

HOUSE BILL No. 5580

November 5, 2009, Introduced by Reps. Warren, Smith, Scripps, Robert Jones, Kennedy, Bauer, Roberts, McDowell, Valentine, Polidori and Constan and referred to the Committee on Great Lakes and Environment.

A bill to amend 1972 PA 106, entitled
"Highway advertising act of 1972,"
by amending sections 7a, 16, and 18 (MCL 252.307a, 252.316, and 252.318), section 7a as added by 2006 PA 447 and sections 16 and 18 as amended by 2006 PA 448.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7a. (1) Except as otherwise provided in this section, the
2 department shall not issue annual permits for new signs on or after
3 January 1, 2007.

4 (2) Permits issued by the department before ~~the effective date~~
5 ~~of the amendatory act that added this section~~ **JANUARY 1, 2007**
6 remain in force and valid.

7 (3) On and after January 1, 2007, the department shall issue

1 an interim permit or permits to a holder of a valid permit or
2 permits if all of the following conditions are met:

3 (a) The holder of the valid permit or permits is otherwise in
4 compliance with this act.

5 (b) The holder of the permit or permits surrenders the permit
6 or permits to the department upon the removal of a sign structure
7 or sign structures that have a valid permit under this act.

8 (c) The holder of the permit or permits verifies the removal
9 of the sign structure or sign structures in writing to the
10 department.

11 (d) The department verifies that the sign structure or
12 structures have been removed or the removal has been deemed
13 effective under this section.

14 ~~—— (e) If a permit holder has a valid annual permit or permits~~
15 ~~for a site or sites where no sign structure exists or no~~
16 ~~construction has begun to build a sign structure on January 1,~~
17 ~~2007, the permit holder may exchange the permit or permits for an~~
18 ~~interim permit under this section or begin construction under the~~
19 ~~valid permit or permits no later than 1 year after January 1, 2007.~~
20 ~~The number of permits that can be received in an exchange shall be~~
21 ~~determined under subsection (4).~~

22 (3) An interim permit that is issued under this section shall
23 only be utilized for the construction of a new sign structure and
24 shall remain in effect without expiration with fees renewed on an
25 annual basis.

26 ~~—— (4) Subject to subsections (2) and (8), a permit holder who is~~
27 ~~exchanging a permit or permits under subsection (2) (c) shall be~~

~~issued 1 interim permit for each of the first 3 permits
surrendered. For each permit surrendered under subsection (2)(c)
after the first 3 permits surrendered, a permit holder under
subsection (2)(c) shall receive 1 interim permit for each 3 permits
surrendered. A permit holder shall have 1 year from January 1, 2007
to exchange permits pursuant to subsection (2)(c) and this
subsection. A permit that is not exchanged pursuant to subsection
(2)(c) and this subsection cannot be exchanged and shall expire no
later than 1 year after January 1, 2007.~~

(4) ~~(5)~~—The department shall verify that an existing sign structure has been removed no later than 30 days after the department receives written notice from the permit holder that the sign structure has been removed. If the department does not respond to the written notice within 30 days after receipt of the written notice, then the permit holder shall be deemed to have removed the sign structure in compliance with this section.

(5) ~~(6)~~—A holder of 2 valid permits for a sign structure with 2 faces who complies with this section shall receive 2 interim permits for the construction of a sign structure with 2 faces. A permit holder under this subsection shall not receive 2 interim permits to construct 2 single-face sign structures.

(6) ~~(7)~~—A holder of a valid permit for a sign structure with a single face is entitled to exchange that permit under this section for an interim permit with a single face. A holder of valid permits for 2 different single-face structures may exchange the 2 permits under this section for 2 interim permits to construct 2 single-face sign structures or 2 interim permits to construct 1 sign structure

1 with 2 faces.

2 (7) ~~(8)~~—A holder of more than 2 valid permits for a sign
3 structure with more than 2 faces may exchange the permits under
4 this section for a maximum of 2 interim permits. The 2 interim
5 permits received under this section shall only be used to construct
6 1 sign structure with no more than 2 faces.

7 (8) ~~(9)~~—After construction of a sign structure under an
8 interim permit is complete, the department shall issue renewable
9 permits annually for the completed sign structure.

10 (9) ~~(10)~~—If a permit holder for a sign structure that exists
11 on January 1, 2007 requires additional permits for any reason, the
12 department may issue a valid renewable permit renewable on an
13 annual basis without complying with subsection (2) even if the
14 permit holder has more than 2 valid permits as a result.

15 (10) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT
16 THAT ADDED THIS SUBSECTION AND CONTINUING UNTIL JANUARY 1, 2012, NO
17 NEW OR INTERIM PERMITS SHALL BE ISSUED FOR OR EXISTING SIGNS
18 CONVERTED TO SIGNS CONTAINING CHANGING ILLUMINATION OR SIGNS THAT
19 INVOLVE MOTION OR ROTATION OF ANY PART OF THE STRUCTURE, RUNNING
20 ANIMATION OR DISPLAYS, OR FLASHING OR MOVING LIGHTS.

21 Sec. 16. (1) A sign that is subject to this act may be
22 illuminated so as to allow the sign to be seen and read but the
23 illumination shall be employed in a manner that prevents beams or
24 rays of light from being directed at any portion of the main-
25 traveled way of the highway in a manner that interferes with safe
26 driving.

27 (2) A sign containing changing illumination shall not be

1 erected in any area. ~~except in an incorporated city or village over~~
2 ~~35,000 in population where the department determines it is~~
3 ~~consistent with customary usage in the area. A sign permitted under~~
4 ~~section 18(f) is not a sign containing changing illumination. AFTER~~
5 **JANUARY 1, 2012, THE DEPARTMENT MAY DETERMINE THAT SIGNS IN AN**
6 **INCORPORATED CITY OR VILLAGE OVER 35,000 IN POPULATION THAT CONTAIN**
7 **CHANGING ILLUMINATION OR THAT SIGNS PERMITTED UNDER SECTION 18(F)**
8 **BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT AMENDED THIS**
9 **SUBSECTION SHALL NOT BE PROHIBITED UNDER THIS SECTION OR SECTION**
10 **18.**

11 (3) A sign shall not be so illuminated that it obscures or
12 interferes with the effectiveness of an official traffic sign,
13 device, or signal.

14 (4) All lighting shall be subject to any other provisions
15 relating to lighting of signs presently applicable to all highways
16 under the jurisdiction of the state.

17 Sec. 18. The following signs or sign structures are
18 prohibited:

19 (a) Those which purport to regulate, warn, or direct the
20 movement of traffic or which interfere with, imitate, or resemble
21 any official traffic sign, signal, or device.

22 (b) Those which are not adequately maintained and in a good
23 state of repair.

24 (c) Those which are erected or maintained upon trees or
25 painted or drawn upon rocks or other natural resources.

26 (d) Those which prevent the driver of a motor vehicle from
27 having a clear and unobstructed view of approaching, intersecting,

1 or merging traffic.

2 (e) Those which are abandoned.

3 (f) Those that involve motion or rotation of any part of the
4 structure, running animation or displays, or flashing or moving
5 lights. ~~This~~ **AFTER JANUARY 1, 2012, THIS** subdivision does not apply
6 to a sign or sign structure with static messages or images that
7 change if the rate of change between 2 static messages or images
8 does not exceed more than 1 change per 6 seconds, each change is
9 complete in 1 second or less, and the maximum daylight sign
10 luminance level does not exceed 62,000 candelas per meter squared
11 at 40,000 lux illumination beginning 1/2 hour after sunrise and
12 continuing until 1/2 hour before sunset and does not exceed 375
13 candelas per meter squared at 4 lux illumination at all other times
14 **IF THE DEPARTMENT CONCLUDES THAT THESE SIGN STRUCTURES ARE ALLOWED.**

15 In addition to the above requirements, signs **THAT MAY BE** exempted
16 under this subdivision shall be configured to default to a static
17 display in the event of mechanical failure.

18 (g) Signs found to be in violation of subdivision (f) shall be
19 brought into compliance by the permit holder or its agent no later
20 than 24 hours after receipt by the permit holder or its agent of an
21 official written notice from the department. Failure to comply with
22 this subdivision within this specified time frame shall result in a
23 \$100.00 penalty being assessed to the sign owner for each day the
24 sign remains out of compliance. The first repeat violation of
25 subdivision (f), for a specific sign, shall also be brought into
26 compliance by the permit holder or its agent within 24 hours after
27 receipt of an official written notice from the department. Failure

1 to comply with the official written notice within the 24-hour
2 period for the first repeat violation subjects the sign owner to a
3 \$1,000.00 penalty for each day the sign remains out of compliance.
4 These penalties are required to be submitted to the department
5 before the sign's permit is renewed under section 6. Second repeat
6 violations of subdivision (f), for a specific sign, shall result in
7 permanent removal of the variable message display device from that
8 sign by the department or the sign owner.