

DIGITAL BILLBOARDS

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House Bill 5580 (Substitute H-2)

Sponsor: Rep. Rebekah Warren

Committee: Great Lakes and Environment

Complete to 9-23-10

A SUMMARY OF HOUSE BILL 5580 AS REPORTED FROM COMMITTEE 9-16-10

In recent years, some advertising billboards in high-traffic areas have been converted to so-called digital billboards—bright, high-tech billboards with images that change every six to eight seconds. The bill would amend the Highway Advertising Act of 1972 to prohibit more existing signs from being converted to digital billboards until January 1, 2012. After that date, the Michigan Department of Transportation (MDOT) could resume allowing conversions.

Generally speaking, a permit is needed under this act to erect or maintain a sign or billboard along a primary highway, freeway, or interstate. Changes to the act made by Public Act 96 of 2006 had the effect of capping the number of billboard permits at 2007 levels—a permit may not be available for constructing a new billboard unless an existing one is removed. In addition, the act currently restricts or prohibits certain kinds of illuminated or moving signs: Section 16 (MCL 252.316) prohibits the installation of a sign with "changing illumination" except in incorporated cities or villages with a population over 35,000 where this type of sign is consistent with customary usage; Section 18(f) (MCL 252.318(f)) currently prohibits signs "involving motion or rotation, running animation or displays, or flashing or moving lights," unless the signs conform to certain technical requirements, including restrictions on the length and frequency of image changes and luminescence limits.¹

House Bill 5580 (Substitute H-2) would amend the act to do the following things:

- Prohibit, until January 1, 2012, the conversion of any existing signs to ones (1) with "changing illumination" or (2) "involving motion or rotation of any part of the structure, running animation or displays, or flashing or moving lights."
- Delete an existing exception allowing the erection of signs with changing illumination in certain cities and villages.
- Delete a provision that exempts signs allowed under Section 18(f) from Section 16's restrictions on the erection of signs with changing illumination.

¹Section 18(f) only allows signs with static images or images that change in under one second, not more than once every six seconds. As required by Public Act 86 of 2009, automatic dimmers must limit the sign's luminescence to a specified level (not more than 0.3 foot candles over ambient light levels), measured at a specified distance that varies according to the square footage of the sign's face. A sign with changing images must default to a static display in the event of a mechanical failure. MCL 252.318(f).

- Delete Section 18(f)'s current exemption for signs that meet certain technical requirements from the act's ban on signs that "involve motion or rotation of any part of the structure, running animation or displays, or flashing or moving lights."
- Allow, but not require, MDOT to conclude, after January 1, 2012, that digital billboards that conform with specified technical requirements should be allowed and exempted from Section 18(f)'s ban on signs "involving motion or rotation, running animation or displays, or flashing or moving lights."

MCL 252.307a, 252.316, 252.318

FISCAL IMPACT:

A fiscal analysis is in process.

POSITIONS:

Representatives of the Michigan State Transportation Commission, the Michigan Municipal League, Scenic Michigan, and Michigan Cat (a heavy equipment company) indicated support for the bill. (9-16-10)

Representatives of Adams Outdoor Advertising, Bodman LLP, CBS Outdoor, Lamar Advertising, the National Federation of Independent Business, Outdoor Advertising Association of Michigan, and Wolverine Sign Works indicated opposition to the bill. (9-16-10)

Legislative Analyst: Shannan Kane
Fiscal Analyst: William E. Hamilton

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.