

AB-123: DISTILLED SPIRITS / WINE PERMIT APPLICATION

DEPARTMENT USE ONLY

Permit Number
Period Covered
Date of Issuance

Read instructions before completing.

Section A All applicants complete this section

Legal Name (corporation, limited liability company, partnership, or individual)		Federal Employer ID Number		Social Security Number (required if sole proprietorship or individual)	
Business Name (DBA) (if different than Legal Name)		Telephone Number ()		Business Telephone Number ()	
Business Address (Do not use PO Box)		City or Post Office		State	Zip Code
Mailing Address (if different than Business Address)		City or Post Office		State	Zip Code
Business Located In: (check one and indicate county)					
<input type="checkbox"/> City		In the Wisconsin county of: _____			
<input type="checkbox"/> Village of: _____					
<input type="checkbox"/> Town _____					

A separate permit is required for each location from which any distilled spirits or wine is sold or shipped into Wisconsin, including the location from which invoices are issued for such sales or shipments.

1. Type of permit (check one)	Supplemental Fee*	Business Tax Registration Fee	Governing Statute
<input type="checkbox"/> Public warehouse alcohol beverages	\$200	\$20	125.19
<input type="checkbox"/> Wine direct shipper	\$200	\$20	125.535
<input type="checkbox"/> Out-of-state shipper of liquor	\$500	\$20	125.58
Indicate type of product being shipped:			
<input type="checkbox"/> distilled spirits <input type="checkbox"/> wine <input type="checkbox"/> cider <input type="checkbox"/> all			
<input type="checkbox"/> Industrial alcohol	-0-	\$20	125.62
<input type="checkbox"/> Industrial wine	-0-	\$20	125.63
<input type="checkbox"/> Industrial fermented malt beverage	-0-	\$20	125.275
<input type="checkbox"/> Medicinal alcohol	-0-	-0-	125.61
<input type="checkbox"/> Sacramental wine	-0-	-0-	125.56

2. Organization (check one)

<input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input type="checkbox"/> Wisconsin Corporation—Enter date incorporated: _____ <input type="checkbox"/> Out-of-State Corporation – Are you registered to do business in Wisconsin? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Other – Describe: _____ _____	<input type="checkbox"/> If Governmental Unit, check appropriate box <input type="checkbox"/> Federal <input type="checkbox"/> County <input type="checkbox"/> Tribe <input type="checkbox"/> Wisconsin State <input type="checkbox"/> Local <input type="checkbox"/> Limited Liability Company – Enter date registered with the Department of Financial Institutions: _____ For federal income tax purposes, will the LLC be taxed as a: <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Single member LLC disregarded as a separate entity
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3. Have you as a sole proprietor, partner(s), limited liability company member(s), or corporate officer(s):

(a) Held, or now hold, a permit or certificate issued by the Wisconsin Department of Revenue? Yes No
 If Yes, indicate: Type of permit or certificate _____ Permit or certificate number _____
 Location for which it was issued _____

(b) Been convicted of violating federal or state laws or local ordinances other than traffic violations? Yes No
 If Yes, check type: Federal State Local Ordinances
 Indicate details of the violation, including nature of violation, date, place, court, and disposition. _____

(c) If you have been convicted of a felony, describe the nature of the felony. If pardoned, give date and place of the pardon and attach a copy to the application. _____

Complete reverse side where applicable and sign at bottom.

(d) Are charges for any offense presently pending against you (other than traffic unrelated to alcohol beverages)? Yes No
If yes, check type Federal State Local Ordinances

Describe the status of the pending charges. _____

4. List name, social security number, home address, and title of all partners, principal officers of corporation, or LLC members.

Name	SS#	Street Address	City, State, Zip	Title

5. Have you taken over the business of another permittee? Yes No If Yes, give name and address of predecessor. _____
Permit # _____

Section B Public Warehouse Alcohol Beverages Applicants Only

6. Location of warehouse where alcohol will be stored: _____
Street _____
County _____ City _____ State _____ Zip Code _____

Section C Wine Direct Shippers Only

7. Home state winery permit/license number (attach a copy with your registration) _____
8. Federal basic permit for winery issued under 27 USC 203 and 204 (attach a copy with your registration) _____
9. Have you applied for or do you hold a Wisconsin seller's permit? Yes No

Section D Out-of-State Applicants Only

10. Have you applied for, or do you possess, or hold any interest directly or indirectly in a retail license to sell liquor/wine in Wisconsin?
 Yes No If yes, give name and location: _____
If yes, explain: _____

11. Federal Basic Permit # _____ (Manufacturer or Importer) Please attach a copy.

12. Do you intend to ship or invoice (sell) distilled spirits and/or wine in Wisconsin from any location other than the business location noted in Section A? Yes No
If YES, list below the name and address of any companies making such sales or shipments. Include all locations from where your product will be shipped or invoiced. Additional application forms and fees must be submitted for each location listed below.

13. Only one liquor/wine return per company should be filed with the department each month. If you have more than one permit to do business in Wisconsin, please indicate the location from which your consolidated monthly Wisconsin liquor tax return will be filed:

14. Do you intend to ship distilled spirits and/or wine into the State of Wisconsin? Yes No
If YES, security must be posted and be twice your monthly estimate of your maximum tax liability (both distilled spirits and wine) but not less than \$1,000 nor more than \$100,000.

Provide the following information regarding your security posted:
Security number _____ Security amount \$ _____
Security company _____

15. Will any of your distilled spirits or wine be shipped directly from a foreign country to Wisconsin? Yes No

Section E Industrial and Medicinal Applicants Only

16. Profession or business: _____

17. Purpose for which alcohol or wine will be used (describe in detail): _____

Section F All Applicants Complete This Section

18. Contact Person Name: _____ Telephone Number: _____

Signature Required of All Applicants

I declare under penalties of law that I have examined this information and, to the best of my knowledge, it is true, correct, and complete.

Signature	Title	Date
Signature	Title	Date

If applicant is a corporation, the president and secretary must sign. If a partnership, two partners must sign. If a limited liability company, two members must sign unless the limited liability company only has one member.

INSTRUCTIONS FOR DISTILLED SPIRITS / WINE PERMITTEES

This application is used for permits for public warehouse alcohol beverages, wine direct shipper, out-of-state shipper of liquor, industrial alcohol, industrial wine, industrial fermented malt beverage, medicinal alcohol, and sacramental wine.

WHO NEEDS AN OUT-OF-STATE SHIPPER'S PERMIT

Any person who ships distilled spirits and/or wine into Wisconsin must obtain an out-of-state shipper's permit. If you sell, ship, or invoice liquor products into Wisconsin from more than one location, you must obtain a separate permit for each location. You must submit a separate application for each location from which you will be selling or shipping liquor into Wisconsin as well as the location from which invoices are issued for such sales or shipments.

WHO NEEDS A WINE DIRECT SHIPPER'S PERMIT

Any person who ships wine into this state or out of this state to an individual consumer must obtain a wine direct shipper's permit. If you sell, ship, or invoice wine from more than one location, you must obtain a separate permit for each location. You must submit a separate application for each location from which you will be selling or shipping wine into or out of Wisconsin as well as the location from which invoices are issued for such sales or shipments.

HOW TO OBTAIN A DISTILLED SPIRITS / WINE PERMIT

Complete each form enclosed with this application carefully. Missing or incomplete information will delay the issuance of your permit(s). You may reproduce any of the accompanying forms.

Before you mail your application, verify you have enclosed ...

1. A fully completed application (Form AB-123), Distilled Spirits/Wine Permit Application, for each permit requested.
2. The appropriate fee for each permit. Fees are listed on page 1 of the application. Fees apply to new permits and permit renewals (every 2 years). Only one Business Tax Registration (BTR) fee is required per entity. If you already have a BTR permit, you do not need another one. Permit fees are not refundable.
3. Wisconsin seller's permit if a wine direct shipper. You can obtain a seller's permit at <https://www.revenue.wi.gov/forms/sales/btr-101.pdf>.
4. Security guaranteeing payment of the distilled spirits and wine tax to the department. If you ship distilled spirits and/or wine into Wisconsin, security must be posted. The security must be twice your monthly estimate of your maximum Wisconsin distilled spirits and wine tax liability. The security may not be less than \$1,000 nor more than \$100,000. While doing business in Wisconsin, you must have security on file in our office.
5. A Salesperson's Permit Application (Form AB-121) and \$20 Business Tax Registration fee for each salesperson who will be personally soliciting orders in Wisconsin.

RENEWAL OF DISTILLED SPIRITS / WINE PERMITS

Your permit must be renewed every two years. The department will send the BTR renewal notice when the permits and certificates subject to BTR provisions approach their expiration date. The expiration date will vary from taxpayer to taxpayer. Normally, the expiration date is two years from the end of the month in which you applied for your permit/certificate. The Secretary of Revenue may revoke a permit prior to its renewal date for just cause.

Permittees with outstanding fees and/or monthly reports may not renew any permit until all fees are paid and any missing reports filed.

LABEL APPROVAL

No liquor product can be shipped into Wisconsin until the federal government has approved the labels which will appear on the product container. Do not submit copies of your federal label approval to the Wisconsin Department of Revenue.

SALESPERSON'S PERMIT

A salesperson's permit is required if you intend to have any agent, salesperson, or other representative personally soliciting orders in Wisconsin. A salesperson's permit must be obtained for each person who will be soliciting orders. A permit is not required if you only solicit orders by correspondence and have no salesperson in Wisconsin.

A permit will not be granted to any person who has a direct or indirect interest, either as an employee or owner, in a Wisconsin retail establishment that sells distilled spirits and/or wine.

Members of any Wisconsin municipal governing body (for example, a village board or city common council) who obtain a salesperson's permit are prohibited from selling or offering to sell liquor products to any retail establishment in that municipality.

The Business Tax Registration fee is \$20. There is a \$10 renewal fee. The permit fee cannot be prorated or refunded.

ASSISTANCE

You can access the department's website 24 hours a day, 7 days a week, at revenue.wi.gov. From this website, you can:

- Access *My Tax Account* (MTA)
- Complete electronic fill-in forms
- Download forms, schedules, instructions, and publications
- View answers to common questions
- Email us for assistance

Physical Address

2135 Rimrock Road
Madison WI 53713

Mailing Address

Excise Tax Unit
Wisconsin Department of Revenue
PO Box 8900
Madison WI 53708-8900

Phone: (608) 266-6701

Fax: (608) 261-7049

Email: DORExciseTaxpayerAssistance@wisconsin.gov

RESPONSIBILITIES OF A PERMITTEE

If you are issued a permit to ship liquor products into Wisconsin, you have several statutory obligations which you must carry out in order to retain your permit. These responsibilities are outlined below:

1. FILING RETURNS

For out-of-state shippers of liquor, monthly return, Wisconsin Distilled Spirits/Wine Tax Return, Form AB-130, and schedules must be filed with the department covering all Wisconsin transactions which occurred during the month. For wine direct shippers, a return (Form AB-130) is filed quarterly. A report must be filed even though no shipments are made into Wisconsin. In this instance, indicate "No Shipments Made" on Form AB-130. All intoxicating liquor tax reports and returns are required to be filed electronically with the department via the department's web page or with an XML bulk transfer schema. More information about the electronic filing methods can be found at www.revenue.wi.gov/html/liquor.html.

This report and any tax owing is due 15 days after the close of the month or quarter.

BRAND AND TYPE LISTINGS – Permittees liable for tax on distilled spirits must submit with each monthly report a listing of distilled spirits, Form AB-132, (by brand and type) shipped to Wisconsin that month.

CONSOLIDATED REPORTS – If you hold more than one out-of-state shipper's or wine direct shipper's permit, the department requests that you only file one monthly or quarterly return on which all liquor transactions are consolidated. If applicable, complete question 12 on the application providing the location from which your consolidated report will be filed.

2. PAYING THE TAX

The tax rates are as follows:

DISTILLED SPIRITS – 85.86¢ per liter plus a 2.906¢ per liter administrative fee

WINE – 14% or less alcohol by volume - 6.605¢ per liter more than 14% alcohol but less than 21% - 11.89¢ per liter

APPLE OR PEAR CIDER – 7% or less - 1.71¢ per liter

The tax on distilled spirits (plus fee) and wine is computed on and paid with your monthly or quarterly return.

All returns submitted after the due date are subject to a \$10 late filing fee and a penalty of 5% of the tax due for each month the tax is unpaid (not exceeding 25% of the tax due). Any tax not paid by the due date is subject to interest at the rate of 1.5% per month until paid.

Failure to timely submit your monthly returns may result in the department initiating proceedings to revoke your permit.

3. SHIPPING LIQUOR ONLY TO AUTHORIZED WISCONSIN CUSTOMERS

The holder of an out-of-state shipper's permit may only ship distilled spirits and wine to Wisconsin wholesalers and wineries, industrial alcohol and wine permittees, and medicinal permittees authorized by our department to receive such shipments.

Caution: Shipments made to any unauthorized person are subject to confiscation. In addition, your permit may be revoked.

4. RECORDKEEPING

You must keep adequate records so that the department can verify if your return was properly completed and the correct amount of tax paid. Such records must be kept for four years and in a place and manner easily accessible for review by department personnel.

5. RESPONSIBLE FOR ACTIONS OF SALESPERSONS

All permittees are responsible for the actions of their salespersons. Your permit may be in jeopardy if any of your salespersons violate the Wisconsin liquor laws and regulations.

6. REPORTING NAME / ADDRESS / OWNERSHIP CHANGES or CEASING OPERATIONS

Notify us immediately (in writing) when your business undergoes any of the changes mentioned below.

A. *Name Change* – Send us:

1. New application (Form AB-123) showing name change.
2. A rider from your surety bonding company showing your new business name.

B. *Address Change* – If your business moves, your permit may be transferred to the new address, provided the business is still located within the same municipality. An application form, Form AB-163, must be completed to change the address. A \$10 fee applies.

If your business moves to a new municipality, or moves more than once during a calendar year, Wisconsin law requires that you obtain a new permit. You must complete a new application for an out-of-state shipper's permit and pay the required supplemental fee of \$500 and the \$20 Business Tax Registration fee.

C. *Ownership Change* – Submit the following:

1. Application for the distilled spirits/wine permit (plus the fee). Your old permit is not transferable to the new business.
2. Application (plus \$20 fee) for each salesperson personally soliciting orders in Wisconsin.
3. Security guaranteeing payment of the distilled spirits and wine tax to the department.

Examples of ownership changes include:

1. Sole proprietorship becoming a partnership or corporation.
2. Partnership becoming a sole proprietorship or corporation.
3. Partner being added to or dropped from a partnership. Partnerships that add or drop partners must notify the department in writing of the change in partners. If a new Federal Employer Identification number is assigned, you must apply for a new permit.
4. Death of sole proprietor.
5. Business sold.

D. A change of a corporate officer is not regarded as a change in ownership. However, you should notify the department of the new officer's name, social security number, home address and title.

E. *Ceased Operations* – You must:

1. Return your permit to the department.
2. Indicate the last day you operated in Wisconsin.
3. File a final monthly report showing all transactions made during your final month of business. Indicate Final on that report (Form AB-130) above your name.