



2009 SENATE BILL 457

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

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

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

SENATE BILL 457**SECTION 2**

1 86.191 **(6)** (a) In this subsection, “business entity” has the meaning given in s.
2 13.62 (5), but does not include any real estate broker or salesperson licensed under
3 ch. 452 or any other individual selling real estate or personal property owned by the
4 individual.

5 (b) Subject to subs. (1) and (4) and s. 86.19, and except as provided in par. (d),
6 no business entity may place, or cause to be placed, within a highway right-of-way
7 any sign that advertises or promotes a business identified on the sign or a business
8 whose telephone number or Internet web site address appears on the sign.

9 (c) If a sign described in par. (b) has been placed within a highway right-of-way
10 and the business identified on the sign or whose telephone number or Internet web
11 site address appears on the sign had the sign made, there is a rebuttable
12 presumption that this business caused the sign to be placed in violation of par. (b).

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

14 1. Any sign placed with the permission of an official charged with the
15 maintenance of the highway.

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

18 3. The name of a newspaper on a newspaper tube or receptacle.

19 4. Any sign advertising a yard sale, garage sale, rummage sale, or similar
20 event.

21 5. Any sign advertising an event associated with a church or school.

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

25

(END)