

**2009 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB348)**

Received: **09/08/2009**

Received By: **emueller**

Wanted: **As time permits**

Identical to LRB:

For: **Joe Parisi (608) 266-5342**

By/Representing: **Mike Murray**

This file may be shown to any legislator: **NO**

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Rep.Parisi@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Application of rules of the road to private roads in manufactured and mobile home communities.

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**Instructions:**

See attached.

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/P1	emueller 09/10/2009	bkraft 09/14/2009	phenry 09/15/2009	_____	mbarman 09/15/2009		S&L
/1	emueller 09/30/2009	jdye 10/01/2009	phenry 10/01/2009	_____	sbasford 10/01/2009	sbasford 10/01/2009	

FE Sent For:

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/?		1 9/30 jld					S&L
/P1	emueller 09/10/2009	bkraft 09/14/2009	phenry 09/15/2009	to	mbarman 09/15/2009		
/1	EJM 9/30/09		19/ph	ph			
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1?	emueller	/PI bjk 9/14					
/PI	ΣUM 9/10/09						
FE Sent For:							

9/14 PH  
9/14  
10/ JFC  
<END>

Mike @ Rep. Parisi's office

- really want to allow local law enf. to enforce posted rules placed by mobile home community + gen traffic violations that would apply anywhere - reckless driving?
- not regulatory - community can opt in

09-13-17

Sub



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBs0115  
EVM:.....  
bjk  
RMR

Note

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**ASSEMBLY SUBSTITUTE AMENDMENT ,**  
**TO 2009 ASSEMBLY BILL 348**

9/10/09

SA  
X-ref

gen

1 **AN ACT ...; relating to:** agreements to enforce traffic regulations on private roads  
2 located in manufactured and mobile home communities.

***Analysis by the Legislative Reference Bureau***

Under current law, with certain exceptions, rules of the road apply exclusively upon highways. Current law defines "highway" to mean all public ways and thoroughfares and bridges on the same. "Highway" includes roads or driveways in publicly owned parks and in state forests that are open to the public for vehicular travel and roads or driveways that are on the grounds of public schools and institutions under the jurisdiction of the county. A private road or driveway is not included within the definition of a highway.

Under this substitute amendment, the owner of a private road or driveway within a manufactured and mobile home community may enter into an agreement with a city, village, town, or county to treat the private road or driveway as a highway for the purposes of traffic regulation enforcement. The agreement may limit the traffic regulations to be enforced on the private road or driveway under the agreement.



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

PI  
LRBs0115/dn  
EVM:.....  
Lbjk

Date

ATTN: Mike Murray

> Please review the attached draft carefully to ensure that it is consistent with your intent. I am providing a list of several issues you may wish to consider in your review. Δ Δ Δ

> 1. This substitute amendment does not provide any specific mechanism for providing notice to private road users that the road they are travelling on is governed by the rules of the road or which provisions of that chapter apply. It is likely that general provisions of municipal law will operate to provide at least minimal procedure and notice. Δ You may wish to consider, however, whether some additional specific procedure, e.g., an ordinance requirement, or notice of the agreement, e.g., publication and/or signage, is appropriate.

2. I have come across a similar provision in Florida. See s. 316.006 (2) (b), Fla. Stats. The Florida statute contains a few provisions you may wish to consider for inclusion in this amendment. Specifically, the statute contains a requirement that the agreement deal with the costs of providing traffic control, s. 316.006 (2) (b) 1., Fla Stats., and the installation and maintenance of signs, s. 316.006 (2) (b) 3., Fla. Stats.

3. My understanding of this amendment is that an agreement with any relevant political subdivision to allow for traffic regulation would allow any law enforcement agency having jurisdiction over the territory in which the manufactured and mobile home community is located to enforce traffic regulations. That is, if a private road owner entered an agreement with a city, the state patrol would also be able to provide traffic enforcement as provided by the agreement. Let me know if this is not what you intend.

> 4. I was not entirely sure about the scope of this substitute amendment. It, like 2009 AB 348, is limited to private roads or driveways within manufactured and mobile home communities. Let me know if you want this broadened.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft.

EVM

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBs0115/P1dn  
EVM:bjk:ph

September 15, 2009

ATTN: Mike Murray

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Eric V. Mueller  
Legislative Attorney  
Phone: (608) 261-7032  
E-mail: [eric.mueller@legis.wisconsin.gov](mailto:eric.mueller@legis.wisconsin.gov)

**Mueller, Eric**

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**From:** Murray, Mike

**Sent:** Wednesday, September 30, 2009 11:58 AM

**To:** Mueller, Eric

**Subject:** RE: Draft review: LRB 09s0115/P1 Topic: Application of rules of the road to private roads in manufactured and mobile home communities.

Hi Eric,

This amendment is good to go. I was wondering if we could get a version that is ready to be jacketed?

Thanks for all of your work on it!

Mike

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**From:** Barman, Mike

**Sent:** Tuesday, September 15, 2009 9:05 AM

**To:** Rep.Parisi

**Subject:** Draft review: LRB 09s0115/P1 Topic: Application of rules of the road to private roads in manufactured and mobile home communities.

**Following is the PDF version of draft LRB 09s0115/P1 and drafter's note.**



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBs0115/P1  
EVM:bjk:ph

RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2009 ASSEMBLY BILL 348

No Changes

1- 9/30/09

X

Regen

1 AN ACT *to create* 346.01 (1m) and 349.03 (5) of the statutes; **relating to:**  
2 agreements to enforce traffic regulations on private roads located in  
3 manufactured and mobile home communities.

***Analysis by the Legislative Reference Bureau***

Under current law, with certain exceptions, rules of the road apply exclusively upon highways. Current law defines "highway" to mean all public ways and thoroughfares and bridges on the same. "Highway" includes roads or driveways in publicly owned parks and in state forests that are open to the public for vehicular travel and roads or driveways that are on the grounds of public schools and institutions under the jurisdiction of the county. A private road or driveway is not included within the definition of a highway.

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