



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2009 Wisconsin Act 227
[2009 Senate Bill 457]

**Placement of Advertising Signs in
Highway Rights-of-Way**

CURRENT LAW

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.

2009 WISCONSIN ACT 227

2009 Wisconsin Act 227 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 or Internet website address appears on the sign. If a sign has been placed within the highway right-of-way in violation of this prohibition and the business identified on the sign or whose telephone number or Internet website appears on the sign **had the sign made**, there is a **rebuttable presumption** that this business caused the sign to be placed in violation of the prohibition, above.

This new prohibition does not apply to any of the following:

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

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

2. Any sign authorized under s. 60.23 (17m), 66.0429, 84.01 (30) (g), 84.30, 86.195, or 86.196, Stats.
3. The name of a newspaper on a newspaper tube or receptacle.
4. Any sign advertising a yard sale, garage sale, rummage sale, or similar event.
5. Any sign advertising an event associated with a church or school.

Any business entity violating this prohibition is subject to a forfeiture of not more than \$50 for each offense. **Each sign placed in violation of this new prohibition constitutes a separate offense.**

Effective date: 2009 Wisconsin Act 227 takes effect on May 20, 2010.

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DLS:jal