. No person, including an underage member of the licensee's immediate family, other than the licensee or agent may serve or sell alcohol beverages in any place operated under a "Class A" or "Class B" license or permit unless he or she has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee or agent or a person holding an operator's license, who is on the premises at the time of the service.