



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 390

Assembly Amendments 1 and 2

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Among other things, 2009 Assembly Bill 390 does the following:

- 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. The *bill* adds an exception for commercial quadricycles.
- Under *current law*, municipalities may impose regulations related to alcohol beverages that are not in conflict with state law. The *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.

Assembly Amendment 1

Assembly Amendment 1 to the bill changes the 0.08 alcohol concentration applicable to a *driver* of a commercial quadricycle to **0.00 (absolute sobriety)**.

Assembly Amendment 2

Assembly Amendment 2 clarifies that this new “alcohol beverages on quadricycles” provision **does not prohibit a municipality from enacting regulations under s. 349.18 (1) (d), Stats. (created in the amendment), restricting or prohibiting the operation of commercial quadricycles.** The commercial quadricycle provision created in the bill only prohibits a municipality from prohibiting the possession or consumption of alcohol beverages on such a quadricycle and does not prevent a municipality from regulating the operation of such a quadricycle within its jurisdiction. This amendment clarifies that.

Legislative History

At an executive session on January 12, 2010, the Assembly Committee on Public Safety voted to adopt Assembly Amendment 1 to the bill on a vote of Ayes, 8; Noes, 0, and voted to recommend passage of the bill, as amended, on a vote of Ayes, 7; Noes, 1.

Assembly Amendment 2 has been offered by Representative Ott, the author of the bill.

DLS:jal