



2011 ASSEMBLY BILL 120

May 5, 2011 - Introduced by Representatives D. CULLEN and ZIEGELBAUER, cosponsored by Senator TAYLOR. Referred to Committee on Transportation.

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), 346.94 (23) and 349.18 (1) (d) of the statutes; **relating to:** the
3 possession and consumption of alcohol beverages by drivers and passengers on
4 commercial quadricycles, municipal authority to regulate the operation of
5 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, as defined below.

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. However, a municipality may, by ordinance, restrict or prohibit the operation of commercial quadricycles on roadways under the municipality's jurisdiction.

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 more than 0.0. A driver

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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 campuses of private colleges, as defined in s. 16.99 (3g), at the place and time an event
11 sponsored by the private college is being held, churches, premises in a state fair park
12 or clubs.

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

14 125.10 (5) REGULATION OF ALCOHOL BEVERAGES ON COMMERCIAL QUADRICYCLES.
15 Notwithstanding sub. (1), no municipality may enact regulations prohibiting the
16 possession or consumption of alcohol beverages by passengers on a commercial
17 quadricycle. This subsection does not prohibit a municipality from enacting

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1 regulations under s. 349.18 (1) (d) restricting or prohibiting the operation of
2 commercial quadricycles.

3 **SECTION 4.** 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 equipped with at least 12 seats for passengers,
7 that is designed to be occupied by a driver and by passengers providing pedal power
8 to the drive train of the vehicle, and that is used for commercial purposes.

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

10 346.94 (23) COMMERCIAL QUADRICYCLE DRIVERS. (a) No driver of a commercial
11 quadricycle may consume alcohol while the commercial quadricycle is occupied by
12 passengers.

13 (b) No person may drive a commercial quadricycle while the person has an
14 alcohol concentration of more than 0.0.

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

16 346.95 (1) Any person violating s. 346.87, 346.88, 346.89 (2), 346.90 to 346.92
17 or 346.94 (1), (9), (10), (11), (12) ~~or~~ (15), or (23) may be required to forfeit not less than
18 \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100
19 for the 2nd or subsequent conviction within a year.

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

21 349.18 (1) (d) Restrict or prohibit the operation of commercial quadricycles on
22 any roadway under the jurisdiction of the city, village, or town.

23 **SECTION 8. Effective date.**

