



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 302
[2005 Assembly Bill 742]

**Transferring Permit to Operate
Certain Business Establishments**

Under current law, a person must obtain a permit from the Department of Health and Family Services or a local health department (department) to operate a hotel, restaurant, bed and breakfast, rooming house, or vending machine (an establishment). The person must renew the permit annually and pay a fee for renewal. Before issuing a permit for a new establishment, the department conducts a preinspection of the establishment and charges the owner of the establishment a preinspection fee. A permit is not transferable. If ownership of an establishment changes, the establishment is subject to the preinspection and the new owner must pay the preinspection fee and obtain a new permit, except that if a permit holder transfers an establishment to a family member, the permit may also be transferred to the family member.

2005 Wisconsin Act 302 provides that if the holder of a permit to operate an establishment changes the organization of its business (for example, from a sole proprietorship to a corporation or a corporation to a partnership), the permit holder may transfer the permit to the new business as long as the establishment remains at the same location and at least one individual who had an ownership interest in the old business has an ownership interest in the new business.

2005 Wisconsin Act 302 also includes public swimming pools, campgrounds, camping resorts, or recreational or educational camps within the transferability exemption created in the Act, relating to permits applicable to those establishments.

Effective Date: The Act takes effect on April 21, 2006.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.