



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 591**

March 10, 1998 - Offered by Representative STASKUNAS.

1 **AN ACT** *to renumber and amend* 125.32 (2) and 125.68 (2); *to amend* 125.17
2 (2); and *to create* 125.32 (2) (b) 1., 125.32 (2) (c), 125.68 (2) (b) 1. and 125.68 (2)
3 (c) of the statutes; **relating to:** qualifications of persons engaged in the sale or
4 service of alcohol beverages at retail.

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

5 **SECTION 1.** 125.17 (2) of the statutes is amended to read:

6 125.17 (2) **VALIDITY.** Operators' licenses are valid only within the issuing
7 municipality, except that an operator's license issued with respect to a vessel under
8 s. 125.27 (2) or 125.51 (5) (c) is valid outside the municipality that issued the license.

9 **SECTION 2.** 125.32 (2) of the statutes is renumbered 125.32 (2) (a) and amended
10 to read:

11 125.32 (2) (a) Except as provided under sub. (3) (b) and s. 125.07 (3) (a) 10., no
12 premises operated under a Class "A" or Class "B" license or permit may be open for

1 business unless there is upon the premises the licensee or permittee, the agent
2 named in the license or permit if the licensee or permittee is a corporation or limited
3 liability company under s. 125.04 (6) (a), or some person who has an operator's license
4 or manager's license and who is responsible for the acts of all persons serving any
5 fermented malt beverages to customers. ~~An operator's license issued in respect to~~
6 ~~a vessel under s. 125.27 (2) is valid outside the municipality that issues it. For the~~
7 ~~purpose of this subsection, any person holding a manager's license under s. 125.18~~
8 ~~or any member of the licensee's or permittee's immediate family who has attained the~~
9 ~~age of 18 shall be considered the holder of an operator's license.~~

10 (b) ~~No person, including a member of the licensee's or permittee's immediate~~
11 ~~family, other than the licensee, permittee or agent may serve dispense or decant~~
12 ~~fermented malt beverages in any place operated under a Class "A" or Class "B"~~
13 ~~license or permit unless he or she, other than a temporary Class "B" license, except~~
14 ~~any of the following:~~

15 2. A person who has an operator's license or manager's license.

16 3. A waiter or waitress in a restaurant who is at least 18 years of age and is
17 ~~under the immediate supervision of the licensee, permittee, agent or a person~~
18 ~~holding an operator's license, who is on the premises at the time of the service a~~
19 ~~person specified in subd. 1. or 2.~~

20 **SECTION 3.** 125.32 (2) (b) 1. of the statutes is created to read:

21 125.32 (2) (b) 1. The licensee, permittee or agent named under s. 125.04 (6) (a).

22 **SECTION 4.** 125.32 (2) (c) of the statutes is created to read:

23 125.32 (2) (c) No person may sell alcohol beverages in any place operated under
24 a Class "A" license or temporary Class "B" license, except the licensee, the agent
25 named under s. 125.04 (6) (a), a person who has an operator's license or manager's

1 license, or a person who is at least 18 years of age and is under the immediate
2 supervision of the licensee, agent or person holding an operator's license or
3 manager's license.

4 **SECTION 5.** 125.68 (2) of the statutes is renumbered 125.68 (2) (a) and amended
5 to read:

6 125.68 (2) (a) Except as provided under s. 125.07 (3) (a) 10., no premises
7 operated under a "Class A" or "Class C" license or under a "Class B" license or permit
8 may be open for business unless there is upon the premises either the licensee or
9 permittee, the agent named in the license or permit ~~if the licensee or permittee is a~~
10 ~~corporation or limited liability company under s. 125.04 (6) (a),~~ or some person who
11 has an operator's license or manager's license and who is responsible for the acts of
12 all persons selling or serving any intoxicating liquor to customers. ~~An operator's~~
13 ~~license issued in respect to a vessel under s. 125.51 (5) (c) is valid outside the~~
14 ~~municipality that issues it. For the purpose of this subsection, any person holding~~
15 ~~a manager's license issued under s. 125.18 or any member of the licensee's or~~
16 ~~permittee's immediate family who has attained the age of 18 shall be considered the~~
17 ~~holder of an operator's license.~~

18 (b) No person, including a member of the licensee's or permittee's immediate
19 family, ~~other than the licensee, permittee or agent may serve or sell~~ dispense or
20 decant alcohol beverages in any place operated under a "Class A" or "Class C" license
21 or under a "Class B" license or permit ~~unless he or she, other than a temporary "Class~~
22 B" license, except any of the following:

23 2. A person who has an operator's license or manager's license.

24 3. A waiter or waitress in a restaurant who is at least 18 years of age and is
25 ~~under the immediate supervision of the licensee, permittee or agent or a person~~

1 ~~holding an operator's license, who is on the premises at the time of the service a~~
2 ~~person specified in subd. 1. or 2.~~

3 **SECTION 6.** 125.68 (2) (b) 1. of the statutes is created to read:

4 125.68 (2) (b) 1. The licensee, permittee or agent named under s. 125.04 (6) (a).

5 **SECTION 7.** 125.68 (2) (c) of the statutes is created to read:

6 125.68 (2) (c) No person may sell alcohol beverages in any place operated under
7 a "Class A" license or temporary "Class B" license, except the licensee, the agent
8 named under s. 125.04 (6) (a), a person who has an operator's license or manager's
9 license, or a person who is at least 18 years of age and is under the immediate
10 supervision of the licensee, agent or person holding an operator's license or
11 manager's license.

12 (END)