

1975 Assembly Bill 889

Date published: March 19, 1976

**CHAPTER 169, Laws of 1975**

AN ACT to amend 86.192 (1) and (2); and to create 86.19 (5) and 86.192 (1m) and (4) of the statutes, relating to the numbering of highway signs, the unauthorized possession of such signs, increasing the penalties for the injury, defacement,

removal or possession of such signs, and requiring a notice of the penalties to be affixed thereto.

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

SECTION 1. 86.19 (5) of the statutes is created to read:

86.19 (5) The department of transportation shall assign to each county and local authority responsible for the placement and maintenance of signs, guide boards, mile posts, signals or markers erected for the warning, instruction or information of the public a code number which the county or local authority shall place on each warning, instruction or information device at the time of replacement or new installation of such device.

SECTION 2. 86.192 (1) of the statutes is amended to read:

86.192 (1) No person ~~shall~~ may injure, deface or remove any sign, guide board, mile post, signal or marker erected by the state or by any municipality thereof for the warning, instruction or information of the public. The following warning shall be affixed to the front of each such sign, guide board, mile post, signal or marker: "WARNING: \$25 to \$100 fine or imprisonment for removing or tampering with this sign."

SECTION 3. 86.192 (1m) of the statutes is created to read:

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

SECTION 4. 86.192 (2) of the statutes is amended to read:

86.192 (2) Any person who violates ~~any of the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than~~ fined \$25 nor more than \$50 for the first violation, \$100 for a subsequent violation, or by imprisonment in the county jail for a period imprisoned not exceeding 30 days for the first violation, or 60 days for a subsequent violation, or by both such fine and imprisonment fined and imprisoned in the discretion of the court. The court may, in addition, order any such person either to restore or replace any such damaged sign, mile post, signal or marker, or to pay the cost thereof.

SECTION 4m. 86.192 (4) of the statutes is created to read:

86.192 (4) Any person who violates this section shall be fined up to \$10,000 or imprisoned not more than 2 years, or both fined and imprisoned, if the injury, defacement or removal causes the death of a person.

SECTION 5. **Effective date.** Section 86.19 (5) of the statutes, created by this act, shall take effect one year after publication.

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