



## 2013 ASSEMBLY BILL 169

April 25, 2013 - Introduced by Representatives STONE, ZEPNICK, OHNSTAD, A. OTT, SANFELIPPO, KOOYENGA and HONADEL, cosponsored by Senators GROTHMAN and L. TAYLOR. Referred to Committee on Small Business Development.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

1     **AN ACT to amend** 125.09 (1); and **to create** 125.02 (4m), 125.10 (5), 340.01 (8m),  
2             346.94 (23) and 346.95 (12) of the statutes; **relating to:** the consumption of  
3             alcohol beverages on commercial quadricycles and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Under current law, an owner or other person in charge of a public place may not permit the consumption of alcohol beverages at that place unless a retail alcohol beverages license has been issued for the place. There are various exceptions to this prohibition, including for county parks, athletic fields and stadiums, school buildings, and churches. Also under current law, municipalities may impose regulations related to alcohol beverages that are not in conflict with state law.

This bill allows a municipality, by ordinance, to create an exception authorizing the consumption of alcohol beverages on a commercial quadricycle. A “commercial quadricycle” is defined as a vehicle with fully operative pedals for propulsion entirely by human power, that has four wheels and is operated in a manner similar to a bicycle, that is equipped with at least 12 seats for passengers, that is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle, that is used for commercial purposes, and that is operated by the vehicle owner or an employee of the owner.

The bill prohibits the driver of a commercial quadricycle from consuming alcohol while the commercial quadricycle is occupied by passengers and from driving a commercial quadricycle with an alcohol concentration of more than 0.02. A driver that violates either of these prohibitions may be required to forfeit not less than \$200

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nor more than \$400 for the first offense and not less than \$500 nor more than \$1,000 for the second or subsequent conviction. Upon a second or subsequent conviction, the court must enter an order permanently prohibiting the person from driving a commercial quadricycle and, if the person violates this order, the person may be required to forfeit not less than \$1,000 nor more than \$2,000.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 125.02 (4m) of the statutes is created to read:

2           125.02 (**4m**) “Commercial quadricycle” has the meaning given in s. 340.01  
3 (8m).

4           **SECTION 2.** 125.09 (1) of the statutes is amended to read:

5           125.09 (**1**) PUBLIC PLACE. No owner, lessee, or person in charge of a public place  
6 may permit the consumption of alcohol beverages on the premises of the public place,  
7 unless the person has an appropriate retail license or permit. This subsection does  
8 not apply to municipalities, buildings and parks owned by counties, regularly  
9 established athletic fields and stadiums, commercial quadricycles if authorized by  
10 ordinance under s. 125.10 (5), school buildings, campuses of private colleges, as  
11 defined in s. 16.99 (3g), at the place and time an event sponsored by the private  
12 college is being held, churches, premises in a state fair park or clubs.

13           **SECTION 3.** 125.10 (5) of the statutes is created to read:

14           125.10 (**5**) ALCOHOL BEVERAGES ON COMMERCIAL QUADRICYCLES. A municipality  
15 may, by ordinance, authorize the consumption of alcohol beverages by passengers on  
16 a commercial quadricycle.

17           **SECTION 4.** 340.01 (8m) of the statutes is created to read:

18           340.01 (**8m**) “Commercial quadricycle” means a vehicle with fully operative  
19 pedals for propulsion entirely by human power, that has 4 wheels and is operated in

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1 a manner similar to a bicycle, that is equipped with at least 12 seats for passengers,  
2 that is designed to be occupied by a driver and by passengers providing pedal power  
3 to the drive train of the vehicle, that is used for commercial purposes, and that is  
4 operated by the vehicle owner or an employee of the owner.

5 **SECTION 5.** 346.94 (23) of the statutes is created to read:

6 346.94 (23) COMMERCIAL QUADRICYCLE DRIVERS. (a) No driver of a commercial  
7 quadricycle may consume alcohol while the commercial quadricycle is occupied by  
8 passengers.

9 (b) No person may drive a commercial quadricycle while the person has an  
10 alcohol concentration of more than 0.02.

11 (c) Upon conviction of a person for a 2nd or subsequent violation of par. (a) or  
12 (b), the court shall enter an order permanently prohibiting the person from driving  
13 a commercial quadricycle. No person may drive a commercial quadricycle in  
14 violation of such an order.

15 **SECTION 6.** 346.95 (12) of the statutes is created to read:

16 346.95 (12) (a) Any person violating s. 346.94 (23) (a) or (b) may be required  
17 to forfeit not less than \$200 nor more than \$400 for the first offense and not less than  
18 \$500 nor more than \$1,000 for the 2nd or subsequent conviction.

19 (b) Any person violating s. 346.94 (23) (c) may be required to forfeit not less than  
20 \$1,000 nor more than \$2,000.

21 **SECTION 7. Effective date.**

22 (1) This act takes effect on the first day of the 4th month beginning after  
23 publication.

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(END)