

# State of Wisconsin



2015 Senate Bill 236

Date of enactment: **October 21, 2015**

Date of publication\*: **October 22, 2015**

## 2015 WISCONSIN ACT 62

AN ACT *to renumber and amend* 125.51 (10); *to amend* 125.17 (4) (b), 125.26 (6), 125.51 (3) (f) and 125.68 (4) (c) 1.; and *to create* 125.02 (3u), 125.07 (3) (a) 12m., 125.32 (3m) (j), 125.51 (10) (b) and 125.68 (4) (c) 6. of the statutes; **relating to:** temporary alcohol beverage retail licenses and temporary alcohol beverage operator's licenses.

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

**SECTION 1.** 125.02 (3u) of the statutes is created to read:

125.02 (3u) "Chamber of commerce" means a local chamber of commerce organized under ch. 181 or a similar civic or trade organization organized under ch. 181 to promote economic growth and opportunity within a local geographical area.

**SECTION 1g.** 125.07 (3) (a) 12m. of the statutes is created to read:

125.07 (3) (a) 12m. An underage person who enters and remains on premises covered by a temporary "Class B" license issued as provided in s. 125.51 (10) (b) if all of the following apply:

a. The municipal governing body issuing the license, or an official or body authorized by the municipal governing body, authorizes the licensee to permit underage persons to be on the licensed premises for the purpose of acting as designated drivers.

b. The licensee permits, on the licensed premises, unaccompanied underage persons to be present only for the purpose of acting as designated drivers and the licensee provides a means of identification, such as a wrist band, to identify these underage persons as designated drivers.

c. The underage person is present on the licensed premises to act as a designated driver and displays the means of identification specified in subd. 12m. b.

**SECTION 1r.** 125.17 (4) (b) of the statutes is amended to read:

125.17 (4) (b) No person may hold more than one license 2 licenses of this kind per year.

**SECTION 2.** 125.26 (6) of the statutes is amended to read:

125.26 (6) Temporary Class "B" licenses may be issued to bona fide clubs and chambers of commerce, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least 6 months before the date of application, and to posts of veterans organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. The amount of the fee for the license shall be determined by the municipal governing body issuing the license but may not exceed \$10. An official or body authorized by a municipal governing body to issue temporary Class "B" licenses may, upon issuance of any temporary Class "B" license, authorize the licensee to permit underage persons to be on the premises for which the license is issued. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being con-

\* Section 991.11, WISCONSIN STATUTES: 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."

ducted and all persons engaging in retail sales of fermented malt beverages from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages from the stands while the fair is being held. A municipal governing body may issue a temporary Class “B” license for premises that are covered by a “Class B” permit issued under s. 125.51 (5) (b) 2. if the applicant meets the requirements of this subsection. If a license is issued under this subsection to a fair association solely for the purpose of conducting on the licensed premises fermented malt beverages judging or tasting events involving servings of fermented malt beverages no greater than one fluid ounce each, s. 125.32 (2) does not apply to these licensed premises.

**SECTION 3.** 125.32 (3m) (j) of the statutes is created to read:

125.32 (3m) (j) Premises for which a temporary Class “B” license is issued under s. 125.26 (6) if the license is one of multiple licenses issued by the municipality to the same licensee for the same date and times, the licensee is the sponsor of an event held at multiple locations within the municipality on this date and at these times, and an admission fee is charged for participation in the event and no additional fee is charged for service of alcohol at the event.

**SECTION 4.** 125.51 (3) (f) of the statutes is amended to read:

125.51 (3) (f) A “Class B” license may be issued only to a holder of a retail Class “B” license to sell fermented malt beverages unless the “Class B” license is the kind of “Class B” license specified under par. (am) or is a temporary “Class B” license under sub. (10).

**SECTION 5.** 125.51 (10) of the statutes is renumbered 125.51 (10) (a) and amended to read:

125.51 (10) (a) Notwithstanding s. 125.68 (3), temporary “Class B” licenses may be issued to bona fide clubs and chambers of commerce, to county or local fair associations or agricultural societies, to churches, lodges, or societies that have been in existence for at least 6 months before the date of application, and to posts of veterans’ organizations authorizing the sale of wine in an original package, container, or bottle or by the glass if the wine is dispensed directly from an original package, container, or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. The amount of the fee for the license shall be determined by the municipal governing body issuing the license but may not exceed \$10, except that no fee may be charged to a person who at the same time applies for a temporary Class “B” license under s. 125.26 (6) for the same event. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine from leased stands on the

fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine from the stands while the fair is being held. If a county or district fair leases any stand to a winery holding a permit under s. 125.53, in addition to making retail sales of wine from the leased stand, the winery may provide taste samples anywhere on the fairgrounds of wine manufactured by the winery. If a license is issued under this ~~subsection~~ paragraph to a fair association solely for the purpose of conducting on the licensed premises wine judging or tasting events involving servings of wine no greater than one fluid ounce each, s. 125.68 (2) does not apply to these licensed premises. ~~Not Except as provided in par. (b), not more than 2 licenses may be issued under this subsection~~ paragraph to any club, chamber of commerce, county or local fair association, agricultural association, church, lodge, society, or veterans post in any 12-month period.

**SECTION 6.** 125.51 (10) (b) of the statutes is created to read:

125.51 (10) (b) 1. A municipality may issue up to 20 licenses under par. (a) to the same licensee if all of the following apply:

a. Each license is issued for the same date and times and the licensee is the sponsor of an event held at multiple locations within the municipality on this date and at these times.

b. An admission fee is charged for participation in the event and no additional fee is charged for service of alcohol at the event.

c. Within the immediately preceding 12-month period, the municipality has issued licenses under authority of this paragraph for fewer than 2 events.

2. The duration of an event under subd. 1. may not exceed one day.

3. For purposes of the 2-license limit imposed under par. (a), each event for which multiple licenses are issued as provided in subd. 1. shall count as one license toward this 2-license limit.

4. A municipal governing body or an official or body authorized by a municipal governing body to issue temporary “Class B” licenses may, upon issuance of a temporary “Class B” license as provided in subd. 1., authorize the licensee to permit underage persons to be on the licensed premises for the purpose of acting as designated drivers.

**SECTION 6g.** 125.68 (4) (c) 1. of the statutes is amended to read:

125.68 (4) (c) 1. Subject to ~~subd. subds. 3. and 6.~~ and s. 125.51 (3r) (a) 3., no premises for which a “Class B” license or permit or a “Class C” license has been issued may remain open between the hours of 2 a.m. and 6 a.m., except as otherwise provided in this subdivision and subd. 4. On January 1 premises operating under a “Class B” license or permit are not required to close. On Saturday and Sunday, no premises may remain open between

2:30 a.m. and 6 a.m. except that, on the Sunday that daylight saving time begins as specified in s. 175.095 (2), no premises may remain open between 3:30 a.m. and 6 a.m. This subdivision does not apply to a “Class B” license issued to a winery under s. 125.51 (3) (am).

**SECTION 6r.** 125.68 (4) (c) 6. of the statutes is created to read:

125.68 (4) (c) 6. No person may serve wine after 9 p.m. on premises covered by a temporary “Class B” license issued as provided in s. 125.51 (10) (b).

**SECTION 7. Nonstatutory provisions.**

(1) PUBLICATION 302 AND WINE WALKS. The department of revenue shall update the discussion of “wine walks” in its Publication 302, Wisconsin Alcohol Beverage and Tobacco Laws for Retailers, to reflect statutory changes in this act.

**SECTION 8m. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) SECTION 7 of this act takes effect on the first day of the 2nd month beginning after publication.

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