



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 879 (as introduced 9-29-09)
Sponsor: Senator Tupac A. Hunter
Committee: Transportation

Date Completed: 10-19-09

CONTENT

The bill would create a new act to prohibit the owner or operator of a sexually oriented business, beginning January 1, 2011, from erecting, constructing, or maintaining on the premises of that business a sign that advertised or identified the business and was visible outdoors unless the sign displayed only words or numbers, or both.

The words could not describe or relate to a specified sexual activity or certain anatomical areas (human genitals, pubic area, buttocks, anus, anal cleft, or female breasts). A sign authorized under the bill could display the sexually oriented business's or a credit card company's registered trademark.

A sign that violated the bill would be a nuisance, and the Attorney General or the attorney for a local unit of government where the sign was located could bring an action in circuit court to abate the nuisance.

A person who violated the bill would be responsible for a civil fine of at least \$5,000 and not more than \$10,000 for each day of violation. A fine collected under the bill would have to be distributed to public libraries.

If there were a conflict between the bill and a local zoning ordinance or the Highway Advertising Act or a rule promulgated under that Act, the more restrictive provision would apply.

"Sexually oriented business" would include an adult bookstore, adult video store, adult cabaret, adult motion picture theater, sexual device shop, sexual encounter center, or an establishment that regularly features live performances characterized by the exposure of a specified anatomical area or by a specified sexual activity or in which people appear in a state of nudity or seminudity in the performance of their duties. The term would not include a business solely because it shows, sells, or rents materials that may depict sex.

The bill also would define "specified anatomical area", "specified sexual activity", and "seminudity".

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would increase local unit revenue to libraries by an unknown amount. It is unknown how many fines, or their total amounts, would be levied under the bill. Any fine revenue would be distributed to libraries. Enforcement of the bill's provisions should have a negligible impact on State and local expenses.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.