



2025 SENATE BILL 209

April 16, 2025 - Introduced by Senators WANGGAARD, FEYEN and TOMCZYK, cosponsored by Representatives KNODL, O'CONNOR, FRANKLIN, SPIROS and DONOVAN. Referred to Committee on Judiciary and Public Safety.

- 1 **AN ACT** *to create* 86.52 of the statutes; **relating to:** limiting liability relating to
- 2 traffic control devices for manufacturers and others.

Analysis by the Legislative Reference Bureau

This bill provides that the manufacturer, distributor, seller, installer, or owner of a traffic control device is not liable for damages arising from the design, manufacture, distribution, or installation of a traffic control device, if the device complies with specifications established in the traffic control devices manual adopted by the Department of Transportation and and operates as intended. Under the bill, the manufacturer, distributor, seller, installer, and owner enjoy a rebuttable presumption that the traffic control device complied with the traffic control devices manual if the manufacturer, distributor, seller, installer, or owner can demonstrate that the device was designed, manufactured, distributed, and installed in accordance with the applicable standards and guidelines and that any deviations from the specifications were expressly authorized in writing by DOT or the appropriate local authorities.

Under the bill, the limitation of liability applies to any claim for personal injury, property damage, or other loss arising out of the use of a traffic control device, including claims of negligence, strict liability, and breach of warranty. The limitation of liability does not apply if the claimant establishes that the traffic control device to which the damages are attributable did not, at the time that the

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damages occurred, comply with the specifications established in the traffic control devices manual or operate as intended.

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

1 **SECTION 1.** 86.52 of the statutes is created to read:

2 **86.52 Limiting liability for manufacturers of traffic control devices.**

3 **(1) DEFINITIONS.** In this section:

4 (a) “Traffic control device” means any sign, signal, marking, channelizing
5 device, or other device that uses color, shape, symbols, words, sound, or tactile
6 information for the primary purpose of communicating a regulatory, warning, or
7 guidance message to users of a highway, bicycle way, as defined in s. 340.01 (5s),
8 sidewalk, as defined in s. 340.01 (58), or pedestrian way, as defined in s. 346.02 (8)
9 (a).

10 (b) “Traffic control devices manual” means the manual establishing a
11 uniform system of traffic control devices adopted by the department under s. 84.02
12 (4) (e) or the manual establishing a uniform system of signs, signals, markings and
13 devices for bicycle traffic adopted by the department under s. 84.02 (4) (f).

14 **(2) LIMITATION OF LIABILITY.** (a) A manufacturer, distributor, seller, installer,
15 or owner of a traffic control device is not liable for damages arising from the design,
16 manufacture, distribution, or installation of a traffic control device that complies
17 with the specifications for the device established in the traffic control devices
18 manual and operates as intended.

19 (b) The limitation of liability under par. (a) applies to any claim for personal

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1 injury, property damage, or other loss arising out of the use of a traffic control
2 device, including claims of negligence, strict liability, and breach of warranty.

3 (c) The limitation of liability under par. (a) does not apply if the claimant
4 establishes by clear and convincing evidence that the traffic control device to which
5 the damages are attributable did not, at the time that the damages occurred,
6 comply with the specifications for the device established in the traffic control
7 devices manual or operate as intended.

8 **(3) PRESUMPTION OF COMPLIANCE.** In any action alleging liability against a
9 manufacturer, distributor, seller, installer, or owner of a traffic control device, there
10 is a rebuttable presumption that the traffic control device complied with the
11 specifications established in the traffic control devices manual if the manufacturer,
12 distributor, seller, installer, or owner can demonstrate all of the following:

13 (a) The traffic control device was designed, manufactured, distributed, and
14 installed in accordance with the applicable standards and guidelines established in
15 the traffic control devices manual.

16 (b) Any deviations from the specifications established in the traffic control
17 devices manual were expressly authorized in writing by the department or the
18 appropriate local authorities.

19 **(END)**