

1985 Assembly Bill 99

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1985 Wisconsin Act 28

AN ACT *to repeal* 125.07 (4) (e) and (f) and 125.10 (4); *to amend* 125.07 (4) (a) 2, 125.07 (4) (b), 125.32 (2), 125.68 (2) and 346.93; and *to create* 125.07 (3) (a) 9 and 125.07 (4) (bm) of the statutes, *relating to* the possession, sale, service and delivery of alcohol beverages by underage persons and the presence of 18-year-olds on licensed premises.

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

SECTION 1. 125.07 (3) (a) 9 of the statutes is created to read:

125.07 (3) (a) 9. An 18-year-old person who is working under a contract with the licensee, permittee or corporate agent to provide entertainment for customers on the premises.

SECTION 1m. 125.07 (4) (a) 2 of the statutes is amended to read:

125.07 (4) (a) 2. ~~Knowingly~~ Except as provided in par. (bm), knowingly possesses or consumes intoxicating liquor.

SECTION 2. 125.07 (4) (b) of the statutes is amended to read:

125.07 (4) (b) ~~Any~~ Except as provided in par. (bm), any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes fermented malt beverages is guilty of a violation.

SECTION 3. 125.07 (4) (bm) of the statutes is created to read:

125.07 (4) (bm) An underage person may possess alcohol beverages in the course of employment during his or her working hours if employed by any of the following:

1. A brewer.
2. A fermented malt beverages wholesaler.
3. A permittee other than a Class "B" or "Class B" permittee.
4. A facility for the production of alcohol fuel.
5. A retail licensee or permittee under the conditions specified in s. 125.32 (2) or 125.68 (2) or for delivery of unopened containers to the home or vehicle of a customer.
6. A campus, if the underage person is 18 years of age and is under the immediate supervision of a person 19 years of age or older.

SECTION 4. 125.07 (4) (e) and (f) of the statutes are repealed.

SECTION 5. 125.10 (4) of the statutes is repealed.

SECTION 6. 125.32 (2) of the statutes is amended to read:

125.32 (2) OPERATORS' LICENSES; CLASS "A" OR CLASS "B" PREMISES. No premises operated under a Class "A" or Class "B" license or permit may be open for business unless there is upon the premises the licensee, the agent named in the license if the licensee is a corporation, the agent named in a Class "B" permit or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. For the purpose of this subsection, any person holding a manager's license under s. 125.18 or any member of the

licensee's immediate family who has attained the legal drinking age shall be considered the holder of an operator's license. No person, including underage members of the licensee's immediate family, other than the licensee or agent may serve fermented malt beverages in any place operated under a Class "A" or Class "B" license or permit unless he or she has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee or agent or a person holding an operator's license, who is on the premises at the time of the service.

SECTION 7. 125.68 (2) of the statutes is amended to read:

125.68 (2) OPERATORS' LICENSES; "CLASS A" OR "CLASS B" PREMISES. No premises operated under a "Class A" or "Class B" license or permit may be open for business unless there is upon the premises either the licensee, the agent named in the license if the licensee is a corporation, the agent named in a "Class B" permit or some person who has an operator's license and who is responsible for the acts of all persons selling or serving any intoxicating liquor to customers. For the purpose of this subsection, any person holding a manager's license issued under s. 125.18 or any member of the licensee's immediate family who has attained the legal drinking age shall be considered the holder of an operator's license. No person, including an underage member of the licensee's immediate family, other than the licensee or agent may serve or sell alcohol beverages in any place operated under a "Class A" or "Class B" license or permit unless he or she has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee or agent or a person holding an operator's license, who is on the premises at the time of the service.

SECTION 8. 346.93 of the statutes is amended to read:

346.93 Intoxicants in vehicle. No underage person, as defined under s. 125.02 (20m), may knowingly possess, transport or have under his or her control any alcohol beverage in any motor vehicle unless the person is employed by ~~a liquor~~ a brewer, an alcohol beverage licensee, wholesaler, retailer, distributor, manufacturer or rectifier and is possessing, transporting or having such beverage in a motor vehicle under his or her control during ~~regular~~ his or her working hours and in the course of employment, as provided under s. 125.07 (4) (bm).

SECTION 9. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
125.10 (2)	125.07 (4)(a) or (b)	125.07 (4)(a), (b) or (bm)