

State of Wisconsin



2009 Senate Bill 457

Date of enactment: **May 5, 2010**
Date of publication*: **May 19, 2010**

2009 WISCONSIN ACT 227

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

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

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

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

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

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

(b) Subject to subs. (1) and (4) and s. 86.19, and except as provided in par. (d), no business entity may place, or cause 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 web site address appears on the sign.

(c) If a sign described in par. (b) has been placed within a highway right-of-way and the business identified on the sign or whose telephone number or Internet web site address 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 par. (b).

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

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

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].