

**2011 DRAFTING REQUEST**

**Bill**

Received: 03/08/2011

Received By: **agary**

Wanted: **As time permits**

Companion to LRB:

For: **David Cullen (608) 267-9836**

By/Representing: **Ritch Williams**

May Contact:

Drafter: **agary**

Subject: **Beverages**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Cullen@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Possession and consumption of alcohol beverages by passengers on commercially operated quadricycles

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 03/09/2011	csicilia 03/14/2011		_____			
/1			rschluet 03/14/2011	_____	lparisi 03/14/2011	lparisi 03/29/2011	

FE Sent For:

*Howe*

<END>

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/?	agary						
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1 cjs 3/14  
11  
3/14/11

3/14  
md 1/14

FE Sent For:

<END>

## Gary, Aaron

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**From:** Williams, Ritch  
**Sent:** Wednesday, March 09, 2011 12:47 PM  
**To:** Gary, Aaron  
**Subject:** RE: Email from LRB Website

In looking them over, I think both are good amendments. Let's include both provisions in the redraft. Thanks.

### Ritch Williams

Office of Rep. David Cullen  
104 North, State Capitol  
(608) 267-9836

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**From:** Gary, Aaron  
**Sent:** Wednesday, March 09, 2011 12:43 PM  
**To:** Williams, Ritch  
**Subject:** RE: Email from LRB Website

Hi Ritch,

When I started to draft this, I noticed that there were two amendments to this bill. AA1 was recommended for adoption by committee and AA2 was introduced after committee.

Do you want this redraft to incorporate either AA1 or AA2 or both?

Thanks. Aaron

Aaron R. Gary  
*Attorney, Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
[aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

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**From:** Williams, Ritch  
**Sent:** Tuesday, March 08, 2011 1:20 PM  
**To:** Gary, Aaron  
**Cc:** 'Derek Collins'  
**Subject:** Email from LRB Website

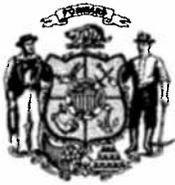
Aaron –

Representative David Cullen would like to have a bill drafted that is a re-draft of 2009 Assembly Bill 390. He has been in contact with Rep. Al Ott and Rep. Ott has indicated that he will not be drafting the bill again this session. Representative Cullen has a constituent who would like the bill drafted again in the hope that it will allow his business to expand.

Please feel free to contact me if you have any questions or concerns. Thank you in advance for your assistance.

### Ritch Williams

Office of Rep. David Cullen  
104 North, State Capitol  
(608) 267-9836



State of Wisconsin  
2009 - 2010 LEGISLATURE

Soon  
in 3/9

-1619/1  
LRB-2873/17  
ARG:bjk:rs

11

2009 ASSEMBLY BILL 890

RMNR  
yjs

SA 09v  
SA 11v

August 18, 2009 - Introduced by Representatives A. OTT, ZEPNICK, SPANBAUER and TOWNSEND, cosponsored by Senator TAYLOR. Referred to Committee on Public Safety.

Ger Cat

1 AN ACT to amend 125.09 (1) and 346.95 (1); and to create 125.02 (4m), 125.10  
2 (5), 340.01 (8m) and 346.94 (21) of the statutes; relating to: the possession and  
3 consumption of alcohol beverages by drivers and passengers on commercial  
4 quadricycles and providing a penalty.

insert  
1-4

as defined below

**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. This bill adds an exception for commercial quadricycles.

\*

Also under current law, municipalities may impose regulations related to alcohol beverages that are not in conflict with state law. This bill specifies that no such regulation may prohibit the possession or consumption of alcohol beverages by passengers on a commercial quadricycle.

insert  
ANAL

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 ~~0.08~~ more. A driver that violates either of these prohibitions may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the second or subsequent conviction within a year.

\*

than 0.0

The bill defines a "commercial quadricycle" as a vehicle with fully operative pedals for propulsion entirely by human power, that has four wheels and is operated

**ASSEMBLY BILL 390**

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, and that is used for commercial purposes.

*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, school buildings,  
10 churches, premises in a state fair park or clubs.~~

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

12           125.10 (5) REGULATION OF <sup>insert 2-12</sup> COMMERCIAL QUADRICYCLES. Notwithstanding sub. (1),  
13 no municipality may enact regulations prohibiting the possession or consumption of  
14 alcohol beverages by passengers on a commercial quadricycle. <sup>insert 2-14</sup>

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

16           340.01 (8m) "Commercial quadricycle" means a vehicle with fully operative  
17 pedals for propulsion entirely by human power, that has 4 wheels and is operated in  
18 a manner similar to a bicycle, that is equipped with at least 12 seats for passengers,  
19 that is designed to be occupied by a driver and by passengers providing pedal power  
20 to the drive train of the vehicle, and that is used for commercial purposes.

ASSEMBLY BILL 390

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SECTION 5. 346.94 ~~(21)~~ of the statutes is created to read:

346.94 <sup>23</sup> ~~(21)~~ COMMERCIAL QUADRICYCLE DRIVERS. (a) No driver of a commercial quadricycle may consume alcohol while the commercial quadricycle is occupied by passengers.

(b) No person may drive a commercial quadricycle while the person has an alcohol concentration of ~~0.08~~ More than 0.0

SECTION 6. 346.95 (1) of the statutes is amended to read:

346.95 (1) Any person violating s. 346.87, 346.88, 346.89 (2), 346.90 to 346.92 or 346.94 (1), (9), (10), (11), (12) ~~or~~ (15) <sup>23</sup> or ~~(21)~~ may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

SECTION 7. Effective date.

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

(END)

Insert  
3-11

^  
23

\*  
✓

✓

✓



ASSEMBLY AMENDMENT 2,  
TO 2009 ASSEMBLY BILL 390

**INSERTS**

February 26, 2010 - Offered by Representative A. Ott.

1 ~~At the locations indicated, amend the bill as follows:~~

2 1. Page 1, line 4: after "quadricycles" insert "municipal authority to regulate  
3 the operation of commercial quadricycles,

4 2. Page 2, line 12: after "OF" insert "ALCOHOL BEVERAGES ON"

5 3. Page 2, line 14: after "quadricycle" insert "This subsection does not prohibit  
6 a municipality from enacting regulations under s. 349.18 (1) (d) restricting or  
7 prohibiting the operation of commercial quadricycles.

8 4. Page 3, line 11: after that line insert:

9 SECTION ~~349.18~~ <sup>#4</sup> 349.18 (1) (d) of the statutes is created to read:

10 349.18 (1) (d) Restrict or prohibit the operation of commercial quadricycles on  
11 any roadway under the jurisdiction of the city, village, or town.

12 (END)

Insert 1-4

Insert 2-12

Insert 2-14

Insert 3-11

Inaw:  
auto number  
not  
hard number

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1619/lins  
ARG:.....

1

2

**INSERT ANAL:**

(no P) However, a municipality may, by ordinance, restrict or prohibit the operation of commecial quadricycles on roadways under the municipality's jurisdiction.

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4

5

**INSERT 2-5:**

6

125.09 (1) PUBLIC PLACE. No owner, lessee, or person in charge of a public place

7

may permit the consumption of alcohol beverages on the premises of the public place,

8

unless the person has an appropriate retail license or permit. This subsection does

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not apply to municipalities, buildings and parks owned by counties, regularly

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established athletic fields and stadiums, commercial quadricycles, school buildings,

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campuses of private colleges, as defined in s. 16.99 (3g), at the place and time an event

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sponsored by the private college is being held, churches, premises in a state fair park

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or clubs.

14

**History:** 1981 c. 79, 158; 1983 a. 74; 1985 a. 218; 1995 a. 77; 2009 a. 302, 395.

15

**Parisi, Lori**

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**From:** Williams, Ritch  
**Sent:** Tuesday, March 29, 2011 9:15 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-1619/1 Topic: Possession and consumption of alcohol beverages by passengers on commercially operated quadricycles

Please Jacket LRB 11-1619/1 for the ASSEMBLY.