



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Assembly Bill 169

**Assembly Substitute
Amendment 1**

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Under current law, an owner or operator of a public place may not permit the consumption of alcohol beverages at that place unless it has been issued a retail alcohol license. There are various exceptions to this rule, including for county parks, athletic fields and stadiums, school buildings, and churches. Also under current law, a municipality may enact ordinances regulating alcohol beverages, so long as the ordinances do not conflict with state law.

2013 ASSEMBLY BILL 169

2013 Assembly Bill 169 adds commercial quadricycles to the list of public places where alcohol beverages may be consumed. This exemption only applies if the municipality in which the commercial quadricycle is operated has enacted an ordinance authorizing the consumption of alcohol beverages on commercial quadricycles. The bill defines “commercial quadricycle” as “a vehicle with fully operative pedals for propulsion entirely by human power, that has 4 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 a person who has a blood alcohol concentration (BAC) of more than 0.02 from driving a commercial quadricycle. The penalty for driving a commercial quadricycle with a BAC of 0.02 or more, first offense, is a fine of \$200 to \$400; for a second-offense violation, the fine is \$500 to \$1,000, and the person is permanently prohibited from driving a commercial quadricycle.

ASSEMBLY SUBSTITUTE AMENDMENT 1 TO ASSEMBLY BILL 169

Assembly Substitute Amendment 1 provides an exception to the prohibition against consuming alcohol beverages in public places that applies to the consumption of fermented malt beverages on commercial quadricycles. This exception does not apply in a municipality that has adopted an ordinance prohibiting the consumption of fermented malt beverages by passengers on commercial quadricycles

within the municipality, provided the ordinance was adopted after the substitute amendment's effective date. The substitute amendment limits the amount of fermented malt beverages a person may possess on or carry onto a commercial quadricycle to 36 ounces.

Under the substitute amendment, the penalty for driving a commercial quadricycle with a BAC of 0.02 or higher is a fine of \$200 to \$500. Upon a person's first conviction for driving a commercial quadricycle with a BAC of 0.02 or higher, the court shall enter an order permanently prohibiting the person from driving a commercial quadricycle. The penalty for driving a commercial quadricycle in violation of such an order is a fine of \$1,000 to \$2,000.

BILL HISTORY

The Committee on Small Business Development offered Assembly Substitute Amendment 1 on June 5, 2013. On the same day, the Committee on Small Business Development recommended adoption of Assembly Substitute Amendment 1 and passage of Assembly Bill 169, as amended, both on a vote of Ayes, 12; Noes, 1.

DM:jal