

State of Wisconsin



2005 Assembly Bill 742

Date of enactment: **April 10, 2006**
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2005 WISCONSIN ACT 302

AN ACT to renumber and amend 254.47 (2); to amend 254.64 (4) (b) and 254.65 (1); to repeal and recreate 254.64 (4) (a); and to create 254.47 (2) (c) and 254.64 (4) (e) of the statutes; **relating to:** transferring a permit to operate a hotel, restaurant, bed and breakfast, rooming house, vending machine, swimming pool, campground, camping resort, or recreational or educational camp.

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

SECTION 1g. 254.47 (2) of the statutes is renumbered 254.47 (2) (a) and amended to read:

254.47 (2) (a) A separate permit is required for each campground, camping resort, recreational or educational camp, and public swimming pool. No Except as provided in par. (b) or (c), no permit issued under this section is transferable from one premises to another or from one person, state or local government to another, except that the

(b) A permit issued under this section may be transferred from an individual to an immediate family member, as defined in s. 254.64 (4) (a) 2., if the individual is transferring operation of the campground, camping resort, recreational or educational camp, or public swimming pool to the immediate family member.

SECTION 1m. 254.47 (2) (c) of the statutes is created to read:

254.47 (2) (c) A sole proprietorship that reorganizes as a business entity, as defined in s. 179.70 (1), or a business entity that reorganizes as a sole proprietorship or a different type of business entity may transfer a permit

issued under this section for a campground, camping resort, recreational or educational camp, or public swimming pool to the newly formed business entity or sole proprietorship if all of the following conditions are satisfied:

1. The campground, camping resort, recreational or educational camp, or public swimming pool remains at the location for which the permit was issued.
2. At least one individual who had an ownership interest in the sole proprietorship or business entity to which the permit was issued has an ownership interest in the newly formed sole proprietorship or business entity.

SECTION 2. 254.64 (4) (a) of the statutes is repealed and recreated to read:

254.64 (4) (a) In this subsection:

1. "Business entity" has the meaning give in s. 179.70 (1).
2. "Immediate family member" means a spouse, grandparent, parent, sibling, child, stepchild, or grandchild or the spouse of a grandparent, parent, sibling, child, stepchild, or grandchild.

SECTION 3. 254.64 (4) (b) of the statutes is amended to read:

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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254.64 (4) (b) Except as provided in par. (d) or (e), no permit is transferable from one premises to another or from one person to another.

SECTION 4. 254.64 (4) (e) of the statutes is created to read:

254.64 (4) (e) A sole proprietorship that reorganizes as a business entity or a business entity that reorganizes as either a sole proprietorship or a different type of business entity may transfer a permit issued under this section for operation of an establishment to the newly formed business entity or sole proprietorship if the following conditions are satisfied:

1. The establishment remains at the location for which the permit was issued.
2. At least one individual who had an ownership interest in the sole proprietorship or business entity to

which the permit was issued has an ownership interest in the newly formed sole proprietorship or business entity.

SECTION 5. 254.65 (1) of the statutes is amended to read:

254.65 (1) The department or a local health department granted agent status under s. 254.69 (2) may not grant a permit to a person intending to operate a new hotel, tourist rooming house, bed and breakfast establishment, restaurant or vending machine commissary or to a person intending to be the new operator of an existing hotel, tourist rooming house, bed and breakfast establishment, restaurant or vending machine commissary without a preinspection. This section does not apply to a temporary restaurant or when a permit is transferred under s. 254.64 (4) (d) or (e).
