



1997 ASSEMBLY BILL 591

November 4, 1997 - Introduced by Representatives STASKUNAS, CULLEN, WALKER, LADWIG, R. YOUNG, NOTESTEIN, LA FAVE, TURNER, GRONEMUS, PLOUFF, URBAN, JESKEWITZ and MORRIS-TATUM, cosponsored by Senator ROSENZWEIG. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to amend** 125.32 (2) and 125.68 (2); and **to create** 125.10 (5) of the
2 **statutes; relating to:** qualifications of persons engaged in the sale or service
3 of alcohol beverages at retail.

Analysis by the Legislative Reference Bureau

Current law prohibits any person from selling or serving alcohol beverages for consumption in the premises where served unless the person holds a license or permit authorizing the sale or service of alcohol beverages or is at least 18 years of age and either an immediate family member of a licensee or permittee or under the immediate supervision of a licensee or permittee. Cities, villages, towns and counties may enact ordinances that prescribe additional regulations for the sale of alcohol beverages if the ordinances do not conflict with state law.

This bill allows cities, villages, towns and counties to enact ordinances to prohibit any person from selling or serving alcohol beverages unless he or she possess a license or permit authorizing the sale or service.

Current law also makes 2 inconsistent statements. The first statement states that a person who is at least 18 years of age and an immediate family member of a licensee or permittee may serve alcohol beverages. The 2nd statement states that such immediate family members may serve alcohol beverages only under the immediate supervision of someone who is licensed to sell alcohol beverages. This bill eliminates the first of these 2 inconsistent statements. Under the bill, no person may serve alcohol beverages for sale unless he or she is properly licensed, or is at least 18 years of age and under the immediate supervision of someone who is licensed to sell alcohol beverages.

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For further information see the *local* 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.** 125.10 (5) of the statutes is created to read:

2 125.10 (5) REGULATION OF UNLICENSED SERVERS. Notwithstanding ss. 125.32 (2)
3 and 125.68 (2), a municipality or a county may enact an ordinance that provides that
4 no person may serve or sell alcohol beverages on premises described in a retail license
5 or permit for the sale of alcohol beverages except the licensee or permittee, the agent
6 named in the license or permit if the licensee or permittee is a corporation or limited
7 liability company, or a person who possesses an operator's license issued under s.
8 125.17 or a manager's license issued under s. 125.18.

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

10 125.32 (2) OPERATORS LICENSES CLASS "A" OR CLASS "B" PREMISES. Except as
11 provided under sub. (3) (b) and s. 125.07 (3) (a) 10., no premises operated under a
12 Class "A" or Class "B" license or permit may be open for business unless there is upon
13 the premises the licensee or permittee, the agent named in the license or permit if
14 the licensee or permittee is a corporation or limited liability company, or some person
15 who has an operator's license and who is responsible for the acts of all persons
16 serving any fermented malt beverages to customers. An operator's license issued in
17 respect to a vessel under s. 125.27 (2) is valid outside the municipality that issues
18 it. For the purpose of this subsection, any person holding a manager's license under
19 s. 125.18 or any member of the licensee's or permittee's immediate family who has
20 attained the age of 18 shall be considered the holder of an operator's license. No
21 person, including a member of the licensee's or permittee's immediate family, other

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1 than the licensee, permittee or agent may serve fermented malt beverages in any
2 place operated under a Class "A" or Class "B" license or permit unless he or she has
3 an operator's license or, except as provided in s. 125.10 (5), is at least 18 years of age
4 and is under the immediate supervision of the licensee, permittee, agent or a person
5 holding an operator's license, who is on the premises at the time of the service.

6 **SECTION 3.** 125.68 (2) of the statutes is amended to read:

7 125.68 (2) OPERATORS' LICENSES; "CLASS A", "CLASS B" OR "CLASS C" PREMISES.
8 Except as provided under s. 125.07 (3) (a) 10., no premises operated under a "Class
9 A" or "Class C" license or under a "Class B" license or permit may be open for business
10 unless there is upon the premises either the licensee or permittee, the agent named
11 in the license or permit if the licensee or permittee is a corporation or limited liability
12 company, or some person who has an operator's license and who is responsible for the
13 acts of all persons selling or serving any intoxicating liquor to customers. An
14 operator's license issued in respect to a vessel under s. 125.51 (5) (c) is valid outside
15 the municipality that issues it. For the purpose of this subsection, any person
16 holding a manager's license issued under s. 125.18 ~~or any member of the licensee's~~
17 ~~or permittee's immediate family who has attained the age of 18~~ shall be considered
18 the holder of an operator's license. No person, ~~including a member of the licensee's~~
19 ~~or permittee's immediate family,~~ other than the licensee, permittee or agent may
20 serve or sell alcohol beverages in any place operated under a "Class A" or "Class C"
21 license or under a "Class B" license or permit unless he or she has an operator's
22 license or, except as provided in s. 125.10 (5), is at least 18 years of age and is under
23 the immediate supervision of the licensee, permittee or agent or a person holding an
24 operator's license, who is on the premises at the time of the service.

25 (END)