

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0115/P1dn
EVM:bjk:ph

September 15, 2009

ATTN: Mike Murray

Please review the attached draft carefully to ensure that it is consistent with your intent. I am providing a list of several issues you may wish to consider in your review.

1. This substitute amendment does not provide any specific mechanism for providing notice to private road users that the road they are travelling on is governed by the rules of the road or which provisions of that chapter apply. It is likely that general provisions of municipal law will operate to provide at least minimal procedure and notice. You may wish to consider, however, whether some additional specific procedure, e.g., an ordinance requirement, or notice of the agreement, e.g., publication and/or signage, is appropriate.
2. I have come across a similar provision in Florida. See s. 316.006 (2) (b), Fla. Stats. The Florida statute contains a few provisions you may wish to consider for inclusion in this amendment. Specifically, the statute contains a requirement that the agreement deal with the costs of providing traffic control, s. 316.006 (2) (b) 1., Fla Stats., and the installation and maintenance of signs, s. 316.006 (2) (b) 3., Fla. Stats.
3. My understanding of this amendment is that an agreement with any relevant political subdivision to allow for traffic regulation would allow any law enforcement agency having jurisdiction over the territory in which the manufactured and mobile home community is located to enforce traffic regulations. That is, if a private road owner entered an agreement with a city, the state patrol would also be able to provide traffic enforcement as provided by the agreement. Let me know if this is not what you intend.
4. I was not entirely sure about the scope of this substitute amendment. It, like 2009 AB 348, is limited to private roads or driveways within manufactured and mobile home communities. Let me know if you want this broadened.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible “/1” draft.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov