

HOUSE BILL No. 5462

March 8, 2012, Introduced by Reps. Nathan and Womack and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 615 and 676a (MCL 257.615 and 257.676a), section 676a as amended by 2005 PA 1, and by adding section 676c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 615. (1) ~~(a)~~—Except with authority of a statute or of a
 2 duly authorized public body or official, ~~no~~**A** person shall **NOT**
 3 place, maintain, or display along any highway or upon any structure
 4 in or over any highway any sign, signal, marking, device, blinking,
 5 oscillating, or rotating light or lights, decoration, or banner
 6 ~~which~~**THAT** is or purports to be or is in imitation of or resembles
 7 or ~~which~~**THAT** can be mistaken for a traffic control device or
 8 railroad sign or signal, or ~~which~~**THAT** attempts to direct the
 9 movement of traffic, or ~~which~~**THAT** hides from view or interferes

1 with the effectiveness of any traffic control device or any
2 railroad sign or signal. ~~and no~~

3 (2) A person shall **NOT** place or maintain ~~nor shall any~~ **AND A**
4 public authority **SHALL NOT** permit upon any highway any traffic sign
5 or signal bearing ~~thereon any~~ commercial advertising.

6 (3) ~~(b) No~~ A person shall **NOT** place, maintain, or display
7 along any highway any blinking, oscillating, or rotating light or
8 lights sufficiently similar in color and design that they may be
9 mistaken for the distinguishing lights authorized by law for
10 emergency vehicles or that ~~creates~~ **CREATE** a hazard for the safety
11 of drivers using ~~said~~ **THOSE** highways.

12 (4) ~~(c) Every such prohibited~~ sign, signal, marking, device,
13 decoration, or banner is ~~hereby~~ declared to be a public nuisance
14 and the authority having jurisdiction over the highway ~~is hereby~~
15 ~~empowered to~~ **MAY** remove ~~the same~~ **IT** or cause **IT** to be removed
16 without notice.

17 (5) ~~(d) Decorations or banners which~~ **THAT** may be placed over
18 the traveled portion of any street or highway shall be placed not
19 closer than 10 feet on either side of traffic lights or signals and
20 shall be so placed as to not obstruct a clear view of ~~such~~ **THOSE**
21 traffic lights or signals.

22 (6) **THIS SECTION DOES NOT APPLY TO THE OPERATION OF AN**
23 **ILLUMINATED MOBILE BILLBOARD UNDER SECTION 676C.**

24 Sec. 676a. (1) Except as otherwise provided in this section, a
25 person, firm, or corporation who sells or offers for sale, or
26 displays or attempts to display for sale, goods, wares, produce,
27 fruit, vegetables, or merchandise within the right-of-way of a

1 highway outside of the corporate limits of a city or village, or
2 within the right-of-way of a state trunk line highway, is
3 responsible for a civil infraction.

4 (2) The state transportation department may issue a permit to
5 a person, firm, or corporation to conduct activities described in
6 subsection (1) if the permitted activities do not create an unsafe
7 situation and do not interfere with transportation along the state
8 trunk line highway. As a condition of issuing a permit under this
9 subsection, the state transportation department shall require the
10 municipality having jurisdiction over the site to pass a resolution
11 authorizing the activities described in subsection (1) and may
12 require that the municipality having jurisdiction over the site of
13 the permitted activities agree to enforce compliance with the
14 permit. The issuance of a permit under this subsection does not
15 confer any property right. The state transportation department may
16 charge a fee for issuing a permit under this subsection in an
17 amount not greater than the administrative cost of issuing the
18 permit.

19 (3) A holder of a permit issued under subsection (2) that
20 conducts activities in violation of that permit is responsible for
21 a civil infraction. Each day during which the permit holder
22 conducts activities in violation of the permit is a separate
23 violation. The state transportation department may limit or revoke
24 a permit issued under subsection (2) if the permit holder conducts
25 activities that create an unsafe situation or interfere with
26 transportation along the state trunk line highway, or if the permit
27 holder is in violation of the conditions of the permit.

1 (4) This section does not interfere with a permanently
2 established business that, as of September 27, 1957, was located on
3 or partially on private property or grant to the owner of that
4 business additional rights or authority that the owner did not
5 possess on September 27, 1957, or diminish the legal rights or
6 duties of the authority having jurisdiction of the right-of-way.

7 (5) In conjunction with the exemption granted by federal law
8 from the restrictions contained in 23 USC 111, and described in the
9 "manual on uniform traffic control devices for streets and
10 highways", U.S. department of transportation and federal highway
11 administration, part 2g (LOGOS), this section does not prohibit the
12 use of a facility located in part on the right-of-way of I-94 in
13 the vicinity of the interchange of I-94 and I-69 business loop/I-94
14 business loop for the sale of only those articles ~~which~~**THAT** are
15 for export and consumption outside the United States.

16 (6) This section does not prohibit the use of logo signage
17 within the right-of-way of limited access highways. For purposes of
18 this subsection, "logo signage" means a sign containing the
19 trademark or other symbol that identifies a business in a manner
20 and at locations approved by the state transportation department.
21 The state transportation department may enter into agreements to
22 allow logo signage, and any revenue received by the state
23 transportation department under this subsection shall be deposited
24 into the state trunk line fund established under section 11 of 1951
25 PA 51, MCL 247.661.

26 **(7) THIS SECTION DOES NOT APPLY TO THE OPERATION OF AN**
27 **ILLUMINATED MOBILE BILLBOARD UNDER SECTION 676C.**

1 SEC. 676C. (1) EXCEPT AS OTHERWISE PROVIDED BY LAW, A PERSON
2 MAY OPERATE AN ILLUMINATED MOBILE BILLBOARD ON THE HIGHWAYS OF THIS
3 STATE IF THE ILLUMINATED MOBILE BILLBOARD IS OPERATED IN COMPLIANCE
4 WITH THIS ACT. THIS SECTION DOES NOT PROHIBIT THE DEPARTMENT OR A
5 LOCAL UNIT OF GOVERNMENT FROM REGULATING THE INTENSITY OF
6 ILLUMINATION DURING NONDAYLIGHT HOURS.

7 (2) AS USED IN THIS SECTION, "ILLUMINATED MOBILE BILLBOARD"
8 MEANS A MOTOR VEHICLE OR A MOTOR VEHICLE AND TRAILER COMBINATION
9 THAT HAS AN ILLUMINATED DISPLAY DESIGNED OR USED FOR ADVERTISING OR
10 OTHER INFORMATIONAL PURPOSES.