



HOUSE BILL No. 4770

May 2, 1995, Introduced by Reps. Hill, Llewellyn, Middleton, Bodem, Brackenridge, Johnson, Gilmer, DeLange, Gernaat, Middaugh, Gnodtke, Alley and DeMars and referred to the Committee on Transportation.

A bill to regulate tourist-oriented directional signs on certain highways; and to impose certain duties upon the state transportation department.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Administrative procedures act of 1969" means Act
3 No. 306 of the Public Acts of 1969, being sections 24.201 to
4 24.328 of the Michigan Compiled Laws.

5 (b) "Department" means the state transportation department.

6 (c) "Eligible attraction" means a tourist-oriented activity
7 that is all of the following:

8 (i) Within 15 miles of the highway for which an advertising
9 sign is sought.

1 (ii) Not visible from, or within 300 feet of, the nearest
2 edge of the right-of-way of the highway for which an advertising
3 sign is sought.

4 (iii) In compliance with section 131 of title 23 of the
5 United States code, 23 U.S.C. 131, and the national standards,
6 criteria, and rules established under that act, if the activity
7 is advertised by highway signs.

8 (d) "Highway" means that term as defined in section 20 of
9 the Michigan vehicle code, Act No. 300 of the Public Acts of
10 1949, being section 257.20 of the Michigan Compiled Laws, but
11 does not include a road that is part of the national system of
12 interstate and defense highways.

13 (e) "Tourist-oriented activity" means a lawful cultural,
14 historical, recreational, educational, or commercial activity
15 that is annually attended by 2,000 or more people who do not
16 reside within the immediate area of the activity, and from whom
17 50% or more of the activity's income or business is derived.

18 (f) "Urban area" means a geographic location having a popu-
19 lation of 50,000 or more individuals.

20 Sec. 2. (1) Within 6 months after the effective date of
21 this act, the department shall submit proposed rules for public
22 hearing in accordance with the administrative procedures act of
23 1969 to implement a program for the placement of tourist-oriented
24 directional signs and markers within the right-of-way of those
25 portions of highways within state jurisdiction that are not
26 located within an urban area. At a minimum, the rules shall
27 include all of the following:

1 (a) The form of the application for a permit to participate
2 in the program.

3 (b) A reasonable fee for an initial permit under this act,
4 which shall be calculated to include reimbursement for the
5 department's anticipated costs in implementing and administering
6 this act, including the costs of installing, repairing, and
7 removing signs.

8 (c) A reasonable fee for a renewal permit under this act.

9 (d) The removal or covering of signs during the off-season
10 of an eligible attraction that operates seasonally.

11 (e) Criteria for including on a sign the hours of operation
12 of an eligible attraction.

13 (f) Criteria for awarding sign manufacturing, installation,
14 or maintenance contracts to nongovernmental agencies.

15 (g) A provision specifying that a person who obtains a
16 permit under this act is responsible for payment of all costs
17 incurred in the replacement of a sign, including the costs of
18 manufacturing and installing the replacement sign.

19 (h) Minimum guidelines for the size, shape, and design of
20 signs.

21 (2) The department may delegate responsibility for sign man-
22 ufacture, installation, and maintenance to a nongovernmental
23 agency pursuant to a written contract that does not prohibit the
24 nongovernmental agency from making a reasonable profit as deter-
25 mined by the department.

26 Sec. 3. (1) The operator of a tourist-oriented activity who
27 wishes to participate in a directional sign program under this

1 act shall submit to the department an application for a permit
2 pursuant to the rules promulgated under section 2. If the
3 department determines that an application is complete and that
4 the applicant has complied with this act and rules promulgated
5 under this act, the department shall notify the applicant of that
6 determination in writing. If the applicant pays the permit fee
7 following receipt of the written notice described in this subsec-
8 tion, the department shall issue the permit.

9 (2) If the department determines that an application is
10 incomplete or that the applicant has not complied with this act
11 or a rule promulgated under this act, the department shall pro-
12 vide the applicant with written notice specifying the factual
13 basis of that determination. A person aggrieved by a determina-
14 tion under this act may appeal the determination pursuant to the
15 administrative procedures act of 1969.

16 (3) A permit issued under this section is valid for 1 year
17 from the date of its issuance unless canceled by the department.
18 A permit may be renewed for subsequent 1-year periods in accord-
19 ance with this act and rules promulgated under this act.

20 (4) The department or its designee shall not issue permits
21 that would result in installation of more signs at a single site
22 than are permitted by rules promulgated under this act. If
23 applications for sign installation at a single site exceed the
24 number of signs permitted for that site, permits shall be issued
25 on a first-come, first-served basis.

26 (5) If the eligible attraction for which a permit is in
27 effect ceases operation, the owner or operator of that eligible

1 attraction shall immediately return the permit to the department
2 or the department's designee for cancellation.

3 (6) If the director of the department has reasonable cause
4 to believe that an eligible attraction for which a permit is in
5 effect has ceased operation, the director shall issue an order
6 canceling the permit and provide the holder of that permit with a
7 copy of the order. If the order is not appealed in a timely
8 manner, or if the order is appealed and the cancellation is
9 affirmed, the director shall order the removal of the sign or
10 signs governed by the canceled permit.

11 (7) If a person issued a permit under this act has reason-
12 able cause to believe that an eligible attraction for which a
13 permit is in effect has ceased operation, he or she shall provide
14 the department immediate written notice of that belief. Upon
15 receipt of a notice described in this subsection, the director of
16 the department shall proceed in accordance with subsection (6).

17 Sec. 4. (1) The size, location, design, and arrangement of
18 each tourist-oriented directional sign subject to this act shall
19 conform to the specifications for signs contained in the federal
20 manual of uniform traffic control devices.

21 (2) The department shall develop optional, standardized
22 logos for different types of eligible attractions. The logos may
23 be used on signs in conjunction with other directional
24 information. If more than 1 eligible attraction requires a sign
25 at the same location, multiple signs may be combined on the same
26 panel in accordance with the federal manual of uniform traffic
27 control devices.

1 (3) Signs governed by this act may be erected at locations
2 the department determines appropriate to ensure adequate sight
3 distance, intersection vehicle maneuvers, and public safety.

4 Sec. 5. The board of a township or a board of county com-
5 missioners may adopt a resolution establishing a program of
6 tourist-oriented directional signs within the rights-of-way of
7 highways under its jurisdiction. A program established under
8 this section shall conform with this act and the rules promul-
9 gated under this act.

10 Sec. 6. The department shall not purchase or acquire an
11 outdoor advertising device unless 1 of the following conditions
12 is met:

13 (a) Money has been legislatively appropriated for the pur-
14 chase or acquisition, and the purchase or acquisition is required
15 as a matter of eminent domain.

16 (b) The purchase or acquisition has been approved by the
17 legislature.