

1. **What does an alcohol beverage license allow?**

It allows persons to sell alcohol beverages to individual retail customers, from a particular place (premises). The sale must occur at the licensed premises, with the buyer and seller both physically present at the time of sale. Licenses are issued by municipalities (cities, villages, towns) after the governing body (city council, town board, etc.) determines that the applicant is qualified for the license. No one can sell alcohol beverages (or giveaway for a commercial purpose) or allow consumption in a public place without getting the appropriate license.

2. **Are licenses and permits the same thing?**

No. Licenses are issued by the municipality where the business is conducted; permits are issued by the state. While there is some functional overlap, retailers are usually covered by licenses and wholesale and production tiers of the industry are generally covered by permits.

3. **What types of alcohol beverage licenses are there?**

- Class "A" fermented malt beverage licenses allow retail sale of fermented malt beverages (beer) for consumption off the premises. Examples: grocery or convenience stores.
- "Class A" liquor licenses allow retail sale of intoxicating liquor (including wine) for consumption off the premises. Examples: liquor stores or grocery stores with full liquor sales sections.
- Class "B" fermented malt beverage licenses allow retail sale of fermented malt beverages (beer) for consumption on or off the premises. Examples: restaurants, "beer bars."
- "Class B" liquor licenses allow retail sale of intoxicating liquor (including wine) for consumption on the premises, and wine in original sealed containers for consumption off the premises. If the community elects to, it may also permit sale of not more than four liters of intoxicating liquor (there are no limits on wine), in the original sealed container, for consumption off the premises. Check local ordinances for the allowance. State law also allows carryout of a single, opened (resealed) bottle of wine if sold with a meal. Examples: taverns and restaurants with full alcohol service.
- "Class C" wine licenses allow the sale of wine for consumption only on the premises and allow the carryout of a single opened (resealed) bottle if sold with a meal.
- Temporary Class B licenses (often called picnic licenses) allow retail beer and/or wine sales, at temporary events like fairs and festivals. Only certain organizations qualify for such a license. They must be bona-fide clubs, county or local fair associations, churches, lodges, or societies that have been in existence for at least six months, and may not operate for pecuniary gain, selling alcohol beverages only incidental to their operation.

There are several other locally issued licenses or state issued permits that allow retail sale of alcohol beverages under certain circumstances. The licenses listed above are the most common, however.

4. **I've heard that some licenses are very expensive. Is that true?**

It depends. Fees are set by local municipalities, with limits set by state law. Certain "Class B" liquor licenses are considered "Reserve Licenses" and are subject to a one-time fee of not less than \$10,000. "Class B" liquor licenses are restricted by a population based quota.

5. **How are quotas and reserve licenses determined?**

The municipality is responsible for determining quotas and reserve fees, based on formulas in state law. Quotas are based on population and the number of licenses in effect in the community as of December 1, 1997.

6. **I want specific information about licensing. Where do I go?**

Licensing decisions, quotas, reserve fees, etc., are all controlled by the municipality. **This is not a responsibility of the Department of Revenue, and Department employees cannot give accurate and timely information about municipal licensing.** For more information regarding the quotas and fees for "Class B" licenses, please contact the clerk of the municipality where the license is issued or will be applied for.

Municipal clerks who need information about quota and reserve license law should seek advice from their municipal attorney or from the appropriate municipal organization that serves them. Cities and villages can contact the League of Wisconsin Municipalities, 1-800-991-5502, and towns can contact the Wisconsin Towns Association, (715) 526-3157.

7. **How do I apply for an alcohol beverage license?**

Contact the clerk for the city, village, or town where you wish to do business. The clerk will give you applications and information about legal requirements. After you apply, the clerk will publish the application three consecutive days in a local daily newspaper, or once in a weekly newspaper, to see if there are objections in the community. The licensing authority (city council, council licensing board, town board, etc.) will vote on the application. The license may not be granted until at least fifteen days after the application is filed with the clerk.

8. **What are the basic qualifications for a person to get a retail license?**

The basic qualifications are:

- You must be of legal drinking age (21).
- You must have resided continuously in Wisconsin for at least 90 days prior to the application date.
- You must have a seller's permit issued by the Department of Revenue. Call (608) 266-2776.
- You must have completed a responsible beverage server training course. Call your local Wisconsin technical college (WTC) for the technical college nearest to you. Visit the WTC website at witechcolleges.org, or see "Training" on the Department of Revenue website.

A criminal record may prevent you from getting a license, as explained below.

9. Can I get a liquor license if I have a criminal record?

That will largely be up to the municipality to determine. A criminal record is not an automatic bar to getting a license. The municipality must determine whether the violation is something related to the business of selling alcohol beverages. Violations such as selling liquor without a license, tax evasion, etc., are closely related to this business and might well be a bar to licensing. A record of auto theft may not. The municipality will weigh the nature of the violation, the time that has elapsed since the violation, the person's overall record in the community, etc., in making that determination.

10. Are licensing qualifications different if I incorporate?

A corporation /LLC must meet the seller's permit and criminal offense requirements. The officers must be of legal drinking age and may be affected by a criminal record as described above. The officers and directors need not be residents of Wisconsin, or attend server training, but the agent does. You must appoint a (single) agent, and the agent must meet all the qualifications of an individual applicant. The agent has the authority of a licensee who is a natural person. The agent, like an individual licensee, is in control of the premises and of the business conducted there.

11. Does the licensee or the agent always have to be at the premises when it is open for business?

No. There must be one or more licensed operators in charge of the premises. An operator's license is often called a "bartender's license." Not all bartenders must hold operator's licenses, but there must be at least one licensed operator in charge of the premises. If the premise is large, with several serving areas, bar areas, etc., licensed operators must be in charge of each discrete area, in order to supervise and direct unlicensed persons who may be selling/serving.

12. How do I qualify for an operator's license?

To qualify for an operator's license, you must

- be at least 18 years old,
- meet criminal record requirements, and
- have completed a responsible beverage server course. Contact your local Wisconsin technical college, or see "Training" on the Department of Revenue website.

The last requirement can be waived if it is a renewal application or if you held a Wisconsin alcohol beverage license, including an operator's license, within the past two years. The municipality may issue you a provisional operator's license if you are enrolled in a responsible beverage server course when you apply. An operator's license is only good in the municipality that issues it. For instance, if you are issued an operator's license in the City of Milwaukee, you may not use it in a suburban municipality, like Franklin.

13. What are responsible beverage server training courses?

These courses are required to hold alcohol beverage licenses, with some exceptions. They cover alcohol beverage laws, signs of intoxication, safe serving of alcohol beverages, etc. These courses are most often offered by local technical colleges. For further information, contact your local Wisconsin technical college (WTC). To find the technical college nearest you, visit the WTCS website at witechcolleges.org.

Not all responsible beverage server courses are taught by technical colleges. Other courses (see "Training" on the Department of Revenue website) may be substituted for those taught at technical colleges, as long as they have been approved by the Department of Revenue or the educational approval board. Make sure of this approval **before enrolling** in a responsible server course not offered at a technical college.

14. What exceptions are there to the server training course requirement?

The exceptions to this requirement are

- if you are renewing a Wisconsin retail or an operator's license,
- if you were the agent of a corporation that held a Wisconsin retail license within the past two years,
- if you held a Wisconsin retail or operator's license within the past two years, or
- if you completed a Wisconsin approved server training course within the past two years.