



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 169**

1 **AN ACT** *to amend* 125.09 (1); and *to create* 125.02 (4m), 125.10 (5), 340.01 (8m),
2 346.94 (23), 346.95 (12) and 349.18 (1) (d) of the statutes; **relating to:** the
3 possession and consumption of alcohol beverages on, and operation of,
4 commercial quadricycles and providing a penalty.

Analysis by the Legislative Reference Bureau

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

5 **SECTION 1.** 125.02 (4m) of the statutes is created to read:
6 125.02 (4m) "Commercial quadricycle" has the meaning given in s. 340.01
7 (8m).
8 **SECTION 2.** 125.09 (1) of the statutes is amended to read:
9 125.09 (1) PUBLIC PLACE. No owner, lessee, or person in charge of a public place
10 may permit the consumption of alcohol beverages on the premises of the public place,

1 unless the person has an appropriate retail license or permit. This subsection does
2 not apply to municipalities, buildings and parks owned by counties, regularly
3 established athletic fields and stadiums, school buildings, campuses of private
4 colleges, as defined in s. 16.99 (3g), at the place and time an event sponsored by the
5 private college is being held, churches, premises in a state fair park or clubs. This
6 subsection also does not apply to the consumption of fermented malt beverages on
7 commercial quadricycles except in municipalities that have adopted ordinances
8 under s. 125.10 (5) (a).

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

10 125.10 (5) FERMENTED MALT BEVERAGES ON COMMERCIAL QUADRICYCLES. (a) A
11 municipality may, by ordinance, prohibit the consumption of fermented malt
12 beverages by passengers on a commercial quadricycle within the municipality.

13 (b) Notwithstanding sub. (1), an ordinance enacted before the effective date of
14 this paragraph [LRB inserts date], regulating the possession or consumption of
15 open containers of alcohol beverages in public places may not prohibit the possession
16 or consumption of alcohol beverages by passengers on a commercial quadricycle. An
17 ordinance that is inconsistent with this paragraph may not be enforced.

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

19 340.01 (8m) “Commercial quadricycle” means a vehicle with fully operative
20 pedals for propulsion entirely by human power, that has 4 wheels and is operated in
21 a manner similar to a bicycle, that is equipped with at least 12 seats for passengers,
22 that is designed to be occupied by a driver and by passengers providing pedal power
23 to the drive train of the vehicle, that is used for commercial purposes, and that is
24 operated by the vehicle owner or an employee of the owner.

25 **SECTION 5.** 346.94 (23) of the statutes is created to read:

1 346.94 **(23)** COMMERCIAL QUADRICYCLES.

2 (a) In this subsection:

3 1. “Alcohol beverages” has the meaning given in s. 125.02 (1).

4 2. “Fermented malt beverages” has the meaning given in s. 125.02 (6).

5 (b) No driver of a commercial quadricycle may consume alcohol while the
6 commercial quadricycle is occupied by passengers.

7 (c) No person may drive a commercial quadricycle while the person has an
8 alcohol concentration of more than 0.02.

9 (d) No person may drive a commercial quadricycle occupied by passengers after
10 10:30 p.m. or after any earlier time established by ordinance under s. 349.18 (1) (d).

11 (e) No person may drive a commercial quadricycle on which any alcohol
12 beverages other than fermented malt beverages are carried or consumed. No person
13 may drive a commercial quadricycle on which any alcohol beverages are sold,
14 including delivery on the commercial quadricycle of alcohol beverages previously
15 sold by a caterer.

16 (f) No person may possess on, or carry onto, a commercial quadricycle more
17 than 36 fluid ounces of fermented malt beverages.

18 (g) Upon conviction of a driver of a commercial quadricycle for a violation of this
19 subsection, the court shall enter an order permanently prohibiting the person from
20 driving a commercial quadricycle. No person may drive a commercial quadricycle in
21 violation of such an order.

22 **SECTION 6.** 346.95 (12) of the statutes is created to read:

23 346.95 **(12)** (a) Any person violating s. 346.94 (23) (b), (c), (d), (e), or (f) may be
24 required to forfeit not less than \$200 nor more than \$500.

1 (b) Any person violating s. 346.94 (23) (g) may be required to forfeit not less
2 than \$1,000 nor more than \$2,000.

3 **SECTION 7.** 349.18 (1) (d) of the statutes is created to read:

4 349.18 (1) (d) Establish a time earlier than that specified in s. 346.94 (23) (d)
5 after which a person may not drive a commercial quadricycle occupied by passengers
6 within the city, village, or town.

7 **SECTION 8. Effective date.**

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

10 (END)