

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

LRB-1455/P2dn  
ARG:jld:jm

February 20, 2013

Please review the attached draft carefully to ensure that it is consistent with your intent. The attached draft incorporates the changes we discussed at our February 13 meeting.

I note that the draft does not affect municipal authority to, by ordinance, prohibit operation of commercial quadricycles under the theory that the passengers of the commercial quadricycle are violating the municipality's "open container" ordinance. The newspapers have reported that, in the city of Milwaukee, the Milwaukee Police Department cracked down on pedal taverns under the theory that they were violating the city's open container ordinance. The Milwaukee Journal Sentinel reported on October 5, 2012, that the city attorney "said having intoxicants on the Pedal Tavern violates the law against having open intoxicants on the street." *City Cracks Down on Drinking Aboard Pedal Tavern*, at

[www.jsonline.com/news/milwaukee/pedal-tavern-loses-its-beer-power-fb74d6o-172851141.html](http://www.jsonline.com/news/milwaukee/pedal-tavern-loses-its-beer-power-fb74d6o-172851141.html)

As requested, I have added to the definition of "commercial quadricycle" the element that the vehicle, to meet the definition, must be operated by the vehicle owner or his or her employee.

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.state.wi.us](mailto:aaron.gary@legis.state.wi.us)