



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 106
[2013 Assembly Bill 169]

Consumption of Fermented Malt Beverages on Commercial Quadricycles

2013 Wisconsin Act 106 relates to the consumption of fermented malt beverages on commercial quadricycles. A quadricycle is a four-wheeled vehicle with seats for at least 12 passengers and an operator. The passenger seats are equipped with pedals connected to the vehicle's drive train, such that the vehicle is powered entirely by the passengers, while the operator controls steering and braking.

In general, an owner or operator of a public place may not permit the consumption of alcohol beverages at that place unless it has been issued a retail alcohol license. There are various exceptions to this rule, including for county parks, athletic fields and stadiums, school buildings, and churches. A municipality may enact ordinances regulating alcohol beverages, so long as the ordinances do not conflict with state law.

2013 Wisconsin Act 106 adds commercial quadricycles to the list of unlicensed public places where alcohol beverages may be consumed. This exemption applies only to the consumption of fermented malt beverages, and only in municipalities that have not adopted an ordinance to prohibit the practice. The Act authorizes a municipality to adopt an ordinance to prohibit the consumption of fermented malt beverages on a quadricycle, but a municipality may not enforce such a prohibition in a previously existing ordinance. (The practical effect of this is that a municipality must re-enact any previously existing ordinance to make the ordinance enforceable.)

The Act creates the following prohibitions:

- No driver of a commercial quadricycle may consume alcohol while the commercial quadricycle is occupied by passengers or drive a commercial quadricycle while the person has an alcohol concentration of more than 0.02.
- No person may drive a commercial quadricycle occupied by passengers after 10:30 p.m. or after any earlier time established by a local ordinance.
- No person may drive a commercial quadricycle on which any alcohol beverages other than fermented malt beverages are carried or consumed. No person may drive a commercial

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

quadricycle on which any alcohol beverages are sold, including delivery on the commercial quadricycle of alcohol beverages previously sold by a caterer.

- No person may possess on, or carry onto, a commercial quadricycle more than 36 fluid ounces of fermented malt beverages.

The penalty for violating any of these prohibitions, on first offense, is a forfeiture of not less than \$200 nor more than \$400; for a second-offense violation, the forfeiture is not less than \$500 nor more than \$1,000. A driver who is convicted of violating any of these prohibitions is permanently barred from driving a commercial quadricycle. A person who drives a commercial quadricycle after being barred from doing so may be required to forfeit not less than \$1,000 nor more than \$2,000.

Effective date: January 1, 2014.

Prepared by: David L. Lovell, Principal Analyst

December 18, 2013

DLL:jb;jal