



## 1995 ASSEMBLY BILL 421

May 30, 1995 - Introduced by Representatives SILBAUGH, OTT, AINSWORTH, RYBA, HAHN, SERATTI and F. LASEE, cosponsored by Senator WEEDEN, by request of Institute of Transportation Engineers. Referred to Committee on Highways and Transportation.

1 **AN ACT to amend** 86.192 (1m) and 346.41 (1) (intro.), (a) and (b); and **to create**  
2 346.41 (4) of the statutes; **relating to:** traffic signs, signals, markings and other  
3 devices on private property.

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### *Analysis by the Legislative Reference Bureau*

Current law prohibits the placement of any unauthorized traffic sign or device upon or within view of a highway or railroad crossing if the sign or device is an imitation of (or may be mistaken for) an official traffic control device or if it attempts to direct the movement of traffic or interferes with an official traffic control device. A person who violates this prohibition may be required to forfeit not less than \$25 nor more than \$200 for a first offense and, for a 2nd or subsequent conviction within a year, not less than \$50 nor more than \$500.

This bill prohibits the placement of any sign, signal, marking or other device designed to regulate, warn or guide traffic on private property on which vehicular travel by the public is intended unless the sign or device conforms to the uniform system of traffic control devices adopted by the department of transportation. This prohibition applies to markings beginning in 1999; to signs and other devices beginning in 2001; and to signals beginning in 2003. A person who violates this prohibition may be subject to the same minimum and maximum forfeiture amounts as are applicable to placement of an authorized traffic sign or device under current law.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

4 **SECTION 1.** 86.192 (1m) of the statutes is amended to read:

1           86.192 (1m) ~~No~~ Except as provided in s. 346.41 (4), no person may possess any  
2 sign, guide board, mile post, signal or marker of the type erected by the state or by  
3 any municipality for the warning, instruction or information of the public, unless the  
4 person can demonstrate that he or she obtained it in a legal manner. Possession of  
5 such a sign, guide board, mile post, signal or marker creates a rebuttable  
6 presumption of illegal possession. In this subsection, "possession" means the  
7 presence of such a sign, guide board, mile post, signal or marker on premises owned  
8 or controlled by the person, including but not limited to a rented apartment, rented  
9 room or dormitory room. Persons who voluntarily notify a law enforcement agency  
10 of the presence on their premises of such a sign, guide board, mile post, signal or  
11 marker shall be exempt from prosecution under this subsection.

12           **SECTION 2.** 346.41 (1) (intro.), (a) and (b) of the statutes are amended to read:

13           346.41 (1) (intro.) ~~No~~ Except as provided in sub. (4), no person shall place,  
14 maintain or display upon or in view of any highway or at or in view of any railroad  
15 crossing any unauthorized sign, light, reflector, signal, marking or device ~~which~~ that  
16 does any of the following:

17           (a) Purports to be or is an imitation of or resembles or may be mistaken for an  
18 official traffic sign or signal or railroad sign or signal; ~~or,~~

19           (b) Attempts to direct the movement of traffic; ~~or,~~

20           **SECTION 3.** 346.41 (4) of the statutes is created to read:

21           346.41 (4) No person shall place, maintain or display upon private property  
22 that is intended for use by the public for vehicular travel any sign, signal, marking  
23 or other device for the purpose of regulating, warning or guiding traffic, unless the  
24 sign, signal, marking or other device conforms with the manual of uniform traffic  
25 control devices adopted by the department under s. 84.02 (4) (e) as follows:

- 1 (a) On or after January 1, 1999, for any marking.
- 2 (b) On or after January 1, 2001, for any sign or other device.
- 3 (c) On or after January 1, 2003, for any signal.
- 4 (END)