

No. 211, S.

Published
August 24, 1963.

CHAPTER 270

AN ACT to renumber 160.01 (2), (4) and (5) and 160.03 (4) and (5); to renumber and amend 160.01 (3); to amend chapter 160 (title), 160.02 (1) and (5), 160.05 and 160.06; to repeal and recreate 160.04; and to create 160.01 (4), (5), (6), (7) and (10), 160.025 and 160.03 (4) of the statutes, relating to the inclusion of licensing of the business of vending of foods and beverages.

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

SECTION 1. Chapter 160 (title) of the statutes is amended to read:

CHAPTER 160.

**HOTELS * * *, RESTAURANTS AND VENDING OF FOODS
AND BEVERAGES.**

SECTION 2. 160.01 (2) of the statutes is renumbered 160.01 (3).

SECTION 3. 160.01 (3) of the statutes is renumbered 160.01 (8) and amended to read:

160.01 (8) "Public health and safety" means the highest degree of protection against infection, contagion or disease and freedom from the

danger of fire or accident that *can be reasonably maintained in the operation of a hotel * * *, restaurant * * *, tourist rooming house * * *, vending machine or vending machine commissary.*

SECTION 4. 160.01 (4) of the statutes is renumbered 160.01 (2).

SECTION 5. 160.01 (4) of the statutes is created to read:

160.01 (4) "Vending machine" as used in this chapter means any self-service device offered for public use which, upon insertion of a coin or token, or by other means, dispenses unit servings of food or beverage either in bulk or in package, without the necessity of replenishing the device between each vending operation. The term "vending machine" shall not include devices which dispense only bottled or prepackaged or canned soft drinks or one cent vending devices or vending machines dispensing only candy, gum, nuts or nut meats, nor shall it apply to prepackaged Grade A pasteurized milk or milk products. Bulk milk dispensers may be operated in a restaurant licensed by the board without an additional vending machine or vending machine operator permit being required. The serving of food or beverage through a licensed vending machine shall not constitute the operation of a restaurant.

SECTION 6. 160.01 (5) of the statutes is renumbered 160.01 (9).

SECTION 7. 160.01 (5), (6), (7) and (10) of the statutes are created to read:

160.01 (5) "Vending machine location" means the room, enclosure, space or area where one or more vending machines are installed and operated.

(6) "Vending machine operator" means the person maintaining a place of business in the state and responsible for the operation of one or more vending machines.

(7) "Vending machine commissary" means any building, room or place in the state at which the food, beverage, ingredients, containers, transport equipment or supplies for vending machines are kept, handled, prepared or stored by a vending machine operator. A licensed restaurant may be operated as a vending machine commissary without a vending machine commissary permit. A vending machine commissary does not mean any place at which the operator is licensed to manufacture, distribute or sell food products under ch. 97.

(10) "Establishment" means a hotel, tourist rooming house, restaurant or vending machine commissary.

SECTION 8. 160.02 (1) and (5) of the statutes are amended to read:

160.02 (1) No person shall conduct, maintain, manage or operate a hotel, restaurant * * *, tourist rooming house, *vending machine commissary or vending machine* as defined in s. 160.01 * * * who has not been issued an annual permit by the * * * board.

(5) All permits shall expire on June 30 * * *.

SECTION 9. 160.025 of the statutes is created to read:

160.025 VENDING MACHINE COMMISSARY OUTSIDE THE STATE. Foods, beverages and ingredients from commissaries outside the state may be sold within the state if such commissaries conform to the provisions of the food establishment sanitation rules of this state or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the board may accept reports from the responsible authority in the jurisdiction where the commissaries are located.

SECTION 10. 160.03 (4) of the statutes is renumbered 160.03 (5).

SECTION 11. 160.03 (4) of the statutes is created to read:

160.03 (4) The annual fee for a vending machine operator is \$5. The annual fee for a vending machine commissary is \$20. The annual fee for vending machines are as follows: one machine, \$2; 2 machines, \$4; 3 machines, \$6; 4 machines, \$8; 5 machines, \$10; 6 to 10 machines, \$20; 11 to 15 machines, \$30; 16 to 20 machines, \$40; 21 to 25 machines, \$50; 26 to 50 machines, \$100; 51 to 75 machines, \$150; 76 to 100 machines, \$200; and for machines in excess of 100, \$200 plus \$100 for each additional 50 machines or fraction thereof.

SECTION 12. 160.03 (5) of the statutes is renumbered 160.03 (6).

SECTION 13. 160.04 of the statutes is repealed and recreated to read:

160.04 APPLICATION. (1) An applicant for a hotel, tourist rooming house, restaurant, vending machine commissary, vending machine operator or vending machine permit shall complete an application furnished by the board and provide such information as it requires.

(2) Upon receipt of an application for a vending machine operator permit, the board may cause an investigation to be made of the applicant's commissary, servicing and transport facilities if any, and representative machines and machine locations. The operator shall maintain at his place of business within this state, a list of all vending machines operated by him and their location. This information shall be kept current and shall be made available to the board upon request. The operator shall notify the board of any change in operations involving new types of vending machines or conversion of existing machines to dispense products other than those for which such machine was originally designed and constructed.

SECTION 14. 160.05 of the statutes is amended to read:

160.05 Every hotel * * *, tourist rooming house, *restaurant, vending machine commissary and vending machine* shall be * * * *operated* and maintained with a strict regard to the public health and safety and in conformity with this chapter and the rules * * * and orders of the board.

SECTION 15. 160.06 of the statutes is amended to read:

160.06 The board shall appoint assistants with such qualifications as it deems necessary and fix their compensation, administer and enforce the *rules and the laws* relating to the public health and safety in hotels * * *, tourist rooming houses, *restaurants, vending machine commissaries, vending machines and vending machine locations*, ascertain and prescribe what alterations, improvements or other means or methods are necessary to protect the public health and safety therein, * * * *prescribe rules* and fix standards, *including rules covering the general sanitation and cleanliness of the vending machine commissary and vending machines and their location and servicing*, and enforce * * * *such rules and laws*.

SECTION 16. This bill is declared to be an emergency appropriation bill in accordance with section 16.47 (2) of the statutes.

Approved August 17, 1963.