

Pedal While You Drink

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One of the newest attractions in downtown Raleigh is the [Trolley Pub](#). Passengers board the open air bar on wheels in the Warehouse District and slowly cruise the city streets, traveling from one watering hole to another by means of the pedal power they supply. In addition to providing the power-source for locomotion, riders provide their own fuel—be it food or alcohol. The first question most folks I know ask is “What is that?” The second (which may say something about my age as well as my circle of friends) is: “Is that legal?”

Of course, given that the Trolley Pub has been puttering around Raleigh for more than a year, it must be operating legally. Otherwise, the City of Oaks [surely would have put the brakes](#) on this contraption. Plus, the business was co-founded by [Kai Kaapro](#), a law student at Penn State, who decided that given the current market, launching this business was a better use of his time than working to make better grades or spending time on law review.

Need further convincing? Here are the specifics on how this pedal-powered bar complies with North Carolina’s motor vehicle laws.

Not impaired driving. The trolley is a vehicle, it travels down streets and public vehicular areas, and at least some of the pedal-pushers are impaired some of the time. But the operation of this vehicle does not violate the state’s impaired driving laws because the drinkers aren’t drivers. They simply provide the power. They don’t steer, and they aren’t in “physical control” of the trolley. Instead, a Trolley Pub employee stands in the middle of the contraption, navigates the vehicle through the public streets, and determines when the boost from the electric motor is necessary (this option [reportedly](#) is only available on “really tough hills”).

No open container violation. While passengers generally are prohibited from consuming alcoholic beverages in the passenger area of a motor vehicle that is being driven on a public street, an exception applies for motor vehicles designed, maintained, or used primarily for the transportation of persons for compensation. See [G.S. 20-138.7\(a1\)](#), (a2). The Trolley Pub, [which transports passengers for \\$25 to \\$30 a person](#), is just such a vehicle, as is its more traditional and somewhat swankier counterpart, the limousine.

No hard liquor. The Trolley Pub instructs passengers not to bring hard liquor aboard. That restriction is required by the state’s ABC laws, which prohibit individuals from transporting open containers of fortified wine or spirituous liquor in the passenger area of a motor vehicle. See [G.S. 18B-401\(a\)](#).

Vehicle registration. I haven’t examined the Trolley Pub up close to see whether a registration plate is affixed, though I assume one is given that it is a vehicle intended to be operated on public streets, and no exemption to the registration requirements applies. See [G.S. 20-50\(a\)](#) (registration required); [20-51](#) (exemption from registration requirements). The trolley, which was custom built by a metal fabricator in Bend, Oregon, appears to be a “specially constructed vehicle” within the meaning of [G.S. 20-4.01\(43\)](#).

Driver’s License of Operator. The Trolley Pub transports 15 people, including the operator, and [reportedly weighs around 2,000 pounds](#). Because there are fewer than 16 occupants, and the vehicle is relatively low-weight, the operator is not required to have a commercial driver’s license. See [G.S. 20-4.01\(3d\)](#)(defining commercial motor

vehicle); [20-7\(a\)\(3\)](#)(providing that a Class C license authorizes the holder to drive a Class C motor vehicle that is not a commercial motor vehicle).

Worth the effort? Kaapro identified the Trolley Pub’s appeal as combining the trifecta of beer, socializing and exercise. He says that people peddle faster after they’ve been drinking; theorizing that they “feel it less.” As for the effort required, Kaapro describes it as “not as hard as you think, but not as easy as you’d hope.” Trolley Pub promoters hail it as “Part Machine, Part Awesome.” I can’t speak to that, but, as far as the motor vehicle laws are concerned, it appears to be all legal.