

2009 DRAFTING REQUEST

Bill

Received: **06/03/2009**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Alvin Ott (608) 266-5831**

By/Representing: **Erin Ruby**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Beverages**

Extra Copies:

Submit via email: **YES**

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

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

Pre Topic:

No specific pre topic given

Topic:

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

Instructions:

See attached

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>
/?							
/P1	agary 06/29/2009	bkraft 06/30/2009	mduchek 06/30/2009	_____	lparisi 06/30/2009		
/P2	agary 06/30/2009	bkraft 07/01/2009	phenry 07/01/2009	_____	mbarman 07/01/2009		
	agary 07/21/2009	bkraft 07/21/2009		_____			
/P3			rschlue	_____	mbarman		

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			07/21/2009 _____		07/21/2009		
/1	mkunkel 07/24/2009	jdye 07/24/2009	rschluet 07/24/2009 _____	_____	mbarman 07/24/2009	lparisi 07/29/2009	

FE Sent For: *none needed*

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/P3			rschlue	_____	mbarman		

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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

07/21/2009 _____ 07/21/2009

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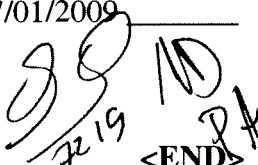
See attached

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FE Sent For:

/P3 bjk 7/21


7219
<END>

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/P2 bjk 2/1

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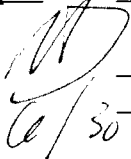
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1?	agary	/Plbjk 6/30		_____			
			6/30	_____			

FE Sent For:

<END>

Bill Draft Request

Date: 6-2-09

Legislator Requesting Draft: Rep. Al Ott

Person Submitting Request: Erin Ruby – Research Assistant

Person to Contact with Questions: Erin Ruby (6-5831)

Drafting Request:

At the request of a constituent, Rep. Ott would like a bill drafted to allow for the possession and consumption of alcoholic beverages by passengers of a vehicle that is operated for commercial purposes in a manner similar to a bicycle with three or more passengers who provide pedal power to the drive train of the vehicle.

Minnesota recently changed their state statutes to allow the possession and consumption of alcohol on this type of vehicle. (Bill attached)

More information on the specifics of the vehicle is also enclosed. The following website would also serve to provide additional information: www.pedalpub.com

Please contact me with any questions.

Thank you!!

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **3849**

March 5, 2008

Authored by Simon

The bill was read for the first time and referred to the Committee on Commerce and Labor

- 1.1 A bill for an act
1.2 relating to alcoholic beverages; permitting passengers on a multipassenger
1.3 bicycle to consume; amending Minnesota Statutes 2006, section 169A.35,
1.4 subdivision 6.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2006, section 169A.35, subdivision 6, is amended to
1.7 read:
- 1.8 Subd. 6. **Exceptions.** (a) This section does not prohibit the possession or
1.9 consumption of alcoholic beverages by passengers in:
- 1.10 (1) a bus that is operated by a motor carrier of passengers, as defined in section
1.11 221.011, subdivision 48; ~~or~~
- 1.12 (2) a vehicle that is operated for commercial purposes in a manner similar to a
1.13 bicycle as defined in section 169.01, subdivision 51, with three or more passengers who
1.14 provide pedal power to the drive train of the vehicle; or
- 1.15 ~~(2)~~ (3) a vehicle providing limousine service as defined in section 221.84,
1.16 subdivision 1.
- 1.17 (b) Subdivisions 3 and 4 do not apply to a bottle or receptacle that is in the trunk
1.18 of the vehicle if it is equipped with a trunk, or that is in another area of the vehicle not
1.19 normally occupied by the driver and passengers if the vehicle is not equipped with a
1.20 trunk. However, a utility compartment or glove compartment is deemed to be within the
1.21 area occupied by the driver and passengers.



Al Boyce and Eric Olson
Managing Partners
<http://www.PedalPub.com>
info@PedalPub.com
952-703-9000

April 16, 2008

Senators:

Thank you for considering the PedalPub (HF 3849) amendment to the 2008 Omnibus Liquor bill!

By way of introduction, the PedalPub is a 16-passenger, professionally driven pedal-powered vehicle. They are manufactured in the Netherlands, and PedalPub, LLC, a Minnesota-based company, imported the first one (and currently the ONLY one) in the United States in March of 2007. PedalPub, LLC also owns the distribution rights for this vehicle for the US, Canada, Mexico, Latin America and the Caribbean.

In the Netherlands, passengers on the 32 PedalPubs there have been legally allowed to enjoy alcoholic beverages while on board for the past ten years. We hope to offer that same privilege in professionally-driven PedalPubs here in Minnesota, the same way that passengers in professionally driven limousines and buses do now.

In 2007, we researched the Minnesota state law on this subject. According to Minnesota state statute **Chapter 169A.35, subd.2**, reads "It is a crime for a person to drink or consume an alcoholic beverage, distilled spirit, or 3.2 percent malt liquor in a motor vehicle when the vehicle is upon a street or highway." Since the PedalPub is not motorized, according to an email received from Minnesota State Director of Alcohol Marlene Kjelsberg, "Our position is that this issue is not a state statute violation if alcohol is consumed aboard the PedalPub." (See attached email dated April 18, 2007.)

However when we asked Minneapolis Assistant Attorney Mary Ellen Heng how Minneapolis would interpret this, she said "It is my opinion that the passengers on your PedalPub should they consume alcohol while on the device, would be in violation of Minneapolis City Ordinance Section 364.40, consuming alcohol in public. Section 364.40 prohibits the consumption of alcohol while on a public street, highway, alley, sidewalk, boulevard or any place frequented by the public." (See attached email dated April 30, 2007.) In a follow-up phone conversation, when asked why limousine and bus passengers were allowed to consume alcohol in Minneapolis, Attorney Heng explained that they were exempt from this city ordinance because the overarching state law trumps the city law in state statute **Chapter 169A.35, subd.6**, which exempts passengers of

those vehicles from the city's alcohol prohibition. She suggested we pursue a change to state law to address this issue.

In April of 2007 we contacted State Representative Steve Simon and explained our situation. He had the issue researched, and determined the best way to address this was to introduce an amendment to **Chapter 169A.35, subd.6** to add as a new vehicle type "a vehicle that is operated for commercial purposes in a manner similar to a bicycle as defined in section 169.01, subdivision 51, with three or more passengers who provide pedal power to the drive train of the vehicle". As it was past the deadline for legislation last year, Representative Simon introduced it to the Minnesota House this year. (*See attached HF 3849 text.*)

In 2007, we operated the PedalPub "dry" – that is, passengers were not allowed to consume alcohol on board the PedalPub. However everyone who rode the PedalPub (or who has ever seen or heard about the PedalPub) thought that the privilege to enjoy alcohol while being chauffeured should be legal. On one of our rides we were talking with a St. Paul policeman who asked us if we had a keg on board. We told him "No sir!" to which he replied, "Why the heck NOT?"

We want to make it clear that we are not asking for the right to SELL alcohol, or even provide it. We are asking for the right to allow passengers to bring aboard their own alcohol, and serve and drink it themselves without any participation on the part of our drivers or PedalPub employees.

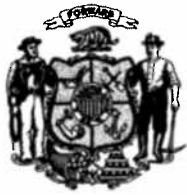
We have developed a waiver that we would have every passenger sign whom is aboard a PedalPub ride where alcohol is to be consumed. (*See attached PedalPub Alcohol Waiver.*) We will confirm that everyone is 21 or over – we already check ages with a photo ID aboard every PedalPub ride, and indicate that it was checked on our standard waiver. (*See attached PedalPub Release of Liability Waiver.*)

Finally, we have included a testimonial email from a Minneapolis citizen, Richard Bauer. (*See attached email, dated June 30, 2007.*) Last year we requested a license from the Minneapolis City Parks system to operate the PedalPub within city parks, and we spoke before a Park Board meeting. Mr. Bauer was present at the meeting for other matters, but he had previously seen the PedalPub in operation, and following the meeting he wrote the attached email of praise for the PedalPub to the board in our support.

We thank you again for your consideration. We look forward to a long and successful partnership with Minneapolis, greater Minnesota, and the rest of the country as we develop this unique, eco-friendly vehicle into an asset in Minnesota's and America's tourism industry.

Respectfully,

Al Boyce, Eric Olson
Managing Partners, **PedalPub, LLC**



Sech

in 6/29

J-note bjk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA
K-ref

1 AN ACT ^{gen.}...; **relating to:** the possession and consumption of alcohol beverages on
2 commercial quadricycles.

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 defines a "commercial quadricycle" 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 designed to be occupied by at least three passengers and a driver all of whom provide 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:

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

1 125.02 (4m) "Commercial quadricycle" means a vehicle with fully operative
2 pedals for propulsion entirely by human power, that has 4 wheels and is operated in
3 a manner similar to a bicycle, that is designed to be occupied by at least 3 passengers
4 and a driver all of whom provide pedal power to the drive train of the vehicle, and
5 that is used for commercial purposes.

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

7 125.09 (1) PUBLIC PLACE. No owner, lessee or person in charge of a public place
8 may permit the consumption of alcohol beverages on the premises of the public place,
9 unless the person has an appropriate retail license or permit. This subsection does
10 not apply to municipalities, buildings and parks owned by counties, regularly
11 established athletic fields and stadiums, commercial quadricycles, school buildings,
12 churches, premises in a state fair park or clubs.

13 History: 1981 c. 79, 158; 1983 a. 74; 1985 a. 218; 1995 a. 77.

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

15 125.10 (5) REGULATION OF COMMERCIAL QUADRICYCLES. Notwithstanding sub. (1),
16 no municipality may enact regulations prohibiting the possession or consumption of
17 alcohol beverages by passengers on a commercial quadricycle.

(END)

D-Net

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2975/P1dn

ARG:.....

lbjk

Date

ATTN: Erin Ruby

Please review the attached draft carefully to ensure that it is consistent with your intent.

The attached draft does not amend s. 346.935, intoxicants in motor vehicles, because "commercial quadricycles" are not motor vehicles. You may wish to have the attached draft reviewed by DOR and DOT.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2975/P1dn
ARG:bjk:md

June 30, 2009

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The attached draft does not amend s. 346.935, intoxicants in motor vehicles, because "commercial quadricycles" are not motor vehicles. You may wish to have the attached draft reviewed by DOR and DOT.

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Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

Gary, Aaron

From: Ruby, Erin
Sent: Tuesday, June 30, 2009 2:20 PM
To: Gary, Aaron
Subject: LRB 2975/P1

Aaron,

I just talked to our constituent about the "PedalPub" bill draft.

He informed me that the driver of the "vehicle" doesn't actually pedal. Only the passengers pedal, so we'll have to change that in the definition of "commercial quadricycle".

Also, Rep. Ott wants to go ahead and have this change, and the change we discussed earlier regarding the driver being prohibited from consuming alcohol while the "vehicle" is in service, made prior to consulting with DOR and DOT. So if you could make those changes in a /P2, that would be great.

Thanks again, Aaron!
Erin

Erin Ruby
Research Assistant
Office of State Representative Al Ott
608.266.5831
erin.ruby@legis.wi.gov



500w

in 6/30

stays

AMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA
X-ref

Inserts

regen.

1 AN ACT to amend 125.09 (1); and to create 125.02 (4m) and 125.10 (5) of the
2 statutes; relating to: the possession and consumption of alcohol beverages on
3 commercial 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.

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

a driver and by

insert
ANAL

providing

has the meaning given in
so 340.01(8m) (e)

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

2 125.02 (4m) "Commercial quadricycle" means a vehicle with fully operative
3 pedals for propulsion entirely by human power, that has 4 wheels and is operated in
4 a manner similar to a bicycle, that is designed to be occupied by at least 3 passengers
5 and a driver all of whom provide pedal power to the drive train of the vehicle, and
6 that is used for commercial purposes.

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

8 125.09 (1) PUBLIC PLACE. No owner, lessee or person in charge of a public place
9 may permit the consumption of alcohol beverages on the premises of the public place,
10 unless the person has an appropriate retail license or permit. This subsection does
11 not apply to municipalities, buildings and parks owned by counties, regularly
12 established athletic fields and stadiums, commercial quadricycles, school buildings,
13 churches, premises in a state fair park or clubs.

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

15 125.10 (5) REGULATION OF COMMERCIAL QUADRICYCLES. Notwithstanding sub. (1),
16 no municipality may enact regulations prohibiting the possession or consumption of
17 alcohol beverages by passengers on a commercial quadricycle.

18 (END)

Insert 2-17

1 **INSERT ANAL:**

¶ The bill prohibits the driver of a commercial quadricycle from consuming alcohol while the commercial quadricycle is occupied by passengers. A driver that violates this prohibition 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.

2 **INSERT 2-17:**

3 **SECTION 1.** 340.01 (8m) of the statutes is created to read:

4 340.01 (8m) "Commercial quadricycle" means a vehicle with fully operative
5 pedals for propulsion entirely by human power, that has 4 wheels and is operated in
6 a manner similar to a bicycle, that is designed to be occupied by a driver and by at
7 least 3 passengers providing pedal power to the drive train of the vehicle, and that
8 is used for commercial purposes.

9 **SECTION 2.** 346.94 ⁽¹⁾ ~~(20)~~ of the statutes is created to read:

10 ^(B-1) 346.94 ~~(20)~~ CONSUMPTION OF ALCOHOL BY COMMERCIAL QUADRICYCLE DRIVERS. No
11 driver of a commercial quadricycle may consume alcohol while the commercial
12 quadricycle is occupied by passengers.

13 **SECTION 3.** 346.95 (1) of the statutes is amended to read:

14 346.95 (1) Any person violating s. 346.87, 346.88, 346.89 (2), 346.90 to 346.92
15 or 346.94 (1), (9), (10), (11), (12) ~~or~~, ⁽¹⁾ (15), ~~or~~ ⁽¹⁾ (20) may be required to forfeit not less than
16 \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100
17 for the 2nd or subsequent conviction within a year.

Gary, Aaron

From: Ruby, Erin
Sent: Friday, July 17, 2009 4:06 PM
To: Gary, Aaron
Subject: RE: LRB 2975/P2 Re-drafting Request

Let's go with 0.08.

Thanks again!
Erin

From: Gary, Aaron
Sent: Friday, July 17, 2009 4:05 PM
To: Ruby, Erin
Subject: RE: LRB 2975/P2 Re-drafting Request

Hi Erin,

I'll make these changes. The existing OWI laws would not apply to the driver of the commercial quadricycle, ie there would be no prohibited alcohol concentration under current law, so I'll have to create a provision for this. Do you want to use the 0.08 standard that applies to motor vehicles, or do you want something stricter (like absolute sobriety, 0.0)?

Aaron

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

From: Ruby, Erin
Sent: Friday, July 17, 2009 11:34 AM
To: Gary, Aaron
Cc: 'Ahrens, Keith'
Subject: LRB 2975/P2 Re-drafting Request

Aaron,

Please find following the changes we would like made to LRB 2975/P2:

- Add a three-month delayed effective date.
- Provide that no driver of a commercial quadricycle may operate the commercial quadricycle with a prohibited alcohol concentration. (Not only can the driver not drink while the quadricycle is in operation, the driver cannot be already be drunk when operating it.)
- Modify the definition of "commercial quadricycle" to specify that it be equipped with a minimum of 12 seats for passengers.

As always, thanks for your help, Aaron. Let me know if you have any questions.

Erin

Erin Ruby
Research Assistant
Office of State Representative Al Ott
608.266.5831



soon

in 7/21

stays RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Inserts
SA

by drivers and passengers

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 on commercial quadricycles and providing a
 4 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. A driver that violates ~~the~~ prohibition 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 in a manner similar to a bicycle that is designed to be occupied by a driver and by

Insert
ANAL-A

either of these

Insert
ANAL-B

✓ ~~at least three~~ 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 designed to be occupied by a driver and by ~~at~~
19 least 3 passengers providing pedal power to the drive train of the vehicle, and that
20 is used for commercial purposes.

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

insert
2-18

(a)

1

346.94 (21) CONSUMPTION OF ALCOHOL BY COMMERCIAL QUADRICYCLE DRIVERS. No

2

driver of a commercial quadricycle may consume alcohol while the commercial

3

quadricycle is occupied by passengers.

insert
3-3

4

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

5

346.95 (1) Any person violating s. 346.87, 346.88, 346.89 (2), 346.90 to 346.92

6

or 346.94 (1), (9), (10), (11), (12) or (15), or (21) may be required to forfeit not less than

7

\$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100

8

for the 2nd or subsequent conviction within a year.

9

(END)

insert 3-9

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2975/P3ins
ARG:.....

1

2 **INSERT ANAL-A:**

(no ¶) and from driving a commercial quadricycle with an alcohol concentration of
0.08 or more *e*

3

INSERT ANAL-B:

(no ¶) that is equipped with at least 12 seats for passengers,

4

INSERT 2-18:

5

(no ¶) that is equipped with at least 12 seats for passengers,

6

INSERT 3-3:

7

¶ (b) No person may drive a commercial quadricycle while the person has an
alcohol concentration of 0.08 or more.

9

10

INSERT 3-9:

11

SECTION 1. Effective date.

12

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

13

14



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2975/R3
ARG:bjk:rs

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

5/20/09
RM has been
sent

TODAY
no changes

✓

Gen

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

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.

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

2 346.94 (21) COMMERCIAL QUADRICYCLE DRIVERS. (a) No driver of a commercial
3 quadricycle may consume alcohol while the commercial quadricycle is occupied by
4 passengers.

5 (b) No person may drive a commercial quadricycle while the person has an
6 alcohol concentration of 0.08 or more.

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

8 346.95 (1) Any person violating s. 346.87, 346.88, 346.89 (2), 346.90 to 346.92
9 or 346.94 (1), (9), (10), (11), (12) ~~or~~, (15), or (21) may be required to forfeit not less than
10 \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100
11 for the 2nd or subsequent conviction within a year.

12 SECTION 7. Effective date.

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

15 (END)

Re-Draft
to a "1"
(no changes)
Per Erin Ruby
(Today)
507-2407
Thanks,
9MB

Duerst, Christina

From: Ruby, Erin
Sent: Tuesday, July 28, 2009 10:09 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-2975/1 Topic: Possession and consumption of alcohol beverages by passengers on commercially operated quadricycles

Please Jacket LRB 09-2975/1 for the ASSEMBLY.