



2009 ASSEMBLY BILL 390

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

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.

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.

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 or 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.

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

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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 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.

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.

