



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary Randy Romanski

Public Warehouse Keepers

License Required

Under Wis. Stat. ch. 99, a person who stores the property of others for hire must be licensed by the WI Department of Agriculture, Trade and Consumer Protection, Bureau of Business Trade Practices (herein referred to as the department). A public storage warehouse keeper must obtain a license which expires on June 30 and must be renewed annually. The department has 40 days in which to grant or deny a license. **No license is required for any of the following:**

1. A warehouse used only for the storage of the warehouse keeper's own property.
2. A grain warehouse licensed under Wis. Stat. ch. 126.
3. A frozen food locker plant, used to store the food locker's own product/inventory.
4. A cooperative warehouse used to store farm products and merchandise only for cooperative members.
5. A municipal warehouse.
6. A dairy plant warehouse used to store the dairy plant's own products.
7. A vegetable processor's warehouse used to store the processor's own products.
8. A warehouse operated by a common carrier, if the common carrier transfers and stores property for periods of not more than 30 days.
9. A warehouse licensed under the United States Warehouse Act.
10. A "mini-warehouse" or other designated self-store storage space rented to a person who has free access to the storage space and who is responsible for the safekeeping of property stored in that space.
11. A person who stores property received under a writ of restitution under Wis. Stat. § 799.44(2) if that person was the plaintiff in the action that resulted in the issuance of the writ of restitution.
12. An agricultural society, association, or board that conducts a county or district fair and that receives aid under Wis. Stat. § 93.23.

A license may be denied, suspended, revoked or issued conditionally if the warehouse keeper violates the requirements of Wis. Stat. ch. 99, or if security held on the warehouse is cancelled or does not comply with the statute.

A key to determining whether a business that stores property needs this license is the definition of "Store for Hire" found in Wis. Admin. Code § ATCP 97.01(10). If the warehouse keeper rents "...designated storage space to a renter who has access to that space during normal business hours and who is responsible for the safekeeping of the property stored in the space" no license would be required. (This refers to Self Storage or Mini-Warehouses – Wis. Stat. § 704.90.)

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The department would look at the terms of any storage/rental agreement and the method of moving the property into the storage space in determining whether the warehouse keeper is required to be licensed.

Filing of Security

Under Wis. Stat. ch. 99, a public storage warehouse keeper must file security with the department. Security may be filed in any of the following forms:

- ✓ A **continuous surety bond** that cannot be cancelled except upon 30 days written notice to the department.
- ✓ **Personal surety bonds** or other third party guarantees.
- ✓ An original or certified copy of a **warehouse legal liability insurance policy**.
- ✓ For **storage of wearing apparel**, an original or certified copy of an insurance policy that protects the apparel against environmental damage while it is in storage.

Records Requirement

Public warehouse storage keepers must keep records of all property received for storage and all warehouse receipts issued. These records are to be made available to the department for inspection, as well as to those holding an interest in the stored property.

Disclosure Requirements

A public storage warehouse keeper must:

- Post a conspicuous sign on the main entrance of each warehouse building.
- Notify the person whose goods are being stored of any liability limits on loss or damage before a commitment to store the goods is made.
- Issue a warehouse receipt, contract, agreement or invoice that identifies the goods placed in storage, the location of the warehouse in which the goods are stored, the terms and conditions of storage, and the date the items were brought to the warehouse for storage.

For further information contact the Trade Practices office at 608-224-4933 or 608-224-4925.