

**2009 DRAFTING REQUEST**

**Bill**

Received: 11/19/2009

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Sandy Pasch (608) 266-7671**

By/Representing: **Fred Ludwig**

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

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - highways**

Extra Copies: **EVM**

Submit via email: **YES**

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

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Placement of advertising signs in highway rights of way

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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>
/?	agary 11/19/2009	wjackson 11/19/2009		_____			
/1			mduchek 11/19/2009	_____	cduerst 11/19/2009	cduerst 01/13/2010	

FE Sent For: **NONE**

<END>

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/?	agary	/1 WLJ 11/19		_____	_____		

FE Sent For:

<END>

**Gary, Aaron**

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**From:** Handler, Amy  
**Sent:** Thursday, November 19, 2009 10:13 AM  
**To:** Gary, Aaron  
**Cc:** Ludwig, Frederic  
**Subject:** Nuisance Signs

Hi Aaron,

Just wanted to touch base on our Nuisance Signs Legislation, LRB 3093/1. Can you please draft and send Fred Ludwig, from Rep Pasch's office, an assembly companion? (He is cc'd on this e-mail)

Thanks, Aaron! Hope you have a nice Thanksgiving!

Amy Handler

Office of State Senator Jim Sullivan

State Capitol, Room 15 South

P.O. Box 7882

Madison, WI 53707

608-266-2512



State of Wisconsin  
2009 - 2010 LEGISLATURE

soon

in 11/19

3885/1

LRB-000001  
ARG:wlj:rs

RMNR

stays

2009 BILL

Comparison

Regen

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

*Analysis by the Legislative Reference Bureau*

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.

This bill 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 appears on the sign. If a sign has been placed in violation of this prohibition and the business identified on the sign or whose telephone number appears on the sign had the sign made, there is a rebuttable presumption that this business caused the sign to be

**BILL**

placed. A business entity that violates this prohibition is subject to a civil forfeiture of not more than \$50 for each sign.

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

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

2           86.191 (5) Any person who violates ~~any of the provisions of this section sub. (1),~~  
3 ~~(3), or (4)~~ shall be guilty of a misdemeanor and on conviction thereof shall be  
4 punished by a fine of not less than \$25 nor more than \$100 for each offense, or by  
5 imprisonment in the county jail for a period not exceeding 30 days, or by both such  
6 fine and imprisonment in the discretion of the court.

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

8           86.191 (6) (a) In this subsection, “business entity” has the meaning given in s.  
9 13.62 (5), but does not include any real estate broker or salesperson licensed under  
10 ch. 452 or any other individual selling real estate or personal property owned by the  
11 individual.

12           (b) Subject to subs. (1) and (4) and s. 86.19, and except as provided in par. (d),  
13 no business entity may place, or cause to be placed, within a highway right-of-way  
14 any sign that advertises or promotes a business identified on the sign or a business  
15 whose telephone number appears on the sign.

16           (c) If a sign described in par. (b) has been placed within a highway right-of-way  
17 and the business identified on the sign or whose telephone number appears on the  
18 sign had the sign made, there is a rebuttable presumption that this business caused  
19 the sign to be placed in violation of par. (b).

20           (d) This subsection does not apply to any of the following:



**Duerst, Christina**

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**From:** Ludwig, Frederic

**Sent:** Wednesday, January 13, 2010 12:04 PM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 09-3885/1 Topic: Placement of advertising signs in highway rights of way

Please Jacket LRB 09-3885/1 for the ASSEMBLY.

1/13/2010