



2005 ASSEMBLY BILL 900

December 29, 2005 - Introduced by Representatives ALBERS, PETTIS, MUSSER, FREESE, KRAWCZYK, HAHN, HINES, OWENS, FRISKE, VAN ROY, NASS, GUNDERSON, LOTHIAN, PETROWSKI and KERKMAN, cosponsored by Senators GROTHMAN, LAZICH, BRESKE and ROESSLER. Referred to Committee on Urban and Local Affairs.

1 **AN ACT** *to renumber and amend* 86.19 (2); *to amend* 346.42; and *to create*
2 86.19 (1p) and 86.19 (2) (b) of the statutes; **relating to:** community welcoming
3 signs within highway rights-of-way and granting rule-making authority.

Analysis by the Legislative Reference Bureau

With certain exceptions, current law prohibits any sign from being placed within a highway right-of-way unless the sign is necessary for the guidance or warning of traffic. Any sign placed in violation of this prohibition must be removed by the authority responsible for maintaining the highway. The Department of Transportation (DOT) is responsible for maintenance of highway rights-of-way on highways under its jurisdiction and may remove or require removal of encroaching structures and objects, including unauthorized signs, within the highway right-of-way.

This bill allows a city, village, or town (municipality) to erect and maintain a community welcoming sign within the right-of-way of any highway under the jurisdiction of the municipality or under the jurisdiction of DOT. The bill prohibits DOT from removing or altering community welcoming signs in existence on the bill's effective date unless DOT proves that the sign is likely to cause motor vehicle accidents involving injury to persons. The bill prohibits DOT from removing or altering community welcoming signs erected after the bill's effective date unless DOT proves that the sign is likely to cause motor vehicle accidents involving injury to persons or, if DOT has promulgated rules, the sign does not conform to these rules. The bill authorizes DOT to conduct a study of the number of motor vehicle accidents

ASSEMBLY BILL 900

caused by the size and placement of community welcoming signs in existence on the bill's effective date and to prepare a report of its findings and conclusions. If DOT conducts this study and prepares the report, DOT may promulgate rules for the regulation of community welcoming signs within highway rights-of-way. If these rules are promulgated, they must define community welcoming signs and provide standards for size and placement of these signs. These rules must be based upon the findings and conclusions of DOT's report, must allow community welcoming signs to be maintained or erected within a reasonable distance from the center of the roadway, and may impose limitations on the size and placement of community welcoming signs only to the extent that the size and placement of the signs are likely to cause motor vehicle accidents or constitutes a danger to motorists or pedestrians. DOT may not charge a fee in connection with any community welcoming sign.

Current law also prohibits a person from damaging or interfering with official traffic signs or signals or neighborhood watch signs. This bill adds community welcoming signs to the prohibition.

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

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

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

2 86.19 (1p) (a) 1. Notwithstanding sub. (1), and subject to subd. 2., any city,
3 village, or town may erect and maintain a community welcoming sign within the
4 right-of-way of any highway under the jurisdiction of the city, village, or town or
5 under the jurisdiction of the department.

6 2. Notwithstanding sub. (1) and ss. 84.07, 86.04, and 86.191, the department
7 may not remove or alter any sign erected and maintained by a city, village, or town
8 under this paragraph unless the department proves that the sign is likely to cause
9 motor vehicle accidents involving injury to persons or, if the department has
10 promulgated rules under sub. (2) (b), the sign does not conform to rules promulgated
11 by the department.

12 (b) Notwithstanding par. (a), sub. (1), and ss. 84.07, 86.04, and 86.191, the
13 department may not remove or alter, within the right-of-way of any highway, any

ASSEMBLY BILL 900

1 community welcoming sign in existence on the effective date of this paragraph ...
2 [revisor inserts date], unless the department proves that the sign is likely to cause
3 motor vehicle accidents involving injury to persons.

4 (c) The department may conduct a study of the number of motor vehicle
5 accidents caused by the size and placement of community welcoming signs in
6 existence on the effective date of this paragraph ... [revisor inserts date], and
7 prepare a report containing its findings and conclusions.

8 **SECTION 2.** 86.19 (2) of the statutes is renumbered 86.19 (2) (a) and amended
9 to read:

10 86.19 (2) (a) ~~The Subject to par. (b), the~~ department shall prescribe regulations
11 with respect to the erection of signs on public highways. Such regulations shall have
12 the full force of law. No advertising sign shall use prominently any words, or
13 combination of words, commonly used for the guidance or warning of travel, nor shall
14 any advertising sign be erected or be permitted to remain in any place or manner so
15 as to endanger travel on the highways, either by reason of causing an obstruction to
16 the view or otherwise.

17 **SECTION 3.** 86.19 (2) (b) of the statutes is created to read:

18 86.19 (2) (b) If the department conducts a study and prepares a report as
19 described in sub. (1p) (c), the department may promulgate rules for the regulation
20 of community welcoming signs within highway rights-of-way under sub. (1p). If
21 such rules are promulgated, the rules shall define community welcoming signs and
22 provide standards for size and placement of municipally owned community
23 welcoming signs. These rules shall be based upon the findings and conclusions of the
24 report under sub. (1p) (c), shall allow community welcoming signs to be maintained
25 or erected in highway rights-of-way within a reasonable distance from the center

ASSEMBLY BILL 900

1 of the roadway, and may impose limitations on the size and placement of community
2 welcoming signs only to the extent that the size and placement of the signs are likely
3 to cause motor vehicle accidents or constitute a danger to motorists or pedestrians.
4 The department may not charge a fee in connection with any community welcoming
5 sign.

6 **SECTION 4.** 346.42 of the statutes is amended to read:

7 **346.42 Interference with signs and signals prohibited.** No person may
8 intentionally damage, deface, move, or obstruct an official traffic sign or signal ~~or~~, a
9 neighborhood watch sign under s. 60.23 (17m) or 66.0429 (2), or a community
10 welcoming sign under s. 86.19 (1p), or intentionally interfere with the effective
11 operation of such sign or signal.

12

(END)