INFORMATIONAL PAMPHLET

LICENSING FOR ALCOHOL BEVERAGES

All Section (sec.) references are to the Wisconsin Statutes

I. AUTHORITY

A. Municipalities – may grant (approve by licensing authority) or issue (give to applicant) licenses for the sale of alcohol beverages subject to limitations and restrictions imposed by law as follows:

1. Fermented malt beverage wholesalers (sec. 125.28(1)) may sell fermented malt beverages (beer) only in original packages to retailers or wholesalers. (Beer wholesalers must obtain permits from the Department of Revenue (secs. 125.29 and 139.09)).
2. Class "A" retailers (sec. 125.25) may sell beer to consumers in any quantity in original packages for off-premise consumption only. They may offer taste samples of beer on premises.
3. Class "B" retailers (sec. 125.26(1), (2), (3), (4), and (5)) may sell beer to consumers for on-premise or off-premise consumption.
4. Temporary Class "B" retailers (sec. 125.26(6)) may sell beer to consumers at a picnic or similar gathering of limited duration. Such licenses may only be issued to bona fide clubs, lodges, societies, and churches which have been in existence for at least six months, or to veteran's organizations and fair associations.
5. Temporary "Class B" retailers (sec. 125.51(10)) may sell wine to consumers at a picnic or similar gathering of limited duration. Such licenses may only be issued to bona fide clubs, lodges, societies, and churches which have been in existence for at least six months, or to veteran's organizations and fair associations.
6. "Class A" retailers (sec. 125.51(2)(a), (b), (c), and (d)) may sell intoxicating liquor to consumers only in original packages for off-premise consumption. They may offer taste samples of wine on premises.
7. "Class B" retailers (sec. 125.51(3)(a), (c), (d), (e), and (f)) may sell intoxicating liquor to consumers for on-premise consumption. If the municipality enacts a specific ordinance under sec. 125.51(3)(b) sales may be made for off-premise consumption in quantities not exceeding four liters.
8. "Class C" retailers (sec. 125.51(3m)) may sell wine by the glass or in an opened original container for consumption on the premises where sold. Such licenses may only be issued for restaurants if the sale of alcohol beverages accounts for less than 50% of the gross receipts. It may not be issued to foreign corporations or foreign LLC's.
9. Provisional retail licenses (sec. 125.185) shall be issued by municipalities. The governing body may by ordinance establish standards under which provisional licenses shall be issued and shall by ordinance designate the municipal official having authority to issue the retail licenses.
   a) May be issued only to persons applying for Class "A" beer, Class "B" beer, "Class A" liquor, "Class B" liquor, or "Class C" wine authorizing only the activities allowed under that type of license.
   b) Fee shall be established by ordinance, but may not exceed $15.
   c) A provisional license expires 60 days after issuance or when the person is issued a retail license. The license may be revoked by the municipal official if he or she discovers the holder made false statements in the application.
   d) A municipal official may not issue a provisional "Class B" license if the quota prohibits the issuance of such a license.
   e) No person may hold more than one provisional retail license for each type of license applied for per year.
10. Operator's licenses (sec. 125.17(1), (2), and (3)), temporary operator's licenses (sec. 125.17(4)), and provisional operator's licenses (sec. 125.17(5), and (6), 125.32(2)-beer, and 125.68(2)-liquor) shall be issued to individuals 18 years of age or over who do not have an arrest or conviction record subject to secs. 111.321, 111.322 and 111.335 and will be responsible for supervising activities on Class "A" beer, Class "B" beer, "Class B" intoxicating liquor, and "Class A" intoxicating liquor and "Class C" wine premises during required hours in absence of the licensee or approved agent of corporation/limited liability company. Licensed operators (bartenders) are also required on the premises of Temporary Class "B"/"Class B" licenses. New applicants must successfully complete a beverage server training course prior to issuance of the license. The municipal governing body may by ordinance establish standards for issuance of provisional operators' licenses and designate the municipal official having authority to issue them. Provisional operator's licenses shall be issued to persons enrolled in the course and who have applied for a regular operator's license.

    They may also be issued to someone who held an operator's license in another municipality and has applied for an operator's license in your municipality.

B. The Department of Revenue may issue alcohol beverage permits as follows:

1. Sports "Class B" retailers (sec. 125.51(5)(a)) may sell intoxicating liquor if the facilities are not open to the general public and the municipality does not issue such licenses or to a club located in a municipality that issues "Class B" licenses, if the club is not open to the general public, was not issued a license under sec. 176.05 (4a), 1979 , and does not currently hold a "Class B" license.

2. Sports Class "B" retailers (sec. 125.27(1)) may sell beer if the facilities are not open to the general public. These may be issued only if the municipality does not issue such licenses.

3. County or municipal-owned airport or public facilities "Class B" retailers (sec. 125.51(5)(b)) may sell intoxicating liquor. The permit may only be issued to a designated concessionaire. (A Class "B" beer license must be obtained from the municipality in which the airport or public facility is located.)

4. Vessels Class B retailers (secs. 125.27(2) and 125.51(5)(c)) may be issued a permit if meeting the criteria as set forth in the statutes.

II. QUALIFICATIONS

A. Training Course.

Individuals, partners, and agents of corporations/organizations and limited liability companies must have successfully completed a Wisconsin approved responsible beverage server training course (see "Training" on the department's website at www.revenue.wi.gov or a Wisconsin technical college course unless:

1. The person is renewing a license.

2. Within the past two years the applicant held a manager's or operator's license, or held or was agent of a corporation or limited liability company that held a Class "A" beer, Class "B" beer, "Class A" liquor, "Class B" liquor, or "Class C" wine license in Wisconsin.

3. Within the past two years the person successfully completed a Wisconsin authorized training course.

B. Individual applicants for retail alcohol beverage licenses must meet the following qualifications (sec. 125.04(5)):

1. Be 21 years of age or older.

2. Does not have an arrest or conviction record subject to secs. 111.321, 111.322, and 111.335.

3. Be a continuous Wisconsin resident for at least 90 days.

4. Submit proof under sec. 77.61(11).

5. Must not be convicted of a felony, subject to secs. 111.311, 111.322, and 111.335 unless pardoned.

Note: Applicants for operators' licenses are not subject to 1, 3 and 4 above. See section I. number 10.

C. Partnerships

1. Each partner must meet all of the qualifications listed in II.A. and B.

2. Each partner must be listed on the application.

D. Wisconsin or foreign corporations, nonprofit organizations and limited liability companies (sec. 125.04(5)(c)) applying for alcohol beverage licenses.

1. All officers and directors of a corporation and members or managers of a limited liability company must meet the qualifications under 1 and 2 of II.B. Only one officer of a corporation is required under Chapter 180. Limited liability companies may have 1 or more members.

2. An agent who is responsible for all activities must be appointed. The agent must meet the qualifications listed in II.A. and B. The license is not valid until the agent has been approved by the municipal licensing authority. (sec. 125.04(6))

3. Foreign corporations are not qualified to hold "Class C" wine licenses (sec. 125.51(3m)(c)).

III. FORMS

The department will make each kind of license application that it prepares available to municipalities on its internet site at www.revenue.wi.gov. It is the municipality's responsibility to copy the forms and use the copies for license applications. (**Note:** the department does not prepare managers' and operators' license applications.)

A. ORIGINAL ALCOHOL BEVERAGE LICENSE APPLICATION (AT-106). Use for all new applicants. (Always include the AT-103 Auxiliary Questionnaire along with the AT-106.)

B. RENEWAL ALCOHOL BEVERAGE LICENSE APPLICATION (AT-115). Use only for those applying for renewal of a license, including 6-month licenses. If there is any change in the business entity, including from an individual to a partnership or corporation/limited liability company, or if a partner is added or dropped, or if a partnership is incorporated, or limited liability company formed, an original application must be submitted on Form AT-106.

C. AUXILIARY QUESTIONNAIRE (AT-103). Must be completed by all individuals, all partners, and all officers and directors and the agent of corporations and members or managers and agent of limited liability companies making application for a license and be attached to Form AT-106 or AT-115. The questionnaire must also be completed for any successor agent appointed by a corporation/limited liability company, and by all new officers and directors of corporations or new members or managers of limited liability companies applying for renewal, in which case the forms must be attached to the Form AT-115.

D. SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION (AT-104). Must be used by all corporations, nonprofit organizations or limited liability companies when applying for an original license or whenever a new agent is appointed.

E. TEMPORARY (PICNIC) LICENSE APPLICATION (AT-315). Must be used by qualified clubs, churches, or organizations desiring to sell beer, and/or wine at a particular picnic or similar gathering.

IV. INFORMATION REQUIRED OF APPLICANT

The applicant must furnish all information requested and respond to all questions asked so the licensing board/council can determine if the applicant is qualified.

A. Applicants for Retail Beer and/or Liquor Licenses.

1. Beginning and ending dates of the licensing period must be entered.
2. The seller's permit number must be indicated in the upper right hand corner. New applicants should contact the nearest Department of Revenue office for an application.
3. The type of license applied for and appropriate fees must be entered in the box in the upper right hand corner.
4. The name of the municipality and county must be entered.
5. The type of applicant, with complete name and mailing address must be furnished. If a trade name is used it also must be furnished. **The license must be issued in the exact name of the applicant; if a partnership, the license must be issued in the names of all partners; if a corporation, in the complete name of the corporation followed by the name of the agent; if a limited liability company, the name of the company followed by name of agent.** A license may not be issued in the trade name.
6. A complete and accurate description of the building or buildings where alcohol beverages are to be stored, sold, or served must be furnished. The physical description on the application must be entered on the license when the application is approved.
7. All questions must be answered by the applicant and the answers evaluated by the licensing board/council to determine if the applicant is fully qualified.
8. All applications must be signed with the signatures properly notarized.

B. Auxiliary Questionnaire

1. A completed form must be attached to each original application for each individual, partner, officer, director, member, and agent.

C. Appointment of Agent (sec. 125.04(6)).

1. Must meet qualifications listed in II.A. and B. The agent must be located near enough so he or she can actively supervise the licensed premises.
2. The completed form for any newly-appointed agent must be approved by local licensing and enforcement officials.

V. RESPONSIBILITY

A. Municipalities.

1. Must ensure that required applicants have completed the responsible beverage server training course.
2. Must obtain completed application from each applicant, and record date application was filed.
3. Must obtain completed auxiliary questionnaires as described above.
4. Must obtain completed appointment of agent schedule for each new corporation or nonprofit organization or limited liability company and obtain local enforcement approval. This completed form must also be obtained for all changes of agent, which must be approved by local enforcement officials. A fee of $10 shall be paid to the licensing authority by the corporation or limited liability company for any change of agent (sec. 125.04(6)(e)).
5. Must publish all applications as provided under sec. 125.04(3)(g). Publication is not required of temporary Class "B"/"Class B" licenses.
6. Must require applications for all alcohol beverage licenses to be filed with the clerk at least 15 days prior to action by licensing authority (sec. 125.04 (3)(f)).

   Exception: This requirement does not apply to:

   (a) Municipalities in Milwaukee County.

   (b) Applications for temporary licenses under sec. 125.26(6) lasting less than four days.
7. Must enter the date the application was submitted to the licensing authority, which must then determine that each applicant is qualified before granting the license.
8. Must enter the dates the license was granted and issued, and the license must be prepared in the exact name of the applicant with the complete physical description.
9. Must send a list of licensees issued as of July 1, each year (excluding managers, operators and picnic beer/wine licensees) to the Department of Revenue by July 15th of each year. The list must include the name, address and trade name of each licensee, including provisional retail licenses, as well as the type of license held; if the licensee is a corporation or limited liability company, include the name of the agent.

B. Department of Revenue

1. May issue permits to sports clubs, airports/public facilities, and vessels. Permit fees are payable to the Department of Revenue.

VI. TRANSFERS

Transfers of licenses are allowed only in the following situations:

A. Licenses, except for reserve "Class B" liquor and licenses issued under sec. 125.51(4)(v), may be transferred from one premise to another within a municipality (sec. 125.04(12)(a)) no more than once in a license year for $10. A licensee who moves must file an AT-112 (Retail License Transfer) with the clerk of the municipality. These forms are available upon request from the department.

B. Licenses may be transferred by completion of Form AT-108, at no charge during the license year from one person to a court-appointed receiver as a result of foreclosure or proceedings to avoid bankruptcy, or to a trustee when the licensee enters bankruptcy, or to the personal representative or

surviving spouse upon the death of the licensee. If a retail licensee becomes disabled, the municipality may, upon application, transfer the license to the licensee's spouse if that spouse complies with all of the requirements under this chapter applicable to original applicants, except that the spouse is exempt from payment of the license fee for the year in which the transfer takes place (sec. 125.04(12)(b)).

C. Licenses may be transferred by completion of Form AT-108, at no charge from one partner to another if a partner dies during the license year and the deceased's equity is assigned to a surviving or new partner.

VII. SIX MONTH LICENSES

A. A Class "B" beer license may be issued for any six-month period in a calendar year at 50% of the regular annual fee, but such licenses may not be renewed during the calendar year (sec. 125.26(5)).

B. Six-month "Class A" or "Class B" intoxicating liquor and "Class C" wine licenses may be issued for any six-month period in a calendar year at 50% of the regular annual fee, but such licenses may not be renewed during the calendar year (sec. 125.51(9)(b)).

VIII. FEES

Annual fees are determined by the municipality up to the maximum amount listed below.

A. Beer wholesaler licenses – $25 (sec. 125.28(1)(d)).

B. Provisional Retail License – $15 (sec. 125.185).

C. Beer Class "A" retailer licenses – any amount set by the licensing authority (sec. 125.25(4)). Shall be prorated on the basis of the number of months remaining in license year.

D. Beer Class "B" retailer licenses – $100 maximum per year. Shall be prorated on the basis of the number of months remaining in the license year (sec. 125.26(4) and (5)).

E. Temporary Class "B" beer licenses – $10 (sec. 125.26(6)).

F. Temporary "Class B" (wine) licenses – $10. No fee may be charged if the applicant is also applying for a temporary Class "B" license for beer (sec. 125.51(10)).

G. Wine "Class C" retailer licenses – $100 maximum (sec. 125.51(3m)(e)). Shall be prorated on the basis of the number of months remaining in license year.

H. "Class A" intoxicating liquor – minimum $50 and maximum $500 (sec. 125.51(2)(d)). Shall be prorated on the basis of the number of months remaining in the licensing period (secs. 125.51(2)(d) and (9)(a)).

I. "Class B" intoxicating liquor – minimum $50 and maximum $500 (sec. 125.51(3)(e)1). RESERVE "Class B" intoxicating liquor – minimum $10,000 initial fee (sec. 125.51 (3)(e) 2) plus a fee between $50 and $500. RENEWAL FEE – between $50 and $500. RESTAURANT/HOTEL under (sec. 125.51 (4)(v) – annual initial and renewal fees established locally. Shall be prorated on the basis of the number of months remaining in the licensing period (sec. 125.51 (9)(a)). Minimum fee shall not apply to licenses issued to bona fide clubs and lodges situated and incorporated in the state for at least 6 years.

J. Operator's licenses – any amount set by the licensing authority (sec. 125.17(3)).

K. Cigarette and Tobacco Products License – $5-$100 (sec. 134.65). Clerks approve and issue the license.

L. Beer & Liquor statutes contain no provisions about refunds of license fees.

M. Agent change – $10 (sec. 125.04 (6)(e)).

N. Licensees must file a Special Occupational Tax return (SOT) with the National Revenue Center (1-800-937-8864) (Temporary Class "B"/"Class B" licenses are exempt.)

IX. RESTRICTIONS

A. A "Class B" intoxicating liquor license cannot be issued unless the applicant holds or has applied for a Class "B" fermented malt beverage license (sec. 125.51 (3)(f)).

B. No retail fermented malt beverage license may be issued to any applicant indebted for the purchase of beer in excess of 15 days (sec. 125.33(7)(b)).

C. No retail intoxicating liquor license may be issued to any applicant indebted for the purchase of intoxicating liquor in excess of 30 days (sec. 125.69(4)(b)).

D. A "Class A" intoxicating liquor license cannot be issued for the same or connecting premises as a Class "B" beer, "Class B" intoxicating liquor or "Class C" wine license unless it qualifies as a hotel (sec. 125.51(8)). There is no provision for the issuance of a Class "A" beer and a Class "B" beer license for the same premises.

E. Except as provided, no retail "Class B" intoxicating liquor license may be issued in excess of a municipality's quota (sec. 125.51 (4)).

F. No retail "Class B" liquor license may be issued for a premises which does not meet the standards of the Department of Health and Social Services for restaurants (sec. 125.68(5)).

G. No retail liquor licensee may have any interest in a wholesale liquor establishment. No liquor wholesaler may have any interest in any retail liquor establishment. ("Class A" liquor sec. 125.69(1)(a), "Class B" liquor sec. 125.69(1)(b)).

H. Except as provided under sec. 125.31, Class "B" licenses may not be issued to brewers or beer wholesalers. Wholesale beer licenses may not be issued to persons holding a Class "B" license or permit or to persons who have any ownership interest in a premises operating under a Class "B" license or permit except as provided under sec. 125.31. (sec. 125.26(2) and 125.28(2)).

I. Except as provided under sec. 125.28(2), Class "A" licenses may not be issued to beer wholesalers.