

State of Wisconsin



2013 Assembly Bill 169

Date of enactment: **December 13, 2013**
Date of publication*: **December 14, 2013**

2013 WISCONSIN ACT 106

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

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

SECTION 1. 125.02 (4m) of the statutes is created to read:

125.02 (4m) "Commercial quadricycle" has the meaning given in s. 340.01 (8m).

SECTION 2. 125.09 (1) of the statutes is amended to read:

125.09 (1) PUBLIC PLACE. No owner, lessee, or person in charge of a public place may permit the consumption of alcohol beverages on the premises of the public place, unless the person has an appropriate retail license or permit. This subsection does not apply to municipalities, buildings and parks owned by counties, regularly established athletic fields and stadiums, school buildings, campuses of private colleges, as defined in s. 16.99 (3g), at the place and time an event sponsored by the private college is being held, churches, premises in a state fair park or clubs. This subsection also does not apply to the consumption of fermented malt beverages on commercial quadricycles except in municipalities that have adopted ordinances under s. 125.10 (5) (a).

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

125.10 (5) FERMENTED MALT BEVERAGES ON COMMERCIAL QUADRICYCLES. (a) A municipality may, by ordi-

nance, prohibit the consumption of fermented malt beverages by passengers on a commercial quadricycle within the municipality.

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

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

340.01 (8m) "Commercial quadricycle" means a vehicle with fully operative pedals for propulsion entirely by human power, that has 4 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, that is used for commercial purposes, and that is operated by the vehicle owner or an employee of the owner.

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

346.94 (23) COMMERCIAL QUADRICYCLES.

(a) In this subsection:

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

1. "Alcohol beverages" has the meaning given in s. 125.02 (1).

2. "Fermented malt beverages" has the meaning given in s. 125.02 (6).

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

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

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

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

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

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

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

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

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

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

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

SECTION 8. Effective date.

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