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State of Misconsin 2011 - 2012 LEGISLATURE



## **2011 ASSEMBLY BILL 583**

February 17, 2012 – Introduced by Representative J. FITZGERALD, cosponsored by Senator S. FITZGERALD. Referred to Committee on Transportation.

1 AN ACT to create 86.19 (1p) of the statutes; relating to: community welcoming

signs within highway rights-of-way.

## 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, town, or county (political subdivision) to retain and maintain a community welcoming sign within the right-of-way of a highway if the sign was erected prior to, and in existence on, the effective date of the bill. If DOT removed, or directed or advised the political subdivision to remove, the sign after December 31, 2009, DOT must replace or reconstruct the sign on the same site.

For further information see the *state* 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:

## **ASSEMBLY BILL 583**

**SECTION 1.** 86.19 (1p) of the statutes is created to read: 1  $\mathbf{2}$ 86.19 (1p) (a) In this subsection, "political subdivision" means a city, village, 3 town, or county. Notwithstanding sub. (1), any political subdivision may retain and 4 (b)  $\mathbf{5}$ maintain any community welcoming sign, erected prior to and in existence on the 6 effective date of this paragraph .... [LRB inserts date], within the right-of-way of a 7 highway under the jurisdiction of the political subdivision or the department. 8 (c) Notwithstanding sub. (1), the department shall replace or reconstruct, on 9 the same site, any community welcoming sign within the right-of-way of a highway under the jurisdiction of a political subdivision or the department that the 10 11 department removed, or directed or advised the political subdivision to remove, after 12December 31, 2009. (d) Notwithstanding sub. (1) and ss. 84.07, 86.04, and 86.191, the department 13may not remove or alter any sign described in par. (b) or any replacement or 1415reconstructed sign under par. (c). 16 (END)