

GUIDELINES FOR TEMPORARY CLASS B (PICNIC) APPLICANTS

_____ Applications for Temporary Class B (Picnic) Licenses must completely fill out an application and pay the \$10 fee prior to beginning the approval process. The Public Services & Safety Committee and the Council must approve all applications.

_____ Applicant will be provided with the Wisconsin Alcohol Beverage and Tobacco Laws for Retailers.

_____ Applicant will be provided with the guidelines for responsible beverage serving.

_____ Applicant will be provided with the Department of Transportation "F.A.B. ID Check" information dealing with fake, altered or borrowed ID's.

_____ One licensed bartender must be on premise throughout the entire event. The cost for a temporary bartender license is \$10 and the application is provided in this packet.

_____ The applicant must purchase beer and/or wine to be sold at the event directly from a distributor. If the event is on the property of an existing Class B licensed premise, the beer and/or wine cannot be purchased from that license holder.

_____ Beer and/or wine from the event cannot be carried from the event onto an adjoining Class B premise or from the Class B premise to the event. All beer and/or wine served at the event must remain within the premise of the event as described on the application.

_____ Temporary Class "B" (picnic) licenses can only be issued to a "bona fide" club, fair association or agricultural society, church, lodge or society that has been in existence for at least six months and to veteran organizations. §§125.26(6) and §§125.51(10)

_____ An organization is limited to (2) "Class B" (Picnic) beer & wine per year. There is no limit to the number of Class "B" (Picnic) Beer Licenses per §125.51(10)

_____ Outdoor events must provide a fenced in area to sell and consume the beer and/or wine. That area must be described in detail on the application.

_____ Applicant must comply with the closing hours for Class B premises as provided in §§125.32(3) and §§125.68(4). Class B closing hours are Mon.-Fri. 2 am – 6am and Sat.-Sun. 2:30 am – 6 am.

_____ Outdoor events may not make or cause to be made any loud, disturbing or unnecessary sound or noises such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence. (Municipal Code Section §11.145 & §11.146)

_____ Provide Insurance Certificate in Applicant's Name

Application for Temporary Class "B" / "Class B" Retailer's License

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE \$ _____

Application Date: _____

Town Village City of _____

County of _____

The named organization applies for: (check appropriate box(es).)

A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.

A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stats.

at the premises described below during a special event beginning _____ and ending _____ and agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

1. Organization (check appropriate box) →

Bona fide Club

Church

Lodge/Society

Veteran's Organization

Fair Association or Agricultural Society

Chamber of Commerce or similar Civic or Trade Organization organized under ch. 181, Wis. Stats.

(a) Name _____

(b) Address _____
(Street) Town Village City

(c) Date organized _____

(d) If corporation, give date of incorporation _____

(e) If the named organization is not required to hold a Wisconsin seller's permit pursuant to s. 77.54 (7m), Wis. Stats., check this box:

(f) Names and addresses of all officers:

President _____

Vice President _____

Secretary _____

Treasurer _____

(g) Name and address of manager or person in charge of affair: _____

2. Location of Premises Where Beer and/or Wine Will Be Sold, Served, Consumed, or Stored, and Areas Where Alcohol Beverage Records Will be Stored:

(a) Street number _____

(b) Lot _____ Block _____

(c) Do premises occupy all or part of building? _____

(d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover: _____

3. Name of Event

(a) List name of the event _____

(b) Dates of event _____

(c) Does this event require a Special Event Permit Application?

DECLARATION

An officer of the organization, declares under penalties of law that the information provided in this application is true and correct to the best of his/her knowledge and belief. Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

Officer _____
(Signature / Date)

(Name of Organization)

Date Filed with Clerk _____

Date Reported to Council or Board _____

Date Granted by Council _____

License No. _____

Additional Information

May be Granted and Issued only to (secs. 125.26(6), and 125.51(10), Wis. Stats.):

- (1) Bona fide clubs.
- (2) State, county, or local fair associations, or agricultural societies.
- (3) Churches, lodges, or societies that have been in existence for at least 6 months prior to the date of application.
- (4) Posts of veterans organizations.
- (5) Chambers of commerce or similar civic or trade organizations organized under ch. 181, Wis. Stats.

Application:

- (1) Filing: In writing, for each event, on Form AT-315.
- (2) The local licensing authority may act on application or authorize an official or body of the municipality to issue the license. (secs. 125.26(1) and 125.51(10), Wis. Stats.)
- (3) The written application shall be filed with the clerk of the municipality in which premises are located:
Class "B" (Beer):
 - a. The governing body shall establish any waiting period before granting of a license for events lasting less than 4 days (sec. 125.04(3)(f), Wis. Stats.)
 - b. At least 15 days prior to the granting of the license for events lasting 4 or more days."Class B" (Wine):

The application shall be filed with the clerk of the local municipality in which the event will be held at least 15 days prior to the granting of the license.
- (4) Seller's Permit: (sec. 77.54 (7m), Wis. Stats.), provides an exemption from Wisconsin sales and use taxes relating to certain sales by a nonprofit organization. Check the box if your organization qualifies for the exemption and therefore is not required to hold a seller's permit.
- (5) Publication: Not required. (sec. 125.04(3)(g), Wis. Stats.)

Fee: Determined by the municipality, but may not exceed \$10. (Exception: No additional fee may be charged if organization is applying for both a Temporary Class "B" and a Temporary "Class B" license for the same event.) (secs. 125.26(6) and 125.51(10), Wis. Stats.)

Duration: The day, or consecutive days, that the specified event is in progress. A municipality may issue up to 20 licenses to the same licensee for a single event, if each license is issued for the same date and time. (sec. 125.51(10)(b), Wis. Stats.)

Restrictions:

- (1) License may not be issued to individuals. (secs. 125.02 (14), 125.26(6), 125.51(10), Wis. Stats.)
- (2) Licenses to organizations, other than ex-servicemen's organizations, can be issued only for a picnic or similar gathering. (secs. 125.26(6) and 125.51(10), Wis. Stats.)
- (3) License may cover either a specified area or the entire picnic grounds. (secs. 125.26(6) and 125.51(10), Wis. Stats.)
- (4) License issued to a county or district fair must cover the entire fairgrounds (secs. 125.26(6) and 125.51(10), Wis. Stats.)
- (5) No license to clubs having any indebtedness to any wholesaler for more than 15 days for beer (sec. 125.33(7), Wis. Stats.) and 30 days for wine (s. 125.69(4)(b), Wis. Stats.)
- (6) Licensed operator(s) must be present at all times (secs. 125.17, 125.26(6), 125.32(2) - Beer; 125.17, 125.51(10), 125.68(2) - Wine; Wis. Stats.)
- (7) The licensed club, club members, or any other persons are not permitted to possess intoxicating liquor on licensed premises on the Temporary Class "B"/"Class B" licensed picnic area. (sec. 125.32(6), Wis. Stats.)
- (8) Not more than 2 wine licenses may be issued to any club, county or local fair association, agricultural association, church, lodge, society, chamber of commerce or similar civic or trade organization or veterans' post in any 12 month period. A municipality may issue up to 20 wine licenses to the same licensee if: 1) each license is issued for the same date and times, 2) the licensee is the sponsor of an event held at multiple locations within the municipality on this date and at these times, 3) an admission fee is charged for participation in the event and no additional fee is charged for service of alcohol beverages at the event, and 4) within the immediately preceding 12-month period, the municipality has issued these multiple licenses for fewer than 2 events. In addition, each event for which multiple licenses are issued shall count as one license toward the 2-license limit. (sec. 125.51(10), Wis. Stats.)
- (9) Licensed organizations must purchase their alcohol beverages only from permitted Wisconsin wholesalers, breweries and brewpubs. (secs. 125.33(6), and 125.69(6), Wis. Stats.)



For Office Use Only

New License (\$60) Renewal (\$60) Year Ending: **N/A**
 Provisional (\$15) Good for 60 Days Period Ending: _____
 Temporary (\$10) Expires with event Period Ending: _____
 Duplicate License (\$10) **Account Code: OP** Pick Up License
 Receipt No: _____ Amt. Paid _____ Mail License

Application For Beverage Operator's License

Answer all questions completely. Please print

Name: _____ (First) _____ (Middle Initial) _____ (Last)

Street Address _____ City _____ State _____ Zip Code _____

DOB: Month/Date/Year _____ Sex (Male or Female) _____ Driver's License Number _____

Name of License Employment Location: _____
 Day Phone: _____
 Evening Phone: _____
 Cell Phone: _____

Have you ever had an Operator's (Bartender's) License? Yes No If yes, where? _____

Have you **EVER** been convicted of a felony? Yes No
 If yes, when, where and what type of violation? Please be specific. _____

Have you been convicted of a misdemeanor or ordinance violation **past five (5) years** (e.g. speeding, OWI, disorderly conduct, driving without a license, etc.)? Yes No
 If yes, when, where and what type of violation? _____

Have you **EVER** been convicted of any violation of the Wisconsin Statutes and/or federal law pertaining to the sale of alcoholic beverages and/or the manufacture, possession or deliverance of a controlled substance? Yes No
 If yes, when, where and what type of violation? _____

I certify that I have no delinquent taxes, assessments, other claims including but not limited to water bills in whole or part owed to the City of Neenah or any delinquent forfeiture resulting from a violation of any City ordinance.

I further certify that I am familiar with the laws, ordinances and regulations pertaining to the sale of malt and liquor beverages and I hereby agree, if granted said license, to obey all provisions of said laws.

Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief.

I, the applicant for this license/permit hereby consent to the release of my customer information to the City of Neenah from the Neenah Utilities for the purpose of processing my application.

Applicant Signature _____ Date _____

NOTARY SIGNATURE:

Subscribed and sworn to before me this _____ day of _____, 20____.

 Clerk/Deputy Clerk or Notary Public

Applicant meets guidelines for issuance of Beverage Operator's License.

Has taken Responsible Beverage Server Training Course or held a license within the past 2 years
 No outstanding Court forfeitures (Patty K)
 No parking tickets (Tina L)
 No delinquent claims (Patie F)
 Police Background Check completed
 Note: Includes CCAP
 No Delinquent Water Bill (Julie)

_____ Approve _____ Reject

 Clerk/Deputy Clerk Signature Date

Wisconsin Alcohol Beverage and Tobacco Laws for Retailers

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IMPORTANT CHANGES

Effective April 10, 2015 "Class A" licensees are authorized to provide free of charge to customers and visitors of legal drinking age, taste samples of intoxicating liquor other than wine not exceeding 0.5 fluid ounces each, for consumption on the licensed premises. The licensee may provide one taste sample per person per day between the hours of 11 a.m. and 7 p.m.

Effective April 27, 2016 the option for municipal electors to determine by referendum whether a municipality shall issue a particular type of license is eliminated, the governing body of the municipality still determines which license the municipality will issue. Alcohol beverage records required to be kept by manufacturers, distributors and retailers may now be kept on the licensed premises in electronic form only, paper records are no longer required.

I. INTRODUCTION

This publication provides information about state alcohol beverage and tobacco laws that affect you as a retailer.

Most of the laws outlined in this publication are found in Chapter 125 and sections 134.65 and 134.66 of the Wisconsin Statutes.

Municipalities also may enact additional regulations affecting your business. You should contact your local municipal clerk if you have questions about local ordinances.

If you are unable to find an answer to your question about state alcohol beverage and tobacco laws, email, write, or call the Wisconsin Department of Revenue, Alcohol & Tobacco Enforcement Unit.

Visit our website: revenue.wi.gov

Email: DORAlcoholTobaccoEnforcement@wisconsin.gov

Write: Wisconsin Department of Revenue
Alcohol & Tobacco Enforcement Unit
P.O. Box 8933
Madison, WI 53708-8933

Telephone: (608) 266-2772

CAUTION

- The information in this publication reflects the position of the Wisconsin Department of Revenue of laws enacted by the Wisconsin legislature as of December 1, 2016. Laws enacted after this date, administrative rules, and court decisions may change the interpretations in this publication.
- The examples and type of sales and purchases provided in this publication are not all-inclusive. They merely set forth common examples.

II. DEFINITIONS

Adult – A person who is 18 years of age or older.

Minor – A person who is under 18 years of age.

Legal Drinking Age – 21 years of age.

Underage Person – A person who is not of legal drinking age.

Beer – A fermented malt beverage containing 0.5% or more of alcohol by volume.

Cider - an alcohol beverage that is obtained by the fermentation of the juice of apples or pears and that contains not less than 0.5 percent alcohol by volume and not more than 7.0 percent alcohol by volume. "Cider" includes flavored, sparkling, and carbonated cider. (Effective January 1, 2016)

Intoxicating Liquor (Or Liquor) – All alcohol beverages (other than beer) containing 0.5% or more alcohol by volume, and all wines.

Alcohol Beverages – A statutory term which includes beer, wine, and liquor.

Painting Studio – An establishment primarily engaged in the business of providing to customers instruction in the art of painting and that offers customers the opportunity to purchase food and beverage for consumption while they paint.

Provisional Retail License

1. A municipal governing body that issues licenses shall issue provisional retail licenses. The governing body may by ordinance establish standards under which the licenses shall be issued and shall by ordinance designate the municipal official having the authority to issue the provisional license.
2. The provisional retail license may be issued only to a person applying for a Class “A” beer, Class “B” beer, “Class A” liquor, “Class B” liquor or “Class C” wine.
3. The fee shall be determined locally but may not exceed \$15.
4. The license will expire 60 days after issuance or when the person has been issued a license as listed under 2. The official who issued the provisional retail license may revoke the license if he or she discovers the holder made a false statement on the application.
5. A municipality may not issue a provisional “Class B” liquor license if the municipality’s quota is filled.
6. No person may hold more than one provisional retail license for each type of license applied for by the holder per year.

Class “A” Fermented Malt Beverage License – Authorizes the retail sale of beer and beer-based coolers, in the original sealed container, for consumption off the licensed premises.

1. No sales to other licensees for resale;
2. May sell in any quantity to the public;
3. No beer sales between 12 midnight and 6:00 a.m.
4. Local ordinances may further restrict these hours.

5. May furnish customers with two 3 fluid ounce taste samples of beer between 11:00 a.m. – 7:00 p.m.

“Class A” Liquor License – Authorizes the retail sale of liquor and wine, in the original sealed container, for consumption off the licensed premises. A “Class A”(cider only) license authorizes the retail sale of cider, and shall be issued to a license applicant holding a Class “A” (beer) license for the same premise. The sale of intoxicating liquor is limited to cider only. Municipalities may not charge an initial issuance fee for a “Class A” (cider only) license, but publication of the “Class A” (cider only) license application is required and the license applicant shall pay the cost of publication of the license application.

1. No sales to other licensees for resale;
2. May sell in any quantity to the public;
3. May not sell intoxicating liquor and wine between 9:00 p.m. - 6:00 a.m.
4. Local ordinances may further restrict these hours.
5. May furnish customers free of charge two 3 fluid ounce taste samples of wine between 11:00 a.m. – 7:00 p.m.
6. May furnish customers free of charge one 0.5 fluid ounce taste samples of intoxicating liquor other than wine between 11:00 a.m. – 7:00 p.m.

Class “B” Fermented Malt Beverage License – Authorizes the retail sale of beer and beer-based coolers for consumption on the licensed premises and for consumption off the licensed premises.

1. No sales to other licensees for resale;
2. May sell in any quantity to the public;
3. Must be closed between the following hours:
 - a) Monday - Friday – 2:00 a.m. - 6:00 a.m.
 - b) Saturday - Sunday – 2:30 a.m. - 6:00 a.m.
 - c) Second Sunday in March – 3:30 a.m. – 6:00 a.m.
 - d) New Year’s Eve – No closing required.

e) Local municipalities may NOT further restrict the closing hours.

4. No off-premises sales between 12:00 midnight - 6:00 a.m. Local ordinances may further restrict these sales hours.

“Class B” Liquor License – Authorizes the retail sale of liquor by the drink for consumption on the licensed premises and (if allowed by local ordinance) in the original sealed container for off-premises consumption.

A single, open bottle of wine may be taken off premise if ordered with a meal and re-corked prior to being taken off premise.

1. No sales to other licensees for resale;
2. Off-premises sales of liquor, when permitted by local ordinance, limited to 4 liters or less;
3. Wine may be sold in the original package, in any quantity, for on and off-premises consumption.
4. Closing hours the same as Class “B” License, above.
5. A winery that has a “Class B” (wine only) license issued under s. 125.51(3)(am) must close between 9:00 p.m. and 8:00 a.m.

“Class C” Wine License – Authorizes the retail sale of wine by the glass or in an opened original container for consumption on premises only.

A single, open bottle of wine may be taken off premise if ordered with a meal and re-corked prior to being taken off premise.

1. No sales to other licensees for resale.
2. Closing hours the same as Class “B” License, above.

Notice - With limited exceptions, all retailers of alcohol beverages may only sell to consumers who are physically at the licensed premises.

For example:

- (1) A customer phones in an order to a local pizza parlor (that holds a Class B beer license) to have a

pizza and a six pack of beer delivered to his home – this sale is prohibited, as the sale was not made face-to-face to the consumer at the licensed premises

- (2) A group of college students call their local liquor store and ask that 6 half barrels of beer be delivered to their house for a party – this sale is prohibited, as the sale was not made face-to-face to the consumers at the licensed premises.

III. ALCOHOL BEVERAGE LAW

A. Closing Hours

1. Customers must leave the premises by the closing hour; internal business operations (counting cash, cleaning, repairs, etc.) may be done after hours but licensees must be able to prove that anyone on the premises after hours is there for these purposes.
2. Hotels and restaurants whose “principal business” is furnishing lodging and food to customers, drug stores, grocery stores, bowling centers, movie theaters, painting studios, indoor horseshoe pitching facilities, indoor golf simulator facilities, indoor golf and baseball facilities (Class “B” premises), golf courses, and curling clubs may remain open after hours to conduct their regular business. They may not permit consumption of or sell alcohol beverages after hours.

“Principal business” means the primary activity as determined by analyzing the amount of capital, labor, time, attention, and floor space devoted to each business activity and by analyzing the sources of net income and gross income. The name, appearance, and advertising of the entity may also be taken into consideration if they are given less weight.

B. Daylight Saving Time

Section 175.095(2), Wis. Stats., states that daylight saving time begins at 2:00 a.m. the second Sunday in March and ends at 2:00 a.m. the first Sunday in November.

As such, clocks are set ahead one hour at 2:00 a.m. the second Sunday in March. Thus taverns would close at 3:30 a.m. daylight saving time on this date.

On the first Sunday in November, the clocks are set back an hour at 2:00 a.m.; bars gain an extra hour and must close at 2:30 a.m. regular Central Standard Time.

C. Training Requirements For Completion Of The Responsible Beverage Server Training Course (Required As A Condition Of Licensing)

Applicants must successfully complete an approved training course, such as courses offered by the Wisconsin Technical College System, or similar approved classroom or online courses (see "Training" on the department's website at revenue.wi.gov) unless:

1. The person is renewing a retail or an operator's (bartender's/sales clerks) license.
2. The person was the agent (within the last two years) for a corporation or limited liability company that held a Class "A" beer, Class "B" beer, "Class A" liquor, "Class A" (cider only), "Class B" liquor or "Class C" wine license.
3. The person held a retail license or an operator's or manager's license during the past two years.
4. The person completed such a course within the past two years.

IV. LICENSING

A license is a **privilege** granted by local authorities to a particular person, partnership, limited liability company, or corporation to run a particular place for the time period specified. Just as one's driver's license can't be used by another, an alcohol beverage license can't be used by someone other than the licensee to sell alcohol beverages. The license or permit of a person who violates this shall be revoked. The governing body of every city, village, and town may, **but is not required to**, issue local retail liquor and beer licenses. The municipality may refuse to issue licenses as long as it uses good judgment and does not discriminate between applicants.

V. SALE OF ALCOHOL BEVERAGES

The term "sale," "sold," or "sell" includes the transfer, gift, barter, trade, exchange, or any shift, device, scheme, or transaction whatever, whereby alcohol beverages may be obtained. Giving away alcohol beverages or using any other device to evade the law relating to its sale is an unlawful sale.

The following are some examples of illegal transactions at **unlicensed** premises:

1. A "free" drink with a meal;
2. A cover charge, whereby mix is furnished at a price, with "no charge" for liquor;
3. A "free" bottle of liquor tied into the sale of some other item.

Penalty: Fine of not more than \$10,000 or imprisonment for not more than nine months, or both.

VI. SELLER'S PERMIT

- A. Every individual, partnership, corporation, or other organization making retail sales, leases or rentals of tangible personal property in Wisconsin must have a seller's permit.
- B. The alcohol beverage license and seller's permit must be in the same legal name (see exception below). If the alcohol beverage license is issued to a partnership or corporation, the seller's permit must be too; not to the agent, officer, or individual. When dealing with a limited liability company (LLC) always issue the alcohol beverage license in the legal name of the LLC (not trade name or owner's name).

Exception: Some alcohol beverage licenses are issued to an LLC where the business operates as a sole proprietor or single member for sales tax purposes. In such cases the LLC's seller's permit may be issued in the name of the sole proprietor or single member of the LLC. If an LLC applies for an alcohol beverage license and furnishes a seller's permit that is not in the legal name of the LLC, call the department at (608) 266-2776 to verify whether the seller's permit is valid for the LLC.

Write: Wisconsin Department of Revenue
Mail Stop 5-77
PO Box 8949
Madison, WI 53708-8949

Phone: (608) 266-2776

Email: DORSalesandUse@wisconsin.gov

Visit our website: revenue.wi.gov

VII. FEDERAL TAX STAMP

Before beginning business every retail licensee must file an Alcohol Dealer Registration with the federal Department of Treasury Alcohol and Tobacco Tax and Trade Bureau (TTB). Use TTB Form 5630.5d. This form is available from the TTB website at: ttb.gov/forms/f56305d.pdf or by calling the National Revenue Center at 1-800-937-8864. Once you have registered your business, any change in your business operation must be reported before the subsequent July 1, using the same form.

VIII. LICENSES FRAMED AND POSTED

All liquor and beer licenses must be framed and posted in the room where the business is carried on. Everyone visiting the business must be able to easily see the licenses in that room. Any related permits and licenses (including seller's permits) should be posted with the alcohol beverage license.

IX. REQUIRED ONSITE SUPERVISION OF LICENSED PREMISES

A. Except in Class "A" beer premises between midnight and 6:00 a.m. (or any time when the sale of fermented malt beverages is prohibited by municipal ordinance), one of the following must be present on all licensed premises during all business hours:

1. The licensee, or;
2. An adult member of licensee's immediate family (actually living in the licensee's household), or;
3. The corporation, or limited liability company's agent, (the agent's immediate family members

must have an operators' license, if they supervise the premises in the agent's absence), or;

4. The holder of a provisional operator's license (issued to persons enrolled in the responsible beverage server training course pending approval of an operator's license by the municipal governing body), or;
5. The holder of an operator's or manager's license.

B. An adult working under the immediate supervision of any of the above does not need an operator's license. **NOTE:** "Immediate supervision" means that the licensed person must be able to watch and supervise each unlicensed person's actions. This means that the licensed person must be in the same room or area as the unlicensed person, near enough to see and talk to him or her, and to be able to actually supervise the unlicensed person.

C. An operator's license is good in any premises in the municipality where it has been issued, but it may be used only in that municipality. Licensees may be prosecuted for not having the required supervision on their premises.

X. SALE TO INTOXICATED PERSONS

It is illegal to furnish alcohol beverages to an intoxicated person. The penalty for this violation is \$100-\$500 fine, imprisonment for not more than 60 days, or both.

XI. REFILLED LIQUOR BOTTLES

A. It is illegal to refill any liquor bottle; you may not pour any substance into a liquor bottle, even the same brand of liquor.

B. When a bottle is empty, deface its label and break the bottle. If the bottle has a Wisconsin tax stamp, deface this, too.

C. You don't have to break bottles saved for recycling; however, the labels must be defaced. Bottles saved for recycling must be placed in boxes marked "For Recycling Only."

- D. You do not have to break empty ceramic decanters, but you must deface the tax stamp, if any.

XII. IDENTIFICATION REGISTER

- A. The Department of Revenue recommends that every licensee keep an identification register book. The ID register may be used to record the identity of a person who alleges he or she is of legal drinking age. The book may also be used to record the identity of a person who alleges that he or she is an underage person's parent, guardian, or spouse and that he or she has attained the legal drinking age. Record the date of purchase, the type of identification used, and the address of the purchaser, then have the purchaser sign the register. Check the signature in the book against the signature on the ID to see that they match.
- B. The "Proof of Age Register" or "Identification Register Book" may be purchased, at a small fee, from:
 - 1. Tavern League of Wisconsin, 2817 Fish Hatchery Road, Fitchburg, WI, 53713-5005, phone: (608) 270-8591, email: info@tlw.org.
 - 2. Wisconsin Grocers Assn., One S. Pinckney, Ste. 504, Madison, WI, 53703, phone: (608) 244-7150, email: sdecorah@wisconsin-grocers.com.

XIII. PRESERVATION OF RECORDS

Alcohol beverage (and cigarette and tobacco products) retailers must purchase these products only from **Wisconsin wholesalers**. They may not be transferred between retail accounts, except that alcohol beverages may be transferred as specified in "Transfer of Alcohol Beverage Stock," below.

Keep invoices for all purchases of liquor, beer, (and cigarettes and tobacco products) on the licensed premises for 2 years from the date of the invoice. Keep them in sequence and in chronological order. They must be available for inspection during business hours. Alcohol beverage records may be kept on the licensed premises in electronic form only, paper copies are not required.

XIV. TRANSFER OF ALCOHOL BEVERAGE STOCK

If you sell your business, you may transfer your sealed liquor, wine and beer stock to another retail licensee in this state. List your entire sealed stock on an inventory Form AT-900 available at the Department of Revenue's website at revenue.wi.gov. Complete this form in duplicate, sign it, and have it signed by the buyer. Give one copy to the buyer, to be kept as an invoice on the licensed premises, and keep one copy for your own records. Cigarettes and tobacco products may not be transferred. A licensed retailer may sell his or her entire sealed alcohol beverage stock in a liquidating transaction to another licensed retailer

XV. "WINE OR BEER WALKS"

- A. A "wine or beer walk" is a single-day event at which customers are served a glass of beer or wine at multiple locations (e.g., jewelry stores, art galleries, clothing boutiques, salons, furniture stores, etc.) during their shopping visits.
- B. Effective October 23, 2015, Wisconsin law (2015 Wisconsin Act 62) authorizes a municipality to issue Temporary Class "B" (beer) licenses and Temporary "Class B" (wine only) licenses to a qualified organization, including a chamber of commerce or similar civic or trade organization organized under chapter 181 of the Wisconsin statutes to promote economic growth and opportunity within a local geographical area.
- C. Single-Day, Multiple-Location Event
 - 1. WINE EVENT: A municipality may issue to a qualified organization up to 20 Temporary "Class B" (wine only) licenses for a single-day, multiple-location event (commonly referred to as a "wine walk") on a specific date and time.
 - a. The Temporary "Class B" (wine only) licenses must be issued to the same qualified organization, who is the licensee and sponsor of the single-day, multiple-location event

- b. The Temporary "Class B" (wine only) licenses must be issued for the same date and time
 - c. An admission fee must be charged for participation in the event and no additional fee can be charged for the wine
 - d. A municipality may authorize the licensee to permit unaccompanied underage persons to be on the licensee's premise only if the underage person is acting as a designated driver and has been provided a means of identification, such as a wristband, by the licensee
 - e. No person may serve wine after 9:00 p.m. on premises for which Temporary "Class B" (wine only) licenses are issued for a single-day, multiple-location event
 - f. A qualified organization may receive Temporary "Class B" (wine only) licenses for up to two events during a 12-month period, and a municipality may issue Temporary "Class B" (wine only) licenses for a total of up to two events during a 12-month period
2. BEER EVENT: A municipality may issue to a qualified organization Temporary Class "B" (beer) licenses for a single-day, multiple-location event (commonly referred to as a "beer walk") on a specific date and time.
- a. The Temporary Class "B" (beer) licenses must be issued to the same qualified organization, who is the licensee and sponsor of the single-day, multiple-location event
 - b. The Temporary Class "B" (beer) licenses must be issued for the same date and time
 - c. An admission fee must be charged for participation in the event and no additional fee can be charged for service of the beer
 - d. Municipalities may authorize a Temporary Class "B" (beer) licensee to permit underage persons on the premises for which a beer license is issued
 - e. There is no limit to the number of Temporary Class "B" (beer) licenses a municipality may issue to a qualified organization
3. A municipality is authorized to charge a fee not exceeding \$10 for each Temporary Class "B" (beer) or Temporary "Class B" (wine only) license issued for the single-day, multiple-location event.
4. Requirements applying to other alcohol beverage licensees also apply to Temporary "Class B" (wine only) and Temporary Class "B" (beer) licensees. Some of these requirements include:
- a. The presence of licensed operators to serve the wine or beer and/or supervise the service of wine or beer. Licensed operators are persons holding an "operator's license", often called a "bartender's license". Temporary operator's licenses may be issued to persons employed by or donating services to the qualified organization for the event. A person may hold two temporary operator licenses per year.
 - b. Licensees must purchase all wine or beer from liquor or beer wholesalers or breweries/brewpubs authorized to self-distribute to retail licensees.
- D. Applications for Temporary Class "B" (beer) or Temporary "Class B" (wine only) licenses to hold a single-day, multiple-location event should be submitted to the municipality by the qualified organization using the *Application for Temporary Class "B" / "Class B" Retailer's License* (Form AT-315). The qualified organization should list each of the participating locations, describing the premises, or submit a separate application for each of the multiple locations participating in the single-day, multiple-location event. Either method of submitting license applications is acceptable.

XVI. CORKAGE FEES

Corkage Fees: Wisconsin alcohol beverage law does not allow "corkage fees" – fees charged by restaurant

owners to allow patrons to carry in their own alcohol beverages to be consumed on the premises.

If the restaurant does have an alcohol beverage license, the only alcohol beverages allowed on the premises are those which the retailer has purchased from a licensed Wisconsin wholesaler; the retailer is required to have invoices from the wholesaler showing what product the retailer has purchased from the wholesaler.

If the restaurant does not have an alcohol beverage license, allowing consumption of alcohol beverages is prohibited and the restaurant owner can be charged for allowing its illegal consumption.

XVII. CREDIT LAWS

A licensee may only buy liquor or beer for cash or on credit terms for a period not to exceed 30 days (liquor) or 15 days (beer). Licensees may not buy liquor if they are in debt to any liquor wholesaler for more than 30 days, or beer if they are in debt to any beer wholesaler for more than 15 days. A person may not be issued a license if he or she exceeds these limits.

XVIII. INSPECTION OF LICENSED PREMISES

- A. Licensed premises may be inspected by law enforcement officers during all reasonable hours, including all business hours. All rooms connected to the barroom, sales room, or storage area may be inspected as part of the licensed premise. Refusing to permit an inspection is grounds for revocation or suspension of the license.
- B. Liquor, beer, cigarettes, and personal property kept in violation of the statutes may be seized.

XIX. UNDERAGE PERSONS ENTERING LICENSED PREMISES

- A. An underage person accompanied by his or her parent, guardian, or spouse of legal drinking age may be on any licensed premises.
- B. An unaccompanied underage person may enter a Class A alcohol beverage licensed premises to buy items other than alcohol beverages. The underage

person may not stay on the premises after the purchase.

- C. An unaccompanied underage person may also enter a licensed premises if:
 - 1. He or she is an employee, resident, lodger, or boarder on the premises, or;
 - 2. He or she enters to do business other than amusement or the purchase or consumption of food and beverages (see exception B above), or;
 - 3. He or she enters to buy food in a restaurant whose "principal business" is serving food, or;
 - 4. The premises is a hotel, drug store, grocery, bowling center, movie theater, painting studio, service station, indoor golf simulator facility, indoor golf and baseball facility on premises holding a Class "B" license, vessel, private tennis or soccer club, ski chalet, golf course or clubhouse, racetrack licensed under ch. 562, indoor or outdoor volleyball court, curling club, billiards center having 12 or more billiards tables, privately owned fishing business that is open to the public for a fee, car operated on a railroad, a regularly established athletic field or a county or municipally owned public facility as defined in sec. 125.51(5)(b), Wis. Stats., of the statutes, or a center for visual or performing arts, or;
 - 5. The premises is in a state park or forest or a park owned by an agricultural society receiving state aid.
 - 6. The premises has a Class "B" beer or "Class B" liquor license and the underage person is there to do business at an auction or flea market. In this case, the underage person may not enter any room where alcohol beverages are sold, furnished or possessed.
 - 7. The premises has a Class "B" beer or "Class B" liquor license and the underage person is in a room where no alcohol beverages are sold, furnished, served, or consumed by anyone when the underage person is present. This applies only if the municipality adopts an ordinance allowing it. The local law enforcement agency

must authorize, in writing, the presence of underage persons on the date of the authorization. A separate authorization is necessary for each date on which underage persons will be on the premises. (Sec. 125.07(3)(a)(8), Wis. Stats.)

8. The underage person is on Class "B" or "Class B" licensed premises, on a date specified by the license, when no alcohol beverages are consumed, sold, or given away. The licensee, the agent named on the license (if a corporation), or a person with an operator's license must be on the premises unless all alcohol beverages are in locked storage. The licensee must notify the local law enforcement agency, in advance, of when underage persons will be on the premises. (Sec. 125.07(3)(a)(10), Wis. Stats.)
9. The underage person enters and remains in a dance hall, or banquet or hospitality room attached to a Class B licensed premises, for the purpose of attending a banquet, reception, dance or other similar event.
10. The underage person is at least 18 years old, and is working under a contract with a licensee, permittee, or corporate agent to provide entertainment for customers on the premises.
11. The premises is issued a temporary Class "B" (picnic) beer license and the licensee is authorized to permit underage persons on the premises by the official or body of the municipality that issued the license, or, the premises is licensed as a temporary "Class B" (wine only) license and the licensee is authorized to permit unaccompanied underage persons, acting as designated drivers, who are provided a means of identification by the licensee, such as a wristband to be on the licensee's premise.

Note: When the purpose of the above exemptions (that is, bowling, dining, recreation, etc.) can be accomplished without the underage person being in the barroom or other areas where alcohol beverages are sold or consumed, the underage person may not enter or remain in such areas (State vs. Ludwig Lanes, 31 Wis. 2nd 690).

- D. No retail licensee may permit an underage person, not accompanied by a parent, guardian, or spouse of

legal drinking age, to enter any part of the licensed premises for any purpose except those stated on pages 10 and 11.

- E. You should demand proof of age of anyone entering the premises who appears to be under the legal drinking age. Wisconsin residents may prove age with either a valid Wisconsin identification card or a pictured Wisconsin driver's license. You or your employee should require anyone who has shown proof of legal drinking age to sign an ID register book, if the person's age is in question. Record the date of purchase, the identification used, the address, and the signature of the purchaser in the book. The book should be kept on the premises and available for inspection by any peace officer. (Sec. 125.07(7), Wis. Stats.)

XX. SALES AND SERVICE OF ALCOHOL BEVERAGES TO UNDERAGE PERSONS

An underage person accompanied by a parent, guardian, or spouse of legal drinking age may be sold or served alcohol beverages in any licensed premises. (Sec. 125.07(1), Wis. Stats.)

XXI. POSSESSION OF ALCOHOL BEVERAGES BY UNDERAGE PERSONS

An underage person may not possess alcohol beverages anywhere unless accompanied by a parent, guardian, or spouse of legal drinking age (sec. 125.07(4)(b)). This does not apply to underage persons employed by the following types of licensees or permittees, in the course of this employment: (sec. 125.07(4)(bm), Wis. Stats.)

- A. Brewers
- B. Beer wholesalers
- C. Liquor wholesalers
- D. Facilities for the production of alcohol fuel
- E. Retail licensees or permittees, under the provisions of secs. 125.32(2) and 125.68(2), Wis. Stats., (laws covering operator's licenses), or for delivery of un-

opened containers to the home or vehicle of a customer.

F. Campuses, if the underage person is at least 18 years of age and is under the immediate supervision of a person of legal drinking age.

2. Minors may be so employed or appear at dances held solely for minors, conducted by private clubs or civic organizations, where admission is limited to the club membership or by club invitation, and the general public is excluded. (Sec. 103.78, Wis. Stats.).

(Sec. 103.78(1)(d), Wis. Stats., and Wis. Adm. Code DWD 270.)

XXII. NONALCOHOL "BEER"

Section 125.02, Wis. Stats., classifies "alcohol beverages" as those beverages containing 0.5% or more alcohol by volume. Beverages that contain less than 0.5% alcohol by volume are not classified as "alcohol beverages". Thus, these "nonalcohol" beverages are not regulated by Chapter 125; they are to be treated the same as other noncarbonated waters and sodas, and may be sold to anyone, regardless of age.

These beverages should not be confused with those labeled "low alcohol" (L.A.), which generally contain 3.2% alcohol, and are regulated by Chapter 125 as being alcohol beverages.

XXIII. EMPLOYMENT OF MINORS

A. Minors under 14 years of age may not be employed where alcohol beverages are sold except that minors as young as 12 may be employed at such establishments if their parents own the business.

B. Minors 14 and older may be employed where alcohol beverages are stored, sold, or served if they are not serving, selling, dispensing, or giving away alcohol beverages. This applies to all places licensed to sell alcohol beverages, including stores, service stations, bars, and restaurants.

C. Minors may not be employed or appear as musicians, singers, performers, or dancers at roadhouses, dance halls, night clubs, taverns, or similar places, except:

1. Minors 16 or 17 years of age may be employed or appear as musicians in a hall on Friday, Saturday, or any other day not followed by a school day, or before midnight on Sunday, if the hall was rented to celebrate a special event such as a wedding, holiday, birthday, or anniversary.

XXIV. OTHER LAWS RELATING TO UNDERAGE PERSONS

A. No one may falsely represent that he or she is of legal drinking age to ask for or obtain alcohol beverages in any licensed premises. (Sec. 125.07(4), Wis. Stats.)

B. No one may possess or consume alcohol beverages in a public, parochial, or private school, through 12th grade, or in a vehicle owned by, rented, or consigned to a school or while participating in a school activity, without the express, written permission of the school administrator (sec. 125.09(2), Wis. Stats.) Permission may not be given to underage persons.

C. A licensed alcohol beverage retailer may bring a civil action against a person who violates the state's underage drinking law, if the following conditions are met:

- The conduct must occur on the retailer's premises
- The retailer must mail notice of the intent to bring action to the underage person or the underage person's parent, as applicable at least 15 days prior to filing the action
- The retailer must not have been convicted of, received a citation for, or been charged with a violation of the underage drinking law
- The retailer must have reported the suspected conduct to law enforcement at or near the time when the conduct was first discovered

This provision does not apply if the underage person was employed by or assisting a law

enforcement agency in carrying out enforcement to determine compliance with, or investigating potential violations of the prohibition on underage persons in licensed premises. A retailer prevailing in the civil action shall be awarded \$1,000 in damages and the costs of bringing the civil action. (Sec. 125.07(4)(f), Wis. Stats.)

XXV. PENALTIES FOR VIOLATIONS

A. Alcohol beverage licensees permitting unaccompanied underage persons to unlawfully enter the premises are subject to a forfeiture of not more than \$500. (Sec. 125.07(3), Wis. Stats.)

B. An unaccompanied underage person unlawfully entering a licensed premises is subject to a forfeiture of not less than \$250 nor more than \$500, suspension of his or her motor vehicle operating privilege as provided under sec. 343.30(6)(b)1, Wis. Stats., participation in a supervised work program, or a combination of these penalties.

C. A person selling or furnishing alcohol beverages to an unaccompanied underage person is subject to a forfeiture of not more than \$500 if the person has not committed a previous violation within 30 months of the violation nor more than \$500 or imprisoned not more than 30 days or both for a subsequent offense within 30 months of the violation. (Sec. 125.07(1), Wis. Stats.)

If a violation occurs on licensed premises, detected by means of an undercover underage person employed by or assisting a law enforcement agency, only the individual responsible for providing the alcohol beverages to the underage person may be issued a citation for or charged with, the violation.

D. An underage person misrepresenting his or her age to obtain alcohol beverages is subject to the same penalties described in B. above.

E. Anyone unlawfully possessing or consuming alcohol beverages on a school premises, in a school vehicle, or while participating in a school activity is subject to a forfeiture of not more than \$200 (sec. 125.09(2)(d), Wis. Stats.) except that disposition in the proceedings against an underage person shall be as provided by ss. 48.344 and 125.07(4)(c) and (d), Wis. Stats..

F. The alcohol beverage license of any person committing a violation of sec. 125.07(1), Wis. Stats. shall be suspended for:

1. Not more than 3 days if a second violation is committed within 12 months of a previous violation.
2. Not less than 3 days nor more than 10 days if a third violation is committed within 12 months of two previous violations.
3. Not less than 15 days nor more than 30 days if a fourth violation is committed within 12 months after committing three other violations.

XXVI. FALSE ID CARDS - PENALTIES

A. Anyone other than a person authorized by sec. 25.085, Wis. Stats., or sec. 343.50, Wis. Stats., who makes, alters, or duplicates an official identification ("ID") card, provides an official ID card to an underage person, or knowingly provides other documentation to an underage person claiming that the underage person is of legal drinking age may be fined not less than \$300 nor more than \$1,250 or imprisoned not less than ten days nor more than thirty days, or both.

B. Any underage person who does any of the following may be penalized. For a first violation, a forfeiture of \$300 - \$1,250, suspension of the person's driving privilege, participation in a supervised work program, or any combination of these penalties.

1. Intentionally carries an official ID card not legally issued to him or her, an official ID card obtained under false pretenses, or an official ID card which has been duplicated to give false information.
2. Makes, alters, or duplicates an official ID card.
3. Gives false information in applying for an official ID card.
4. Intentionally carries an ID card or other documentation showing that he or she is of legal drinking age, knowing that the documentation is false.

5. Provides to another underage person an official ID card or other documentation claiming that the other underage person is of legal drinking age, knowing that the documentation is false.

C. Any person who violates "A," above, for money or other consideration is guilty of a Class I felony.

XXVII. ID/DL CHECKING GUIDE

A. False ID/DL Checking Guide

- Ask pertinent questions about the ID presented. For example, if an ID card is presented as proof of age, ask how the driving was on the way to the establishment. If the person was driving, ask to see his DL.
- Check the card's expiration date. If the DL has expired, maybe it really does not belong to the holder, but to an older sibling who has already got a replacement for it. How did he/she get to the establishment - drive, using an expired DL?
- Watch for stamp of "duplicate" on the card. If they have a duplicate, maybe someone else has the original, and one of them is lying.
- People with false IDs rarely carry backup documentation, whereas most people have several forms. When confronted with a possible false ID, ask for further documentation.
- Question the carrier as to some basic information on the card, such as address, exact birth date, middle initial, or spelling of last name. If they don't answer to your satisfaction, refuse service and request that they immediately leave.

B. Things to look for:

- Glue lines.
- Bumpy surfaces by the picture or birth date. Any surface area inconsistent with the rest of the ID usually indicates tampering.
- Overlay of reprinted numbers (and a shadowy or cloudy image). ID card may have been opened to alter numbers.
- Missing spots on the state logo. ID alterers often forget to pay attention to one of the most obvious clues on the card.

- Comparison to legitimate DL or ID. Letters and numbers; size of lettering; format of the card. How many digits for expiration and date of birth?
- Use a blacklight and magnifying glass to check for security features such as ultraviolet/micro-printing on the DL or ID.
- Check reverse side lettering. Oftentimes counterfeiters will spend great amounts of time on reproducing an authentic-looking photoboard, but will merely photocopy the reverse side. These are often blurred, a sure sign of photocopying.
- Bend the card, feel it. How does it feel compared to the authentic card?
- What is the color of card?
- Check the size of the DL. How does it compare to a genuine one?
- Check the color/thickness and clarity of lettering.
- Check thickness of the card.
- Check the corners of the card. Are they well-rounded and smooth or uneven and jagged? This is one of the best methods for detecting counterfeit cards.
- Is there shading or glare on the picture or redness in eyes? Most driver licensing stations have their cameras set to avoid these problems.
- Use an ID Checking Guide, especially in areas where there is a heavy out-of-state population (colleges, tourist communities). There are several commercial companies that publish these guides, which picture all of the states' driver's licenses.
- Consistency with the numbers. These are often targets for alteration experts. Look closely, because they may really be altered.
- Always check the reverse side.
- Compare questionable document to the "standard", your own driver's license. Check letters and numbers, both for size and consistency against the authentic card.

- Check the laminate. How does it compare to the authentic? Is it clear or cloudy?

XXVIII. CIVIL LIABILITY FOR RETAINING ID

Civil Liability for retaining proofs of age. (Sec. 125.039, Wis. Stats.).

No person who holds a license or permit and no employee of such a person is civilly liable for retaining a document presented as proof of age for a reasonable length of time in a good faith effort to determine whether the person who presented the document is an underage person or to notify law enforcement of a suspected violation of carrying a false ID.

XXIX. CIGARETTE/TOBACCO PRODUCTS LAWS

A. Definitions:

- Cigarette - any roll of tobacco wrapped in paper or any substance other than tobacco.
 - Nicotine Product – means a product that contains nicotine and is not any of the following:
 1. A tobacco product.
 2. A cigarette.
 3. A product that has been approved by the U.S. food and drug administration for sale as a smoking cessation product or for another medical purpose and is being marketed and sold solely for such an approved purpose.
 - Tobacco products means cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff, including moist snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but "tobacco products" does not include cigarettes, as defined under s. 139.30 (1m).
- Adult - a person who is 18 years of age or older.
 - Minor - a person who is under 18 years of age.
- ### B. License Required - You may not in any manner or upon any pretense or by any device, directly or indirectly sell, expose for sale, possess with intent to sell or give away any cigarettes or tobacco products to any person not holding a license or permit under sec. 139.30-139.41 or 139.79, Wis. Stats., without first obtaining a license from the municipality where you are doing business.
- ### C. Purchases/Preservation of Records - No retailer may possess cigarettes or tobacco products purchased from anyone other than a manufacturer, distributor or jobber who holds a valid permit from the Wisconsin Department of Revenue. If a retailer purchases tobacco products from an out-of-state company that does not have a permit from the Wisconsin Department of Revenue, the retailer must obtain the permit from the Wisconsin Department of Revenue. Retailers must keep invoices for all purchases of cigarettes/tobacco products on the licensed premises for 2 years from the date of invoice. Keep them in sequence and in a chronological order. They must be available for inspection at all reasonable hours, including all business hours.
- ### D. Inspection of Licensed Premises/Confiscation Authority - Licensed premises may be inspected by law enforcement officers during all reasonable hours, including all business hours. All cigarettes or tobacco products kept in violation of the laws and all personal property used in connection is subject to seizure. Any refusal to permit the inspection is punishable by fine, imprisonment or both.
- ### E. Sales to Minors/Sales of Individual Cigarettes - No retailer may sell or give away cigarettes, tobacco products, or nicotine products (including electronic cigarettes containing nicotine) to minors; no retailer may sell individual cigarettes.
- ### F. Possession of Cigarettes/Tobacco Products/Nicotine Products by Children - A child may possess cigarettes/tobacco products/nicotine products for the sole purpose of resale in the course of employment

during his/her working hours if employed by a retailer licensed under sec. 134.65, Wis. Stats.

- G. Training Requirement - Retailers are required to provide training to employees whose duties include the sale of cigarettes/tobacco products/nicotine products. The training program must be an approved program by the Department of Health and Family Services.
- H. As of March 1, 2004, only those cigarettes and Roll-Your-Own (RYO) tobacco products listed on the Wisconsin Department of Justice's (DOJ) website listing labeled **Directory of Certified Tobacco Manufacturers and Brands** may be sold to Wisconsin consumers. (DOJ's website: <https://www.doj.state.wi.us/dls/tobacco-directory>.) Product that is not listed cannot be sold or possessed for sale after the date shown on the website listing. Wholesalers **and** retailers who possess this product for sale or sell this product in violation are subject to confiscation of that product and/or fines, forfeitures and revocation of their permits.
- I. Minimum Markup on Cigarettes and Tobacco at Retail. The unfair Sales Act Sec. 100.30, Wis. Stats., commonly referred to as the Minimum Markup Law", applies to the sale of cigarettes and tobacco products and is regulated by the Wisconsin Department of Agriculture, Trade & Consumer Protection (DATCP). For questions on cigarette and tobacco products pricing/markup, please contact DATCP at the following numbers: (608) 224-4992 or (608) 224-4989.

Alcohol or tobacco products may not be sold at less than cost by either wholesalers or retailers. Cost includes a presumptive 3% markup by wholesalers and presumptive 6% markup by retailers.

XXX. VIDEO GAMBLING

Effective July 26, 2003, the video gambling statutes were amended to provide that only a Special Agent of the Department of Revenue that is certified as a law enforcement officer may investigate or enforce video gambling violations on Class B alcohol beverages licensed premise, if the Class B premises has *no more than five video gambling machines*.

The penalties for having five or fewer video gambling machines on a Class B premises include seizure of the machines, seizure of money in the machines, and a penalty of \$500 per machine per incident. A municipality may also enact ordinances regulating these machines.

It is a felony for a Class B establishment to have more than five video gambling machines on premises; it is also a felony for a Class A licensee to have any video gambling machines on premises. In these instances, the licensee may be arrested either by a Special Agent of the Department of Revenue or a law enforcement officer in the jurisdiction where the arrest is made.

The Department of Revenue conducts tax audits of both machine operators and Class B establishments. The gross receipts from these illegal machines is also subject to Wisconsin sales tax, the net income is subject to Wisconsin income or franchise tax, and the purchase of the machines is subject to Wisconsin sales and use tax.



The F.A.B. ID check: Wisconsin identification card and driver license

March 2012

New driver license and identification card design beginning spring 2012:



Wisconsin law requires alcohol licensees to demand proof of age from anybody who appears to be under 21, the legal drinking age. This guide is designed to help identify Fake, Altered, and Borrowed (FAB) driver licenses and state-issued identification (ID) cards.

Wisconsin DMV will implement newly designed driver licenses and ID cards beginning 2012. The design features detailed background line-work, featuring an image of the state capitol, sugar maple leaves (state tree) and prairie wheat (in recognition of Wisconsin's ecology and heritage). In addition to the primary portrait, the design features overlapping ghost images of the facial image (one color, one laser engraved). Cards issued to persons under 21 will continue to have a vertical format. Previously issued Driver Licenses or Identification Cards remain valid until their expiration date. At renewal time, the redesigned card will be issued.

What to look for on the FRONT of the card:

- » "Wisconsin" will be featured along the top of the license, along with the credential type in a unique color (Driver License Regular in blue font, Instruction Permit in red font, etc.)
- » The laminate features a tri-color optically variable device with UV ink. (The visible green ink glows green under a UV light source.) The laminate features the Wisconsin state seal, "Wisconsin" and "1848" (the year Wisconsin became a state).
- » The image back drop color remains the same as current cards (light blue).
- » DOB is always printed in blue, and uses a text size slightly larger than the expiration and issue date.
- » The last name will always be printed first, on its own line.
- » The first name, middle name and suffix will always follow on line 2.
- » All data elements on the front of the card are preceded with a data field label (consistent with AAMVA design standards). For example, the DL# will always be preceded with label "4d".
- » There are two instances of variable micro-script on the front of the credential. Both instances include first name initial, last name initial, and last

two digits of DOB. This microprint appears in the top left-hand corner of both the adult and minor credentials, and between the "DOB" and "SEX" on the adult (horizontal) credential and between the "DOB" and "DD" on the minor (vertical) credential.

What to look for on the BACK of the card:

- » 2-D barcode containing basic customer demographic data from the front of the card in a PDF 417 format.
- » 1-D barcode containing an inventory control number, which matches the number next to it.
- » The fee paid, the product number and processor/location data are included to the left of the 2-D bar code.
- » Laser engraved tactile DOB is also included.
- » All Class, Endorsement and Restriction data is featured on the back. Any text that does not fit on the back of the card is printed on a secondary "restriction card".

Under 18 and under 21

- » Licenses and ID cards issued to persons under 21 are in a vertical format.
- » "Turns 21 on (date)" is printed in white letters in a red box just below the photo.
- » "Turns 18 on (date)" is printed in black letters in a yellow box just below the "turns 21 on..." language just below the photo.

Format issued September 2005 to spring 2012:



- » The front of the card is covered with a wavy line pattern including the word WISCONSIN when exposed to a black light.
- » The image back drop color is light blue and is located on the left side of the card.

Wisconsin DMV implemented new style driver licenses and ID cards from September 2005 to spring 2012. The cards are printed on white plastic cards. Licenses have a pink hue and ID cards have a green hue. Cards issued to persons under 21 have a vertical format. Some of the cards from the previous format will remain valid for up to eight years.

What to look for

- » The traditional Wisconsin "sailing farming" logo is on the top of the card preceded by a US flag.
- » Hologram film covers the front of the card and contains 2 rows of holographic images (about 7) of the coat of arms measuring about 3/8 of an inch each.

- » The unique card background color, pink or green, is made up of the word WISCONSIN.
- » DOB is always printed in red.
- » License number, date of birth, and name (2 lines) are in larger font than other printed data on card.
- » Duplicate cards have the word "Duplicate" printed below the signature.
- » The back of the license contains 2 bar codes:
 - 2-D Bar code containing basic customer demographic data from the front of the card in a PDF 417 format
 - 1-D Bar code containing a card serial number which matches the printed number next to it.
- » The fee paid, upper left corner, and the product number, upper right corner, both appear on the back of the card.



- » The card is slightly opaque and when held up to the light, two triskelions can be seen embedded in the card stock.

Under 18 and Under 21:

- » Licenses and ID cards issued to person under 21 are in a vertical format rather than traditional horizontal format.
- » "Turns 21 on (date)" is printed in white letters in a red box just below the photo for persons under the age of 21.
- » "Turns 18 on (date)" is printed in black letters in a yellow box just below the photo for persons under the age of 18.

Format issued September 1997 to September 2005:

Photo image and information are printed on a white plastic card, with security overlay coating on the front side. Overlay contains a holographic pattern to make tampering and alterations easily visible. Photo background is neutral for everyone.



What to look for:

- » Hologram images of the state seal and the word WISCONSIN are part of a security overlay on the card front. Tilt the card to see the holograms.
- » A green, 1 ¼ inch state seal is printed behind the individual's identifying information.
- » The type of card is printed at the top under the word WISCONSIN except the ID card has "Identification Card Only" printed above WISCONSIN.
- » Duplicate cards have "Duplicate" printed on the front.
- » There is a WisDOT logo that's visible only with a black light on the card front. The logo is centered, runs under the type, and is approximately 1 ¼" in diameter.
- » A bar code stripe on the back of all cards contains encoded information from the front.

Under 21 and under 18:

- » All the information printed above the double line, the name "Wisconsin" and the type of drivers license, are printed in red.
- » The photo is bordered in red.
- » "UNDER 21 UNTIL" and the date of the person's 21st birthday are printed in red at the top of the photo.
- » "UNDER 18 UNTIL" and the date of the person's 18th birthday are printed in red at the bottom of the photo.
- » The date of birth is printed in red to the left of the photo.
- » A card issued to a person age 21 or older will have a green box around the photo.

What to look for in fake, altered and borrowed IDs

Fake IDs

Counterfeit driver licenses:

Check placement, size, and type style of letters and numbers against a legitimate driver license. Check the backside. It should not be fuzzy or dark (from photocopying) and should match Wisconsin format. Check photos for "red-eye," blurred focus, or off-center placement.

For digitized IDs:

Check hologram images of the state seal and the word WISCONSIN on the front of the card—tilt or rotate license or card to see holograms; eleven-digit number (random product number) should be in the lower left hand corner of the card or at the top of the back of the card.

Mail order IDs—are fake IDs:

Ask for further identification. Check front and back for phrases like: "Certified ID," "for personal use," "office use only," or "not a government document."

Altered IDs

For digitized IDs:

Look for lamination over the original security overlay coating; chipped letters and numbers; marks from paint, markers, etc. over letters and numbers; scratch marks. Drivers under age 18 who got their probationary license on or after 9/1/00 will have restrictions on the back of their license. Part of the restriction verbiage includes an expiration date of their restrictions.

Borrowed IDs

For all ID carriers:

Check the height, weight, hair and eye color listed, plus the photo on the card. Do they match the person presenting it? You may have to allow for changes in appearance, hair style, weight loss or gain, facial hair, etc.

Be aware of nervousness.

One sign is if the holder of the ID avoids eye contact. Watch for other signs.

Ask questions about the ID.

Ask for zip code, middle initial, full date of birth. Ask for a signature to compare to the one on the ID.

If the word DUPLICATE appears on the card

Ask for additional ID. It may not belong to the holder. Check the expiration date. Check all duplicate cards.

For all driver licenses:

Check the driver license number for consistency:

- » The first letter should match the first letter of the last name;
- » The 7th and 8th characters should match the year of birth;
- » The 9th through 11th characters indicate the gender of the person—numbers below 500 are male, numbers above 500 are female

If you suspect a F.A.B

When in doubt:

Always ask for additional identification. If the person's age is in question: Fill out the Identification Register. Have the customer sign it.

If the ID is in question:

Do not sell alcohol to the person. You must be absolutely convinced the card is authentic. The law allows you to confiscate the card and call your local law enforcement agency immediately so they can retrieve it.

If you have questions about the validity of a person's ID:

- » Call your local law enforcement agency (post their numbers for quick reference); or..
- » During normal business hours, call the Wisconsin Department of Transportation, Licensing and Information Section at (608) 266-2353.

If you have questions about enforcement of underage drinking laws:

- » Call your local law enforcement agency; or..
- » During normal business hours, call the State Alcohol and Tobacco Enforcement Section at (608) 266-3969.

Funded by National Highway Traffic Safety Administration (NHTSA), in cooperation with the Wisconsin Department of Transportation's Bureau of Transportation Safety and Division of Motor Vehicles.

HS 138 March 2012

Responsible serving

What you need to know

PROBATIONARY
CLASS D
ED 10/23/92
ENDORSE

5514-5847-2
EXPIRES 08
23827-92



MARY D
1234 N
MADISON
SAMPLE
MAIN ST
WI 53707
UNDER
BIRTH 21
TIL 08/25/92
SEX F 5'08"
HEIGHT 125
BLD
HAIR
EYES BLU



Wisconsin Division of Motor Vehicles

Mary D. [Signature]

We want you to have a safe, successful event. That's why this packet was put together. It outlines responsible alcohol serving practices and describes your responsibilities. By practicing responsible alcohol serving and understanding your responsibilities, you can make your event safer and more enjoyable for everybody.

We recommend holding a meeting to review this important information with your serving staff.

It is everyone's responsibility to make sure all customers who buy alcohol beverages are at least 21 years of age. You should request proof of age (ID) from any customer who appears 25 years of age or younger. If you are unsure of the legitimacy of an ID, please refer to the "F.A.B. ID" identification guide in this packet.

Special Event Alcohol Serving Policy

Every event will benefit from having written alcohol serving policies. Written policies can reduce your risk of problems and your servers will be better able to manage various situations. When servers know their responsibilities, they are less likely to make a mistake, like selling alcohol to underage people. The following is a sample alcohol serving policy:

- Photocopy the inserted "notice" and post it throughout the alcohol serving area.

8-1/2 X 11 CARD: NOTICE: Our servers will request ID from anyone who appears to be under 25 years of age. Thank you for your cooperation.

Suggested Policies

The following is a list of suggested policies from establishments throughout Wisconsin. Please review and adopt the policies that apply to you.

- We will refuse service to any customer who cannot produce a valid Wis. ID card or valid Wis. Drivers License.
- The following forms of ID may be accepted, but only if we are familiar with them:
 - Federal military ID. card
 - U.S. passport
 - Foreign passport with photo
 - U.S. government immigrant ID card
 - Other state-issued driver's license or ID card
- We use a pre-printed age chart as a quick way to determine age. The age chart will say "To Buy Alcohol, You Must Have Been Born on or Before (date)." This will be updated daily.
- We require anyone who has shown documentary proof of legal drinking age to sign the "ID Register" if the person's age is in question.
- We provide extra training for servers who need practice in checking ID's or serving alcohol.
- When selling pitchers, we request an ID for each person receiving a glass.
- Our advertising materials and campaigns do not use alcohol beverages as the primary basis for attracting customers to the event.
- Food and other non-alcohol beverage items are promoted.
- We discourage intoxication, and do not serve any person who looks or acts intoxicated, even if they are taking a taxicab or have a "designated driver". This includes servers.

- When a customer has been “cut off” in someone’s station, the server will tell other servers.
- We support any servers’ decisions to terminate service to any customer.
- Drinking alcohol beverages during your shift is not allowed. Drinking on the job impairs your ability to perform your duties. You are more likely to make mistakes in judgment such as serving underage or obviously intoxicated customers. In addition, it is more difficult for you to tell a customer they are "cut off" when you have been drinking.
- We do not assume a customer wants an alcohol beverage. Instead of saying "May I get you a beer?", say "May I get you a beverage?"
- We promote "alternative beverages". An alternative beverage is any beverage that can be substituted for an alcohol beverage for the purpose of pacing drinking, slowing intoxication, or preparing to drive. Coffee, juices, mineral water, flavored waters, seltzers, and non-alcohol drinks are all alternative beverages.
- We will not sell non-alcohol malt beverages to individuals under the legal drinking age.
- We do not sell drinks for people who are not present.
- We sell no more than one drink to a customer at one time and do not bring a second drink before the customer has finished the first one.
- We will promote the "Designated Driver" program.
- If a customer is too impaired to drive safely, we try to persuade the person not to drive, and arrange for a safe ride. If the customer refuses, servers will notify the local law enforcement agency with a description of the person and the license plate number of the vehicle if possible.
- We promote the sale of food during the late afternoon and late evening hours.
- Overcrowding will not be permitted. It makes us less able to properly monitor customers’ behavior, resulting in possible sales to underage and intoxicated customers, destruction of property, fights and injury. Also, customers may not be able to evacuate in case of a fire or other emergency. Finally, too many customers means more mistakes, and poorer service.
- We do not permit loud, unpleasant or obnoxious behavior, or illicit drug use or sales.
- We maintain a close, cooperative working relationship with the local law enforcement agency.

Your responsibility

Wisconsin drinking laws you need to know

- Wisconsin's legal drinking age is 21 years of age.
- An "underage person" is someone who is not of legal drinking age.
- At least one licensed bartender must be on duty and on premise during all business hours, who is responsible for supervising the sale of alcohol beverages.
- It is illegal to furnish alcohol beverages to an intoxicated person. The penalty for this violation is up to a \$500 fine, imprisonment for up to 60 days, or both.
- You must demand proof of age of anyone entering the premises who appears to be under the legal drinking age.
- Alcohol beverage licensees permitting unaccompanied underage persons to unlawfully enter the premises are subject to a forfeiture of not more than \$500.
- A person selling or furnishing alcohol beverages to an unaccompanied underage person is subject to a forfeiture of not more than \$500 for a first offense.

Underage drinkers

- If you are unsure of the legitimacy of an ID, please refer to the "F.A.B. ID" identification guide in this packet.
- It's recommended that every licensee keep an identification register book. This can help to protect you, legally, if you are accused of selling alcohol beverages to underage persons using false identification. The "Proof of Age Register" or "Identification Register Book" may be purchased for a small fee from:
 - Tavern League of Wisconsin, 103 N. Hamilton Street, P.O. Box 170, Madison, WI, 53701 Phone 1(800) 445-9221
 - Wisconsin Beverage Journal, 550 Frontage Rd., Suite 2410, Northfield, IL 60093 Phone (703) 441-7776.
 - Wisconsin Tavern Hosts, R. 4, Box 4649, Hayward, WI, 54843 Phone (715) 634-4277.

Underage person exceptions

- An underage person may be on any licensed premises and may drink alcohol only when accompanied by his or her parent, legal guardian, or spouse of legal drinking age. However, you may establish your own policy that doesn't permit underage people to consume alcohol. This is a recommended approach.

Facts about licensing for alcohol beverages

- A "Class 'B' License" authorizes the retail sale of beer for consumption on the licensed premise and in the original sealed container for consumption off the licensed premises.

Under a Class "B" License:

You must be closed between the following hours:

Monday - Friday, 2:00 a.m. - 6:00 a.m.

Saturday - Sunday, 2:30 a.m. - 6:00 a.m.

Additional questions about responsible alcohol serving should be directed to the State Alcohol and Tobacco Enforcement Section at **(608) 266-3969.**

Funded by NHTSA
In Cooperation with the Wisconsin Wholesale Beer Distributors Association

Know the F.A.B. ID Check

DRIVE WISE

Wisconsin Department of Transportation
Office of Transportation Safety

NOTICE:

Our servers will request ID from anyone who appears to be under 25 years of age. Thank you for your cooperation.