WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266–1946

Richard Sweet
Assistant Director
(608) 266–2982

David J. Stute, Director
Legislative Council Staff
(608) 266–1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701–2536
FAX: (608) 266–3830

CLEARINGHOUSE RULE 97–107

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

1. Statutory Authority

Section 84.30 (3) (e), Stats., provides that no sign visible from a main-traveled way of an interstate or federal highway may be erected or maintained except for signs erected in business areas after March 18, 1972 when the signs comply with s. 84.30 (4), Stats. In turn, s. 84.30 (4) (b) 1., Stats., provides that a sign erected in a business area after March 18, 1972 may not be illuminated by a flashing, intermittent or moving light except for the purpose of giving public service information such as time, date, temperature, weather or similar information. Section Trans 201.15 (3) (a) provides that a sign erected in a business area after March 18, 1972 may present more than public service information in a message changed by electronic process, presumably through the illumination of flashing, intermittent or moving lights. What is the statutory authority for the application of this policy to post March 18, 1972 signs? Also, s. 84.30 (3) (c), Stats., authorizes the erection of a sign advertising activities conducted on the property on which the sign is located if the sign complies with applicable federal law and the June 1961 agreement between the Department of Transportation (DOT) and the federal highway administrator relative to control of advertising adjacent to interstate highways. Section Trans 201.15 (3) (a) not only authorizes the use of such a sign to advertise activities conducted on the property on which the sign is located, but also authorizes the advertisement of goods or services available on the property on which the sign is located. The department should explain the statutory authority for the expansion of the language contained in s. 84.30 (3) (c) (intro.), Stats.

2. Form, Style and Placement in Administrative Code

a. In s. Trans 201.15 (2) (b), the phrase "known in the outdoor advertising industry as a tri-vision sign" in the definition of "multiple message sign" is nonsubstantive and does not

contribute to the definition. It should either be placed in a note following the definition or deleted.

b. In s. Trans 201.15 (2) (f), the definition of "variable message sign" refers to "the device known in the outdoor advertising industry as a commercial electronic variable message sign." This uses undefined terminology which should be replaced with descriptive language that does not require definition, placed in a note or deleted.

c. In s. Trans 201.15 (3) (intro.) and (4) (intro.), the phrase "all of" should precede the phrase "the following restrictions."

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The introductions to s. Trans 201.15 (3) and (4) are confusing. For one thing, they seem to suggest that permits are required under s. 84.30 (3) (c) and (e), Stats. It might be clearer to say, "Permits under this chapter for signs described in s. 84.30 (3) (c) and (e), Stats. . . . ."

It is also unclear how these provisions affect signs described in s. 84.30 (3) (a), (b), (d) and (f) to (i). As drafted, the rule appears to place no limits on the use of variable message or multiple message signs in any of those situations. Is this what the department intends?

b. The rule should use the active voice, to the extent possible. For example, the second sentence of s. Trans 201.15 (3) (f) should state explicitly who is responsible for adjusting the brightness of lights. Also, when is a sign "too bright"?