

HOUSE BILL NO. 4803

May 06, 2021, Introduced by Reps. Bellino, Ellison, LaGrand, Hertel, Garza, Steckloff, Rabhi, Damoose, Kuppa and Schroeder and referred to the Committee on Energy.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 676a. (1) Except as otherwise provided in this section, a
2 person, firm, or corporation ~~who~~**that** sells or offers for sale, or
3 displays or attempts to display for sale, goods, wares, produce,
4 fruit, vegetables, or merchandise within the right-of-way of a
5 highway outside of the corporate limits of a city or village, or

1 within the right-of-way of a state trunk line highway, is
2 responsible for a civil infraction.

3 (2) The state transportation department may issue a permit to
4 a person, firm, or corporation to conduct activities described in
5 subsection (1) if the permitted activities do not create an unsafe
6 situation and do not interfere with transportation along the state
7 trunk line highway. ~~As a condition of issuing~~ **Except as otherwise**
8 **provided in subsection (7), to issue** 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~~ **A permit issued** under this subsection
15 does not confer any property right. The state transportation
16 department may charge a fee for issuing a permit under this
17 subsection in an amount not greater than the administrative cost of
18 issuing the 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.

28 (4) This section does not interfere with a permanently
29 established business that, as of September 27, 1957, was located on

1 or partially on private property or grant to the owner of that
 2 business additional rights or authority that the owner did not
 3 possess on September 27, 1957, or diminish the legal rights or
 4 duties of the authority having jurisdiction of the right-of-way.

5 (5) In conjunction with the exemption granted by federal law
 6 from the restrictions ~~contained in~~ **under** 23 USC 111, and **as**
 7 described in the ~~"manual"~~ **Manual** on ~~uniform traffic control devices~~
 8 **Uniform Traffic Control Devices** for ~~streets~~ **Streets** and highways",
 9 **Highways**", U.S. ~~department~~ **Department** of transportation
 10 **Transportation** and ~~federal highway administration,~~ **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~~ **must** be
 24 deposited into the state trunk line fund established under section
 25 11 of 1951 PA 51, MCL 247.661. **As used in this subsection, "logo**
 26 **signage" means a sign containing the trademark or other symbol that**
 27 **identifies a business in a manner and at locations approved by the**
 28 **state transportation department.**

29 (7) This section does not prohibit the state transportation

1 department from installing, operating, and maintaining or issuing a
2 permit under subsection (2) allowing the installation, operation,
3 and maintenance of charging stations for electric vehicles on
4 limited access highway rest areas or travel information centers.
5 The state transportation department shall identify selected sites
6 and shall not require the municipality having jurisdiction over the
7 site to pass a resolution authorizing the activities described in
8 subsection (1) or require that the municipality having jurisdiction
9 over the site of the permitted activities agree to enforce
10 compliance with the permit. Revenue received by the state
11 transportation department under this subsection must be deposited
12 into the state trunk line fund established under section 11 of 1951
13 PA 51, MCL 247.661.