

SENATE BILL No. 735

September 25, 2003, Introduced by Senators ALLEN, GEORGE and BARCIA and referred to the Committee on Transportation.

A bill to amend 1996 PA 299, entitled

"An act to regulate tourist-oriented directional signs on certain rural roads; and to impose certain duties upon the state transportation department,"

by amending sections 1 and 3 (MCL 247.401 and 247.403).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Department" means the state transportation department.

3 (b) "Eligible attraction" means a tourist-oriented activity
4 that is all of the following:

5 (i) Within 10 miles of the rural road for which a
6 tourist-oriented directional sign is sought, unless otherwise
7 restricted or permitted by the department.

8 (ii) Not visible from the rural road for which a
9 tourist-oriented directional sign is sought.

10 (iii) In compliance with section 131 of title 23 of the

1 United States Code, 23 U.S.C. 131, and the national standards,
2 criteria, and rules established under that act, if the activity
3 is advertised by rural road signs.

4 (c) "Local unit of government" means a city, village,
5 township, or county.

6 (d) ~~-(e)-~~ "Rural road" means a highway as that term is
7 defined in section 20 of the Michigan vehicle code, ~~Act No. 300~~
8 ~~of the Public Acts of 1949, being section 257.20 of the Michigan~~
9 ~~Compiled Laws 1949 PA 300, MCL 257.20~~, but does not include any
10 of the following:

11 (i) A road or street within the boundaries of an
12 incorporated city or village.

13 (ii) A limited access highway as that term is defined in
14 section 26 of ~~Act No. 300 of the Public Acts of 1949, being~~
15 ~~section 257.26 of the Michigan Compiled Laws~~ **the Michigan**
16 **vehicle code, 1949 PA 300, MCL 257.26.**

17 (iii) A road that is part of the national system of
18 interstate and defense highways.

19 (e) ~~-(d)-~~ "Tourist-oriented activity" means a lawful
20 cultural, historical, recreational, educational, or commercial
21 activity that is annually attended by 2,000 or more people and
22 for which a major portion of the activity's income or visitors
23 are derived during the normal business season from motorists not
24 residing in the immediate area of the activity.

25 (f) ~~-(e)-~~ "Tourist-oriented directional sign" means a sign
26 used to provide motorists with advanced notice of a
27 tourist-oriented activity.

1 Sec. 3. (1) ~~The~~ **Except as otherwise provided in**
2 **subsection (7),** the operator of a tourist-oriented activity who
3 wishes to participate in a directional sign program under this
4 act shall submit to the department or its designee an application
5 described in section 2. If the department or its designee
6 determines that an application is complete and that the applicant
7 has complied with this act, the department or its designee shall
8 notify the applicant of that determination in writing. If the
9 applicant pays the permit fee following receipt of the written
10 notice described in this subsection, the department or its
11 designee shall issue the permit.

12 (2) If the department or its designee determines that an
13 application is incomplete or that the applicant has not complied
14 with this act, the department or its designee shall provide the
15 applicant with written notice specifying the factual basis of
16 that determination. A person aggrieved by a determination under
17 this act may appeal the determination pursuant to the
18 administrative procedures act of 1969, ~~Act No. 306 of the Public~~
19 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~
20 ~~Compiled Laws~~ **1969 PA 306, MCL 24.201 to 24.328.**

21 (3) The department shall establish the time period for which
22 a permit issued or renewed under this section is valid.
23 Additionally, the department shall establish criteria for the
24 cancellation of a permit issued or renewed under this section.

25 (4) The department or its designee shall not issue permits
26 that would result in installation of more signs at a single site
27 than are permitted under this act. If applications for sign

1 installation at a single site exceed the number of signs
2 permitted for that site, permits shall be issued in accordance
3 with the program described in section 2.

4 (5) If the eligible attraction for which a permit is in
5 effect ceases operation, the owner or operator of that eligible
6 attraction shall immediately return the permit to the department
7 or the department's designee for cancellation.

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

16 (7) The operator of a tourist-oriented activity who applies
17 to a local unit of government for permission to erect a
18 tourist-oriented directional sign within the jurisdiction of the
19 local unit of government shall be granted a permit to construct a
20 tourist-oriented directional sign if the governing body of the
21 local unit of government approves the application.