

basis of state forest acreage owned in each town, as certified to him by the conservation commission.

Approved August 18, 1947.

No. 183, S.]

[Published August 25, 1947.]

CHAPTER 564.

AN ACT to create 66.05 (10) (o) and (p) and 176.121 of the statutes, relating to the issuance, revocation and suspension of licenses for the sale of malt beverages and intoxicating liquors.

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

SECTION 1. 66.05 (10) (o) and (p) of the statutes are created to read:

66.05 (10) (o) *Revocation on complaint of state treasurer.* 1. Upon complaint in the name of the state filed by the state treasurer, or any of his employes employed under section 139.03 (11) as he may designate, with the clerk of any court of record in the jurisdiction in which premises of the licensed person complained of are situated, that any such licensed person therein has at any time violated any provision of this subsection, or keeps or maintains a disorderly or riotous, indecent or improper house, or that he has at any time illegally sold or given away any malt beverages to any minor, or to persons intoxicated or bordering on intoxication, or to known habitual drunkards, or has failed to maintain said premises in accordance with the standards of sanitation prescribed by the state board of health, or in whose licensed premises known criminals or prostitutes are permitted to loiter, or that he has at any time been convicted of a violation of any federal or state law involving moral turpitude or been convicted of any felony or any offense against the laws relating to sale of intoxicating liquors or fermented malt beverages, or that he does not possess the qualifications required by subsection (10) entitle him to a license, the clerk of said court shall issue a summons commanding the person so complained of to appear before it within 20 days after service of the summons, exclusive of the day of service, and show cause why his license should not be revoked or suspended.

2. The procedure thereon and the effect of the order of the court shall be as prescribed in section 176.121.

(p) *Information requisite to validity.* No license issued by any local authority under the provisions of this subsection shall be valid unless and until it shall have affixed thereto an affidavit signed under oath by the clerk issuing said license that a copy of the application for such license and all information required by law to be furnished by the licensing body to the beverage tax division relating to such applicant and license has been mailed to the beverage tax division at Madison, Wisconsin.

SECTION 2. 176.121 of the statutes is created to read:

176.121 REVOCATION ON COMPLAINT OF STATE TREASURER. (1) Upon complaint filed by the state treasurer, or any of his employes employed under section 139.03 (11) as he may designate, with the clerk of any court of record in the jurisdiction in which premises of the licensed person complained of are situated, that any such licensed person therein has at any time violated any provision of this chapter, or keeps or maintains a disorderly or riotous, indecent or improper house, or that he has at any time sold or given away any intoxicating liquor to any minor, or to persons intoxicated or bordering on intoxication, or to known habitual drunkards, or has failed to maintain said premises in accordance with the standards of sanitation prescribed by the state board of health, or in whose licensed premises known criminals or prostitutes are permitted to loiter, or that he has at any time violated any federal or state law or been convicted of any felony or any offense against the laws relating to the sale of intoxicating liquors or fermented malt beverages, or that he does not possess the qualifications required by this chapter to entitle him to a license, the clerk of said court shall issue a summons commanding the person so complained of to appear before it not less than 20 days from its date, and show cause why his license should not be revoked or suspended. Such summons and a copy of the complaint shall be served at least 20 days before the time in which such person is commanded to appear, and may be served either personally or upon the person in charge of the place to which such license relates.

(2) If such person shall not appear as required by the summons, the allegations of the complaint shall be taken as true; and if the court shall deem such allegations sufficient, it shall order the license suspended for a period not exceeding 90 days

or revoked, and notice thereof shall be given by the clerk of said court to the person whose license is so revoked or suspended; but if such person shall appear and answer the complaint, the court shall fix a date for trial not more than 30 days after the return date of the summons, at a place within the judicial circuit if the complaint is filed in a circuit court. Trial shall be had before the court without a jury. If upon such trial the court shall find the allegations of the complaint to be true it shall order the license suspended for a period not exceeding 90 days or revoked, and if untrue the proceeding shall be dismissed. When a license is revoked or suspended, the local licensing body which issued such license shall be notified by the clerk; and if such license be revoked, no other license shall be granted to such person or to any person in privity of interest with him as owner, lessor, bailor or lender, within 12 months of the date of its revocation, and no other license shall be granted to cover the premises covered by any revoked license within 60 days of the date of the revocation of such license; nor shall any part of the money paid for any license so revoked be refunded. If any appeal be taken from such revocation, any period during which the order is stayed shall be added to the 12 months and to the 60 days, respectively. The findings and order of the court shall be filed within 10 days after the trial and said order shall be final unless appeal be taken to the supreme court in the manner provided for appeals in civil cases.

(3) Whenever any court shall have revoked or suspended any license pursuant to this section, no further proceedings shall be commenced hereunder except upon grounds arising after such original revocation or suspension.

(4) No license issued by any local authority under the provisions of this chapter shall be valid unless and until it shall have affixed thereto an affidavit signed under oath by the clerk issuing said license that a copy of the application for such license and all information required by law to be furnished by the licensing body to the beverage tax division relating to such applicant and license has been mailed to the beverage tax division at Madison, Wisconsin.

(5) Whenever any local licensing body or any court shall revoke or suspend a license or impose any penalty upon any licensee for the violation of any provision of this chapter or of section 66.05 (10), the clerk of the local licensing body or the clerk of the court revoking or suspending such license or im-

posing such penalty shall within 10 days after such revocation, suspension or imposition of such penalty, mail a report to the beverage tax division at Madison, Wisconsin, giving the name of the licensee, the address of his licensed premises, and a full detail of the penalty imposed.

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CHAPTER 565.

AN ACT to amend 194.46 of the statutes, relating to revocation or suspension of motor carrier licenses.

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

194.46 of the statutes is amended to read:

194.46 The commission may at any time, by its order duly entered after a hearing had, upon notice to the holder of any certificate, license or permit, and an opportunity to be heard, at which it shall be proved that such holder has wilfully violated or refused to comply with any of the provisions of this chapter, or any orders, rules or regulations of the commission, alter, amend, suspend or revoke such certificate or license or suspend or revoke such permit. *After notice given to the licensee and opportunity to be heard, the commission may suspend or revoke any license upon a finding that service has been abandoned thereunder; and may suspend or revoke any item of authority under a license upon a finding that service under such item of authority has been abandoned.*

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