



1995 ASSEMBLY BILL 53

January 26, 1995 - Introduced by Representatives WOOD, SILBAUGH, R. YOUNG, BRANDEMUEHL, MORRIS-TATUM and NOTESTEIN. Referred to Committee on State Affairs.

1 **AN ACT** *to amend* 125.03 (2); and *to create* 125.32 (8) of the statutes; **relating**
2 **to:** requiring that certain containers for fermented malt beverages have
3 identification tags and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill requires identification tags for kegs of beer sold by retailers for consumption away from the retailer's place of business. Under this bill, retailers must place the tag on the keg before selling it unless the name of the brewer and a unique serial number are legibly imprinted or engraved on the keg. Under the bill, the retailer must, at the time of sale, record on a form all of the following: 1) the date on which the keg is sold; 2) the name and address of the person buying the keg; and 3) the number of the keg identification tag or the name of the brewer and the unique serial number imprinted or engraved on the keg, whichever is applicable. The bill requires retailers to provide a copy of the form that was completed for the most recent purchase of a keg to peace officers enforcing alcohol beverage laws.

The bill also requires the person who is purchasing the keg to pay a deposit on the keg. The retailer must return the deposit to the person who bought the keg, or to the person's agent, when the person or the person's agent returns the keg to the retailer. Finally, the bill requires the department of revenue (DOR) to promulgate any rules necessary to administer the use of the identification tags.

A person who violates any of the provisions of the bill may be fined not more than \$1,000 or imprisoned for not more than 90 days or both. In addition, a retailer who violates the provisions of the bill may have his or her alcohol beverage license suspended or revoked by DOR or by the municipality which issued the license, or may have his or her application for renewal of an alcohol beverage license denied by the municipality which issued the license.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 125.03 (2) of the statutes is amended to read:

2 125.03 (2) CONTAINERS. The department may by rule prescribe the standard
3 size, form or character of any container in which intoxicating liquor may be sold in
4 this state except that the department may not set the size of containers in which
5 intoxicating liquor, except wine containing not more than 21% of alcohol by volume,
6 may be sold at a capacity greater than 1.75 liters (59.1752 fluid ounces). The
7 department shall promulgate rules necessary to administer the use of identification
8 tags for kegs under s. 125.32 (8).

9 **SECTION 2.** 125.32 (8) of the statutes is created to read:

10 125.32 (8) IDENTIFICATION OF KEGS. (a) In this subsection:

11 1. "Keg" means any brewery-sealed, individual container of fermented malt
12 beverage having a liquid capacity of at least 7 gallons.

13 2. "Licensee" means a person holding a Class "A" license under s. 125.25 or a
14 Class "B" license under s. 125.26.

15 (b) Except as provided in par. (bm), all licensees shall attach a tag to each keg
16 of fermented malt beverages that they hold for sale for consumption off the premises.
17 The tag shall bear a legible identification number, shall identify the licensee selling
18 the keg, shall be securely attached to the keg and shall meet any other requirements
19 that the department specifies by rule.

1 (bm) A licensee is not required to attach an identification tag to a keg of
2 fermented malt beverages that the licensee holds for sale if the name of the brewer
3 and a unique serial number are legibly imprinted or engraved on the keg.

4 (c) At the time of the sale of a keg, a licensee, or his or her agent or employe,
5 shall complete an information form. Each form shall contain the following:

6 1. Spaces on which to record the date on which the keg is sold.

7 2. Spaces on which to record the name and address of the person purchasing
8 the keg.

9 3. A space on which to record whichever of the following is applicable:

10 a. The name of the brewer and the serial number of the keg, if that information
11 is available as provided under par. (bm).

12 b. The number of the identification tag on the keg being purchased, if an
13 identification tag is attached under par. (b).

14 (d) All licensees shall provide a copy of the information form under par. (c)
15 relating to the most recent purchase of a keg under this section to a peace officer
16 acting under s. 125.14 (2) (c).

17 (e) A person who purchases a keg shall pay to the licensee any deposit on the
18 keg required by the licensee. When the keg is returned, the licensee shall refund the
19 deposit to the person who purchased the keg or to the person's agent.

20 **SECTION 3. Effective date.**

21 (1) This act takes effect on the first day of the 7th month beginning after
22 publication.

23 (END)