



2009 SENATE BILL 457

January 12, 2010 - Introduced by Senators SULLIVAN and TAYLOR, cosponsored by Representatives PASCH, BERCEAU, PARISI, STEINBRINK and TURNER. Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

1 **AN ACT** *to amend* 86.191 (5); and *to create* 86.191 (6) of the statutes; **relating**
2 **to:** the placement of advertising signs in highway rights-of-way and providing
3 a penalty.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no sign, except a sign that is necessary for the guidance or warning of traffic, may be placed within the limits of any highway. A person who violates this prohibition must be fined not less than \$10 nor more than \$100 for a first violation and not less than \$10 nor more than \$500 for a subsequent violation.

Under a different provision of current law, with limited exceptions, a person may not erect, or cause to be erected, any advertising, guide, or warning sign within a highway that is outside a city or village and is 1,000 feet or less from an intersection with another highway. A person who violates this prohibition must be fined not less than \$25 nor more than \$100 or imprisoned in the county jail for not more than 30 days or both.

This bill prohibits, with exceptions, a business entity from placing, or causing to be placed, within a highway right-of-way any sign that advertises or promotes a business identified on the sign or a business whose telephone number appears on the sign. If a sign has been placed in violation of this prohibition and the business identified on the sign or whose telephone number appears on the sign had the sign made, there is a rebuttable presumption that this business caused the sign to be

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placed. A business entity that violates this prohibition is subject to a civil forfeiture of not more than \$50 for each sign.

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

1 **SECTION 1.** 86.191 (5) of the statutes is amended to read:

2 86.191 (5) Any person who violates any of the provisions of this section sub. (1),
3 (3), or (4) shall be guilty of a misdemeanor and on conviction thereof shall be
4 punished by a fine of not less than \$25 nor more than \$100 for each offense, or by
5 imprisonment in the county jail for a period not exceeding 30 days, or by both such
6 fine and imprisonment in the discretion of the court.

7 **SECTION 2.** 86.191 (6) of the statutes is created to read:

8 86.191 (6) (a) In this subsection, “business entity” has the meaning given in s.
9 13.62 (5), but does not include any real estate broker or salesperson licensed under
10 ch. 452 or any other individual selling real estate or personal property owned by the
11 individual.

12 (b) Subject to subs. (1) and (4) and s. 86.19, and except as provided in par. (d),
13 no business entity may place, or cause to be placed, within a highway right-of-way
14 any sign that advertises or promotes a business identified on the sign or a business
15 whose telephone number appears on the sign.

16 (c) If a sign described in par. (b) has been placed within a highway right-of-way
17 and the business identified on the sign or whose telephone number appears on the
18 sign had the sign made, there is a rebuttable presumption that this business caused
19 the sign to be placed in violation of par. (b).

20 (d) This subsection does not apply to any of the following:

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1 1. Any sign placed with the permission of an official charged with the
2 maintenance of the highway.

3 2. Any sign authorized under s. 60.23 (17m), 66.0429, 84.01 (30) (g), 84.30,
4 86.195, or 86.196.

5 3. The name of a newspaper on a newspaper tube or receptacle.

6 4. Any sign advertising a yard sale, garage sale, rummage sale, or similar
7 event.

8 5. Any sign advertising an event associated with a church or school.

9 (e) Any business entity violating this subsection is subject to a forfeiture of not
10 more than \$50 for each offense. Each sign placed in violation of par. (b) constitutes
11 a separate offense.

12

(END)