

SENATE BILL No. 964

April 26, 2018, Introduced by Senator CASPERSON and referred to the Committee on Transportation.

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending sections 2, 3, 4, 6, 7, 7a, 9, 17, 17a, 19, and 23 (MCL 252.302, 252.303, 252.304, 252.306, 252.307, 252.307a, 252.309, 252.317, 252.317a, 252.319, and 252.323), sections 2, 4, 6, 7, 7a, and 17 as amended and section 17a as added by 2014 PA 2 and sections 3, 9, and 19 as amended by 2006 PA 448, and by adding section 8; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 2. As used in this act:

(a) "Abandoned or discontinued sign or sign structure" or "abandoned sign" means a sign or sign structure subject to this act, the owner of which has failed to secure a permit, has failed

1 to identify the sign or sign structure, or has failed to respond to
2 notice.

3 (b) "Adjacent area" means the area measured from the nearest
4 edge of the right-of-way of an interstate highway, freeway, or
5 primary highway and, in urbanized areas, extending 3,000 feet
6 perpendicularly and then along a line parallel to the right-of-way
7 line or, outside of urbanized areas, extending perpendicularly to
8 the limit where a sign is visible and then along a line parallel to
9 the right-of-way line.

10 ~~— (c) "Annual permit" means a permit for a billboard under this~~
11 ~~act.~~

12 (C) ~~(d)~~ "Billboard" means a sign separate from a premises
13 erected for the purpose of advertising a product, event, person, or
14 subject not related to the premises on which the sign is located.
15 Billboard does not include an off-premises directional sign.

16 (D) ~~(e)~~ "Business area" means an adjacent area that is zoned
17 by a state, county, township, or municipal zoning authority for
18 industrial or commercial purposes, customarily referred to as "b"
19 or business, "c" or commercial, "i" or industrial, "m" or
20 manufacturing, and "s" or service, and all other similar
21 classifications and that is within a city, village, or charter
22 township or is within 1 mile of the corporate limits of a city,
23 village, or charter township or is beyond 1 mile of the corporate
24 limits of a city, village, or charter township and contains 1 or
25 more permanent structures devoted to the industrial or commercial
26 purposes described in this subdivision and that extends along the
27 highway a distance of 800 feet beyond each edge of the activity.

Each side of the highway is considered separately in applying this definition except that where it is not topographically feasible for a sign or sign structure to be erected or maintained on the same side of the highway as the permanent structure devoted to industrial or commercial purposes, a business area may be established on the opposite side of a primary highway in an area zoned commercial or industrial or in an unzoned area with the approval of the state highway commission. A permanent structure devoted to industrial or commercial purposes does not result in the establishment of a business area on both sides of the highway. All measurements shall be from the outer edge of the regularly used building, parking lot, or storage or processing area of the commercial or industrial activity and not from the property lines of the activities and shall be along or parallel to the edge or pavement of the highway. Commercial or industrial purposes are those activities generally restricted to commercial or industrial zones in jurisdictions that have zoning. **BUSINESS AREA INCLUDES AN ADJACENT AREA THAT IS ZONED BY A COUNTY, CITY, VILLAGE, TOWNSHIP, OR CHARTER TOWNSHIP ZONING AUTHORITY AS PART OF A COMPREHENSIVE LAND DEVELOPMENT PROJECT OR PLANNED UNIT DEVELOPMENT IN WHICH COMMERCIAL OR INDUSTRIAL ACTIVITY IS THE PRIMARY USE OF THE ZONING. AS USED IN THIS SUBDIVISION, "PRIMARY USE" MEANS THAT AT LEAST 75% OF THE TOTAL ACTUAL AND PLANNED DEVELOPMENT IS, AND WILL REMAIN, COMMERCIAL OR INDUSTRIAL.** In addition, the following activities are not commercial or industrial:

(i) Agricultural, animal husbandry, forestry, grazing, farming, and related activities, including, but not limited to,

1 wayside fresh produce stands.

2 (ii) Transient or temporary activities.

3 (iii) Activities not visible from the main-traveled way.

4 (iv) Activities conducted in a building principally used as a
5 residence, or in a building located on property that is used
6 principally for residential purposes or for the activities in
7 subparagraph (i).

8 (v) Railroad tracks and minor sidings.

9 (vi) Outdoor advertising.

10 (vii) Activities more than 660 feet from the main-traveled
11 way.

12 (viii) Activities that have not been in continuous operation
13 of a business or commercial nature for at least 2 years.

14 (ix) Public utility facilities, whether regularly staffed or
15 not.

16 (x) Structures associated with on-site outdoor recreational
17 activities such as riding stables, golf course shops, and
18 campground offices.

19 (xi) Activities conducted in a structure for which an
20 occupancy permit has not been issued or that is not a fully
21 enclosed building, having all necessary utility service and
22 sanitary facilities required for its intended commercial or
23 industrial use.

24 (xii) A storage facility for a business or other activity not
25 located on the same property, except a storage building having at
26 least 10 separate units that are available for rent by the public.

27 (xiii) A temporary business solely established to qualify as

1 commercial or industrial activity under this act.

2 (E) ~~(f)~~—"Department" means the state transportation
3 department.

4 (F) ~~(g)~~—"Destroyed sign" means a nonconforming sign that has
5 been damaged by storm, fire, or other casualty that requires
6 customary maintenance and repair in excess of 60% of the
7 replacement cost of a new sign structure constructed of equivalent
8 materials and equipment. Destroyed sign does not include a
9 nonconforming sign that has been damaged by vandalism or a
10 negligent act of a person.

11 (G) ~~(h)~~—"Digital billboard" means a sign or sign structure
12 that utilizes an electronic means to display a series of messages
13 that are changed by electronic means. Digital billboard does not
14 include a sign that contains an embedded electronic message device
15 or a trivision sign.

16 (H) ~~(i)~~—"Digital billboard permit" means a permit for a
17 digital billboard that is renewable on an annual basis.

18 (I) ~~(j)~~—"Directional sign" means a sign that contains only
19 directional information regarding and the identification of 1 of
20 the following:

21 (i) A public or private activity or attraction that is owned
22 or operated by the federal or a state or local government or an
23 agency of the federal or a state or local government.

24 (ii) A publicly or privately owned natural phenomenon or a
25 historic, cultural, scientific, educational, or religious site.

26 (iii) An area that is in the interest of the traveling public,
27 if the area is of natural scenic beauty or is naturally suited for

1 outdoor recreation.

2 (J) ~~(K)~~ "Embedded electronic message device" means an
 3 accessory that is made part of a sign, sign face, or sign structure
 4 with a total area that is less than that of the sign face to which
 5 it is attached, and displays only static messages containing text
 6 or numbers that are directly associated with the current
 7 advertiser. Embedded electronic message device does not include a
 8 digital billboard or a device that displays graphics other than
 9 messages containing text or numbers.

10 (K) ~~(L)~~ "Erect" means to construct, build, raise, assemble,
 11 place, affix, attach, create, paint, draw, or in any other way
 12 bring into being or establish.

13 (L) ~~(M)~~ "Existing vegetation" means trees, bushes, and ground
 14 cover that the department intends to maintain and that are at least
 15 the same size as similar vegetation that the department would
 16 customarily install and maintain or allow to be installed and
 17 maintained as part of a roadside management plan, roadside
 18 management project, or landscaping project.

19 (M) ~~(N)~~ "Freeway" means a divided highway of not less than 2
 20 lanes in each direction to which owners or occupants of abutting
 21 property or the public do not have a right of ingress or egress to,
 22 from, or across the highway, except at points determined by or as
 23 otherwise provided by the authorities responsible for the freeway.

24 (N) ~~(O)~~ "Incorporated municipality" means a city, village, or
 25 charter township.

26 (O) ~~(P)~~ "Index" means the Detroit ~~consumer price index~~
 27 **CONSUMER PRICE INDEX** for all urban consumers published by the

1 United States ~~bureau~~ **BUREAU** of labor statistics ~~LABOR STATISTICS~~
2 or, if that index ceases to be published by the United States
3 ~~bureau~~ **BUREAU** of labor statistics, ~~LABOR STATISTICS~~, the published
4 index that most closely measures inflation, as determined by the
5 department.

6 (P) ~~(q)~~—"Interim permit" means a permit that can be utilized
7 by the applicant to construct a sign structure that is visible from
8 a freeway, interstate, or primary highway.

9 (Q) ~~(r)~~—"Interstate highway" means a highway officially
10 designated as a part of the national system of interstate and
11 defense highways by the department and approved by the federal
12 government under 23 USC 103.

13 (R) ~~(s)~~—"Location" means a place where a sign structure
14 subject to this act is located.

15 (S) ~~(t)~~—"Main-traveled way" means the traveled way of a
16 highway on which through traffic is carried. Main-traveled way
17 includes the traveled way of each of the separate roadways for
18 traffic in opposite directions on a divided highway. Main-traveled
19 way does not include facilities such as frontage roads, turning
20 roadways, or parking areas.

21 (T) ~~(u)~~—"Maintain" means to allow to exist and includes the
22 periodic changing of advertising messages, and customary
23 maintenance and repair of signs and sign structures.

24 (U) ~~(v)~~—"Nationally known" means an activity or attraction
25 that is all of the following:

26 (i) An active part of a national advertising promotion.

27 (ii) Listed on a national register, if applicable.

(iii) Staffed and maintains a register of visitors.

(iv) Listed in national travel guides.

(v) Organized to provide information or conducted tours for a significant portion of the year, or for at least 3 months if the activity or attraction is seasonal in nature.

(V) ~~(w)~~—"Nonconforming sign" means a sign or sign structure, other than a nonstandard sign or a sign that is erected and maintained in a business area along a scenic byway prior to the designation as a scenic byway, that satisfies 1 of the following:

(i) Was legally erected before March 31, 1972 but could not be legally erected under the current provisions of this act.

(ii) Is a sign or sign structure regulated under this act that was legally ~~erected~~ **PERMITTED** after March 31, 1972 but could not be legally erected under the current provisions of this act.

(W) ~~(x)~~—"Nonstandard sign" means a sign or sign structure other than a nonconforming sign, that is subject to this act, was legally ~~erected~~ **PERMITTED ON OR** before March 23, 1999, is not a nonconforming sign, and does not comply with the spacing requirements in section ~~17(1), 17~~, but otherwise complies with this act.

(X) ~~(y)~~—"On-premises sign" means a sign advertising activities conducted or maintained on the property on which it is located. The boundary of the property shall be as determined by tax rolls, deed registrations, and apparent land use delineations. If a sign consists principally of brand name or trade name advertising and the product or service advertised is only incidental to the principal activity conducted or maintained on the property, or if

the sign brings rental income to the property owner or sign owner, it shall be considered the business of outdoor advertising and not an on-premises sign. On-premises sign does not include a sign on a narrow strip of land contiguous to the advertised activity, or a sign on an easement on adjacent property, when the purpose is clearly to circumvent the intent of this act.

(Y) "PERMIT" MEANS A LICENSE REQUIRED UNDER THIS ACT TO MAINTAIN OR ERECT A BILLBOARD VISIBLE FROM A REGULATED ROUTE.

(Z) "PERMIT HOLDER" MEANS A PERSON THAT HAS BEEN ISSUED A PERMIT OR A PERSON TO WHOM A PERMIT FOR A SPECIFIC SIGN LOCATION HAS BEEN TRANSFERRED.

(AA) ~~(z)~~—"Person" means any individual, partnership, private association, or corporation, state, county, city, village, township, charter township, or other public or municipal association or corporation.

(BB) ~~(aa)~~—"Primary highway" means a highway other than an interstate highway or freeway that is a regulated route.

(CC) ~~(bb)~~—"Regionally known" means an activity or attraction that is all of the following:

(i) Known throughout this state or the peninsula of this state in which the activity or attraction is located and in 1 or more states adjoining this state.

(ii) Listed on a state register, if applicable.

(iii) Staffed and maintains a register of visitors.

(iv) Organized to provide information or conducted tours for a significant portion of the year, or for at least 3 months if the activity or attraction is seasonal in nature.

1 **(DD)** ~~(ee)~~ "Regulated route" means an interstate highway,
2 freeway, or primary highway required to be regulated under 23 USC
3 131 and any other route that is required to be regulated or may
4 become required to be regulated by the department under this act or
5 another state or federal statute or legal requirement.

6 **(EE)** ~~(dd)~~ "Religious organization sign" means a sign, not
7 larger than 8 square feet, that gives notice of religious services.

8 **(FF)** ~~(ee)~~ "Scenic byway" means a regulated route that is
9 required to be regulated as a scenic byway under 23 USC 131.

10 **(GG)** ~~(ff)~~ "Secondary highway" means a state secondary road or
11 county primary road.

12 **(HH)** ~~(gg)~~ "Service club sign" means a sign, not larger than 8
13 square feet, that gives notice about nonprofit service clubs or
14 charitable associations.

15 **(II)** ~~(hh)~~ "Sign" means any outdoor sign, display, device,
16 figure, painting, drawing, message, placard, poster, billboard, or
17 other thing, whether placed individually or on a T-type, V-type,
18 back to back, or double-faced display, that is designed, intended,
19 or used to advertise or inform.

20 **(JJ)** "SIGN OWNER" MEANS A PERSON THAT DEMONSTRATES OWNERSHIP
21 OF A SIGN STRUCTURE, REGARDLESS OF WHETHER THAT PERSON HOLDS A
22 PERMIT FOR THE SIGN.

23 **(KK)** ~~(ii)~~ "Sign structure" means the assembled components that
24 make up an outdoor advertising display, including, but not limited
25 to, uprights, supports, facings, and trim. A sign structure may
26 contain 1 or 2 signs per facing and may be double-faced, back to
27 back, T-type, or V-type.

1 **(II)** ~~(jj)~~—"Tobacco product" means any tobacco product sold to
2 the general public and includes, but is not limited to, cigarettes,
3 tobacco snuff, and chewing tobacco.

4 **(MM)** ~~(kk)~~—"Trivision sign" means a sign or sign structure that
5 uses mechanical means to display more than 1 message in sequence.

6 **(NN)** ~~(ll)~~—"Unzoned commercial or industrial area" means an
7 area that is within an adjacent area, that is not zoned by state or
8 local law, regulation, or ordinance, that contains 1 or more
9 permanent structures devoted to the industrial or commercial
10 purposes described in subdivision ~~(e)~~, **(D)**, and that extends along
11 the highway a distance of 800 feet beyond each edge of the
12 activity. Each side of the highway is considered separately in
13 applying this definition except that where it is not
14 topographically feasible for a sign or sign structure to be erected
15 or maintained on the same side of the highway as the permanent
16 structure devoted to industrial or commercial purposes, an unzoned
17 commercial or industrial area may be established on the opposite
18 side of a primary highway in an area zoned commercial or industrial
19 or in an unzoned area with the approval of the state highway
20 commission. A permanent structure devoted to industrial or
21 commercial purposes does not result in the establishment of an
22 unzoned commercial or industrial area on both sides of the highway.
23 All measurements shall be from the outer edge of the regularly used
24 building, parking lot, or storage or processing area of the
25 commercial or industrial activity and not from the property lines
26 of the activities and shall be along or parallel to the edge or
27 pavement of the highway. Commercial or industrial purposes are

1 those activities generally restricted to commercial or industrial
2 zones in jurisdictions that have zoning. In addition, the following
3 activities are not commercial or industrial:

4 (i) Agricultural, animal husbandry, forestry, grazing, farming
5 and related activities, including, but not limited to, wayside
6 fresh produce stands.

7 (ii) Transient or temporary activities.

8 (iii) Activities not visible from the main-traveled way.

9 (iv) Activities conducted in a building principally used as a
10 residence, or in a building located on property that is used
11 principally for residential purposes or for the activities in
12 subparagraph (i).

13 (v) Railroad tracks and minor sidings.

14 (vi) Outdoor advertising.

15 (vii) Activities more than 660 feet from the main-traveled
16 way.

17 (viii) Activities that have not been in continuous operation
18 of a business or commercial nature for at least 2 years.

19 (ix) Public utility facilities, whether regularly staffed or
20 not.

21 (x) Structures associated with on-site outdoor recreational
22 activities such as riding stables, golf course shops, and
23 campground offices.

24 (xi) Activities conducted in a structure for which an
25 occupancy permit has not been issued or that is not a fully
26 enclosed building, having all necessary utility service and
27 sanitary facilities required for its intended commercial or

1 industrial use.

2 (xii) A storage facility for a business or other activity not
3 located on the same property, except a storage building having at
4 least 10 separate units that are available for rent by the public.

5 (xiii) A temporary business solely established to qualify as
6 commercial or industrial activity under this act.

7 (00) ~~(mm)~~ "Visible" means a sign that has a message that is
8 capable of being seen by an individual of normal visual acuity when
9 traveling in a motor vehicle.

10 Sec. 3. To improve and enhance scenic beauty consistent with
11 ~~section 131 of title 23 of the United States Code, 23 USC 131 ,~~ and
12 to limit and reduce the illegal possession and use of tobacco by
13 minors, the legislature finds it appropriate to regulate and
14 control outdoor advertising and outdoor advertising as it pertains
15 to tobacco adjacent to the streets, roads, highways, and freeways
16 within this state and that outdoor advertising ~~is~~ **SERVES A PUBLIC**
17 **NEED AS** a legitimate accessory commercial use of private property,
18 is an integral part of the marketing function, and **IS** an
19 established segment of the economy of this state.

20 Sec. 4. This act regulates and controls the size, lighting,
21 and spacing of signs and sign structures in adjacent areas and
22 occupies the whole field of that regulation and control except for
23 the following:

24 (a) A county, city, village, township, or charter township may
25 enact ordinances to regulate and control the operation, size,
26 lighting, and spacing of signs and sign structures but shall not
27 permit a sign or sign structure that is otherwise prohibited by

1 this act or require or cause the removal of lawfully erected signs
2 or sign structures subject to this act without the payment of just
3 compensation. A sign owner shall apply for ~~an annual~~ **A** permit
4 ~~pursuant to~~ **UNDER** section 6 for each sign to be maintained or to be
5 erected within that county, city, village, charter township, or
6 township. A sign erected or maintained within that county, city,
7 village, township, or charter township shall also comply with all
8 applicable provisions of this act. An ordinance or code adopted by
9 a county, city, village, township, or charter township that
10 regulates the operation, size, lighting, or spacing of signs and
11 sign structures and that is more stringent than the laws of this
12 state is not made void by this act.

13 (b) A county, city, village, charter township, or township
14 vested by law with authority to enact zoning codes has full
15 authority under its own zoning codes or ordinances to establish
16 commercial or industrial areas and the actions of a county, city,
17 village, charter township, or township in so doing shall be
18 accepted for the purposes of this act. However, except as provided
19 in subdivision (a), zoning that is not part of a comprehensive
20 zoning plan and is taken primarily to permit outdoor advertising
21 structures shall not be accepted for purposes of this act. A zone
22 in which limited commercial or industrial activities are permitted
23 as incidental to other primary land uses is not a commercial or
24 industrial zone for outdoor advertising control purposes.

25 (c) An ordinance or code of a city, village, township, or
26 charter township that existed on March 31, 1972 and that prohibits
27 signs or sign structures is not made void by this act.

1 (d) A county ordinance that regulates and controls the size,
2 lighting, and spacing of signs and sign structures shall only apply
3 in a township within the county if the township has not enacted an
4 ordinance to regulate and control the size, lighting, and spacing
5 of signs and sign structures.

6 (e) A county, on its own initiative or at the request of a
7 city, village, township, or charter township within that county,
8 may prepare a model ordinance as described in subdivision (a). A
9 city, village, township, or charter township within that county may
10 adopt the model ordinance.

11 Sec. 6. (1) A sign owner shall apply for ~~an annual~~ A permit on
12 a form prescribed by the department for each sign or sign structure
13 to be maintained or erected in an adjacent area where the facing of
14 the sign or sign structure is visible from a regulated route. The
15 form shall require the name and business address of the applicant,
16 the name and address of the owner of the property on which the sign
17 or sign structure is to be located, the date the sign or sign
18 structure, if currently maintained, was erected, the zoning
19 classification of the property, a precise description of where the
20 sign or sign structure is or will be situated and a certification
21 that the sign or sign structure is not prohibited by section ~~18(a),~~
22 ~~(b), (c), or (d)~~ 18 and that the sign or sign structure does not
23 violate any provisions of this act. The sign permit application
24 shall include a statement signed by the owner of the land on which
25 the sign or sign structure is to be placed, acknowledging that no
26 trees or shrubs in the adjacent highway right-of-way may be
27 removed, trimmed, or in any way damaged or destroyed without the

1 written authorization of the department. The department may require
2 documentation to verify the zoning, the consent of the land owner,
3 and any other matter considered essential to the evaluation of
4 compliance with this act. A sign owner shall apply for a separate
5 ~~annual~~ permit for each sign or sign structure for each regulated
6 route subject to this act from which the facing of the sign or sign
7 structure is visible.

8 (2) The owner of a sign or sign structure shall apply for ~~an~~
9 ~~annual~~ A permit for each sign or sign structure that becomes
10 subject to the permit requirements of this act because of a change
11 in highway designation or other reason not within the control of
12 the sign owner within 2 months after receiving notice from the
13 department that the sign or sign structure is subject to the permit
14 requirements of this act. Both of the following apply to ~~an annual~~
15 A permit issued under this subsection:

16 (a) The ~~annual~~ permit is not subject to section 7a.

17 (b) The ~~annual~~ permit may not be surrendered for an interim
18 permit under section 7a(3).

19 (3) In addition to ~~an annual~~ A permit under subsection (1), a
20 sign owner shall apply for and the department shall issue a digital
21 billboard permit for each digital billboard that is not a
22 nonconforming sign and that meets the requirements of section 17(3)
23 to be maintained or erected in an adjacent area where the facing of
24 the sign or sign structure is visible from a regulated route. The
25 information provided by an applicant under this subsection shall be
26 on a form prescribed by the department. A sign owner shall apply
27 for a separate digital billboard permit for each sign or sign

1 structure allowed under section 17(3) for each regulated route from
2 which the facing of the sign or sign structure is visible. The
3 owner of a sign or sign structure shall apply for a digital
4 billboard permit for each digital billboard that becomes subject to
5 the permit requirements of this act because of a change in highway
6 designation or other reason not within the control of the sign
7 owner within 2 months after receiving notice from the department
8 that the sign or sign structure is subject to the permit
9 requirements of this act. Both of the following apply to a digital
10 billboard permit issued under this subsection:

11 (a) The digital billboard permit is not subject to section 7a.

12 (b) The digital billboard permit may not be surrendered for an
13 interim permit under section 7a(3).

14 ~~—— (4) Notwithstanding any other provision of this act, within 90~~
15 ~~days after the effective date of the amendatory act that added this~~
16 ~~subsection, the owner of a digital billboard that was legally~~
17 ~~erected before the effective date of the amendatory act that added~~
18 ~~this subsection shall apply for, and the department shall issue, a~~
19 ~~digital billboard permit. A digital billboard permitted under this~~
20 ~~subsection or subsection (5) is exempt from section 17(3), and the~~
21 ~~department shall not require any form of consideration for a~~
22 ~~digital billboard permitted under this subsection or subsection (5)~~
23 ~~other than payment of the appropriate application fee and annual~~
24 ~~renewal fees as required under this act.~~

25 ~~—— (5) Notwithstanding any other provision of this act, if, on~~
26 ~~the effective date of the amendatory act that added this~~
27 ~~subsection, an individual has obtained location approval from the~~

1 ~~department and approval from the local unit of government having~~
2 ~~jurisdiction of that location to erect a digital billboard, he or~~
3 ~~she shall apply for, and the department shall issue, a digital~~
4 ~~billboard permit.~~

5 (4) ~~(6)~~ Both of the following apply to the owner of a
6 nonstandard sign:

7 (a) In addition to ~~an annual~~ **A** permit under subsection (1),
8 the owner of a nonstandard sign may apply for a digital billboard
9 permit to erect and maintain a digital billboard on a nonstandard
10 sign by applying for a digital billboard permit on a form
11 prescribed by the department, paying the required fee, and
12 surrendering 3 interim permits to the department. The owner of a
13 nonstandard sign seeking a digital billboard permit under this
14 subsection shall apply for a separate digital billboard permit for
15 each sign or sign structure for each regulated route from which the
16 facing of the sign or sign structure is visible, but shall not be
17 required to surrender more than a total of 3 interim permits.

18 (b) ~~Beginning on the effective date of the amendatory act that~~
19 ~~added this subdivision and ending 1 year after the effective date~~
20 ~~of the amendatory act that added this subdivision, for~~ **FOR** the
21 first 8 nonstandard signs for which the owner applies for a digital
22 billboard permit under subdivision (a), the owner shall not be
23 required to surrender 3 interim permits. This subdivision only
24 applies to signs located in a county having a population of not
25 less than 750,000. The spacing requirements under section 17(4)
26 apply to the first 8 nonstandard signs for which the owner applies
27 for a digital billboard permit under subdivision (a). **THIS**

1 SUBDIVISION ONLY APPLIES TO AN OWNER WHO, BETWEEN JANUARY 30, 2014
2 AND THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT AMENDED THIS
3 SUBDIVISION, HAS APPLIED FOR 1 OR MORE OF THE 8 DIGITAL BILLBOARD
4 PERMITS THAT DO NOT REQUIRE SURRENDER OF 3 INTERIM PERMITS UNDER
5 THIS SUBDIVISION.

6 (C) THE DEPARTMENT SHALL RETURN OR CREDIT ANY INTERIM PERMITS
7 SURRENDERED BY A SIGN OWNER OR A PERMIT HOLDER DESCRIBED IN
8 SUBDIVISION (B) WHO SURRENDERED THOSE INTERIM PERMITS FOR A
9 NONSTANDARD SIGN, IF THE SIGN OWNER OR PERMIT HOLDER WOULD HAVE
10 BEEN EXEMPT FROM SURRENDERING THE INTERIM PERMITS UNDER SUBDIVISION
11 (B) .

12 (5) THE DEPARTMENT SHALL RESCIND APPROVAL FOR A LOCATION OR
13 CANCEL A DIGITAL BILLBOARD PERMIT ISSUED UNDER THIS ACT IF THE SIGN
14 OR DIGITAL BILLBOARD WAS NOT ERECTED WITHIN 36 MONTHS AFTER THE
15 DATE THE APPROVAL WAS GRANTED OR THE DIGITAL BILLBOARD PERMIT WAS
16 ISSUED.

17 Sec. 7. (1) A permit fee is payable annually in advance, to be
18 credited to the state trunk line fund. For a digital billboard
19 permit, the fee is \$200.00 for the first year. For ~~an annual~~ A
20 permit for a billboard that does not require a digital billboard
21 permit, the fee is \$100.00 for the first year except that signs in
22 existence prior to a highway's change in designation or
23 jurisdiction that requires signs to be permitted shall only be
24 required to pay the permit renewal amount under subsection (2). The
25 department shall establish an ~~annual~~ expiration date for each
26 permit and may change the expiration date of existing permits to
27 spread the permit renewal activity over the year. Permit fees may

1 be prorated the first year. An application for the renewal of a
2 permit shall be filed with the department no later than the
3 permit's expiration date.

4 (2) For signs up to and including 300 square feet, the ~~annual~~
5 permit renewal fee is \$50.00. For signs greater than 300 square
6 feet, the ~~annual~~-permit renewal fee is \$80.00. The ~~annual~~-permit
7 renewal fee for an interim permit is \$80.00. The ~~annual~~-permit
8 renewal fee for a digital billboard permit is \$200.00. Signs of the
9 service club and religious category are not subject to ~~an annual~~ A
10 renewal fee.

11 (3) If the ~~annual~~-renewal fee is not paid by the expiration
12 date of the permit as required under this section, the ~~annual~~-
13 renewal fee shall increase by an additional \$50.00. The department
14 shall send notice of nonpayment by certified mail to the permit
15 holder's address on file within 30 days after the expiration date
16 and shall inform the permit holder that if the ~~annual~~-renewal fee
17 as increased under this subsection is not paid within 60 days after
18 the permit expiration date, the department may cancel the permit
19 without taking further administrative action unless an
20 administrative hearing is requested by the permit holder within 60
21 days after the permit expiration date.

22 (4) The department shall send notice of a permit's
23 cancellation to the permit holder ~~using 1 of the following methods:~~
24 ~~—— (a) For a permit that was canceled between 2011 and the day~~
25 ~~before the effective date of the amendatory act that added this~~
26 ~~sentence, by certified mail to the permit holder's address on file.~~
27 ~~The department shall send the notice within 60 days after the~~

~~effective date of the amendatory act that added this sentence.~~

PERMIT WAS CANCELED. The notice shall advise the permit holder that he or she may ~~request reinstatement of the permit~~ **SUBMIT A NEW APPLICATION FOR A PERMIT** within 60 days after the date of the notice, ~~as provided in section 7a(16).~~

~~—— (b) For a permit that was canceled on or after the effective date of the amendatory act that added this sentence, by certified mail to the permit holder's address on file. The department shall send the notice within 60 days after the date the permit was canceled. The notice shall advise the permit holder that he or she may request reinstatement of the permit within 60 days after the date of the notice as provided in section 7a(16).~~ **IF, AT THE TIME THE APPLICATION IS SUBMITTED, THE PERMIT HOLDER SURRENDERS AN INTERIM PERMIT.**

(5) Notwithstanding subsection (3), for permits having the same expiration date, the maximum amount of increased ~~annual~~ renewal fees for late payments that may be assessed by the department under this section against 1 permit holder is \$10,000.00.

(6) The department shall require a transfer fee when a request is made to transfer existing permits to a new sign owner. Except as otherwise provided in this subsection, the transfer fee is \$100.00 for each permit that is requested to be transferred, up to a maximum of \$500.00 for a request that identifies 5 or more permits to be transferred. If the department incurs additional costs directly attributable to special and unique circumstances associated with the requested transfer, the department may assess a

1 transfer fee greater than the maximums identified in this
2 subsection to recover those costs.

3 (7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, THE
4 DEPARTMENT SHALL SUSPEND THE PAYMENT OF A PERMIT FEE FOR A SIGN
5 LOCATED ON A REGULATED ROUTE THAT IS CLOSED FOR MORE THAN 60 DAYS
6 UNTIL THE REGULATED ROUTE IS REOPENED FOR FULL USE.

7 (8) THE DEPARTMENT SHALL DEPOSIT ALL FINES AND FEES COLLECTED
8 UNDER THIS ACT INTO THE HIGHWAY ADVERTISING ENFORCEMENT FUND
9 CREATED IN SUBSECTION (9).

10 (9) THE HIGHWAY ADVERTISING ENFORCEMENT FUND IS CREATED WITHIN
11 THE STATE TREASURY. THE STATE TREASURER MAY RECEIVE MONEY OR OTHER
12 ASSETS FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE
13 TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE
14 TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND
15 INVESTMENTS. MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR
16 SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.
17 THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR AUDITING
18 PURPOSES. THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND TO
19 ADMINISTER THIS ACT.

20 (10) NO LATER THAN DECEMBER 31, 2022, THE AUDITOR GENERAL
21 SHALL REVIEW MONEY DEPOSITED INTO THE HIGHWAY ADVERTISING
22 ENFORCEMENT FUND CREATED IN SUBSECTION (9), AND SHALL DETERMINE IF
23 THE MONEY COLLECTED IN EACH OF THE 3 IMMEDIATELY PRECEDING YEARS
24 UNDER THIS ACT IS SUFFICIENT TO FUND THE OUTDOOR ADVERTISING
25 PROGRAM, AND SHALL RECOMMEND A FINE AND FEE STRUCTURE TO THE
26 LEGISLATURE TO ACHIEVE THESE GOALS.

27 Sec. 7a. (1) Except as otherwise provided in this section,

1 section 6(2)(a), and section 7b, the department shall not issue an
2 ~~annual~~ permit for a new sign on or after January 1, 2007.

3 (2) A permit issued by the department before January 1, 2007
4 remains in force and valid.

5 (3) On and after January 1, 2007, the department shall issue
6 an interim permit to a holder of a valid permit if all of the
7 following conditions are met:

8 (a) The holder of the valid permit is otherwise in compliance
9 with this act.

10 (b) The holder of the permit surrenders the permit to the
11 department upon the removal of a sign structure that has a valid
12 permit under this act.

13 (c) The holder of the permit verifies the removal of the sign
14 structure in writing to the department.

15 (d) The department verifies that the sign structure has been
16 removed or the removal has been deemed effective under this
17 section.

18 (4) An interim permit issued under this section shall only be
19 utilized for the construction of a sign structure. ~~and shall remain~~
20 ~~in effect without expiration with fees renewed on an annual basis.~~

21 A sign erected using an interim permit shall not be closer than
22 1,000 feet to another sign structure on the same side of the
23 highway along interstate highways and freeways or closer than 500
24 feet to another sign structure on the same side of the highway
25 along primary highways. An interim permit shall not be used to
26 erect a sign in a location where existing vegetation is greater
27 than 8 feet tall or where existing vegetation was removed without

1 the department's permission.

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

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

14 (7) A holder of a valid permit for a sign structure with a
15 single face is entitled to exchange that permit under this section
16 for an interim permit with a single face. A holder of valid permits
17 for 2 different single-face structures may exchange the 2 permits
18 under this section for 2 interim permits to construct 2 single-face
19 sign structures or 2 interim permits to construct 1 sign structure
20 with 2 faces.

21 (8) A holder of more than 2 valid permits for a sign structure
22 with more than 2 faces may exchange the permits under this section
23 for a maximum of 2 interim permits. The 2 interim permits received
24 under this section shall only be used to construct 1 sign structure
25 with no more than 2 faces.

26 (9) After construction of a sign structure under an interim
27 permit is complete, the department shall issue ~~renewable permits~~

1 ~~annually~~ **A PERMIT** for the completed sign structure **IF THE SIGN**
2 **STRUCTURE IS IN COMPLIANCE WITH THIS ACT.**

3 (10) If a permit holder for a sign structure that exists on
4 January 1, 2007 requires additional permits for any reason, ~~or if~~
5 ~~the owner of a sign that meets the requirements of section 17(10)~~
6 ~~applies for a permit before July 1, 2011,~~ the department may issue
7 a ~~valid renewable permit renewable on an annual basis~~ without
8 complying with subsection (1) even if the permit holder has more
9 than 2 valid permits as a result.

10 (11) The department may issue a permit for a new sign
11 structure that measures no more than 8 square feet for service club
12 signs or religious organization signs.

13 (12) Notwithstanding anything in this act to the contrary,
14 permits issued under subsection (11) are not eligible to be
15 surrendered for an interim permit.

16 (13) Notwithstanding anything in this act to the contrary, the
17 department may issue a permit for an existing sign that advertises
18 a product, service, or retail business that is owned and operated
19 by the sign owner if the location for the sign meets all existing
20 requirements of this act, or if the sign is an existing
21 nonconforming sign that advertises a product, service, or retail
22 business that is owned and operated by the sign owner and the sign
23 owner held an original permit for that sign on January 1, 2007.

24 (14) A permit issued under subsection (13) is not transferable
25 and is not eligible to be surrendered for an interim permit.

26 (15) Notwithstanding anything in this act to the contrary, the
27 department may issue a permit for a sign that is no more than 150

1 square feet in size and that advertises a product, service,
2 attraction, destination, or retail business that is owned and
3 operated or served by the sign owner, if the sign meets all other
4 requirements of this act. A permit issued under this subsection is
5 not transferable and is not eligible to be surrendered for an
6 interim permit. The department shall not issue more than 4 permits
7 under this subsection to an attraction, destination, or retail
8 business.

9 ~~—— (16) Both of the following apply to the owner of an existing~~
10 ~~sign or sign structure whose permit was canceled due to nonpayment~~
11 ~~of renewal fees.~~

12 ~~—— (a) He or she may apply for a new annual permit by submitting~~
13 ~~an application for a new annual permit and surrendering an interim~~
14 ~~permit.~~

15 ~~—— (b) No later than 60 days after notice is sent under section~~
16 ~~7(4)(a), the owner of an existing sign or sign structure whose~~
17 ~~permit expired during December 2012 due to nonpayment of renewal~~
18 ~~fees may apply for a new annual permit by submitting an application~~
19 ~~for a new annual permit and surrendering 1 interim permit per sign,~~
20 ~~but shall not be required to submit more than 1 interim permit per~~
21 ~~sign structure.~~

22 **SEC. 8. IF A LIMITED ACCESS FREEWAY IS CLOSED FOR MORE THAN**
23 **120 DAYS, A PERMIT HOLDER FOR A SIGN LOCATED IN THE ADJACENT AREA**
24 **WHERE THE FACING OF THE SIGN IS VISIBLE FROM THAT LIMITED ACCESS**
25 **FREEWAY SHALL APPLY FOR, AND THE DEPARTMENT SHALL APPROVE,**
26 **RELOCATION OF THE SIGN TO ANOTHER LOCATION FOR WHICH THE PERMIT**
27 **HOLDER HOLDS A PERMIT ISSUED UNDER THIS ACT, IF THE SIGN MEETS**

1 APPLICABLE SPACING AND ZONING REQUIREMENTS AND THE HEIGHT OR SIZE
 2 OF THE SIGN IS NOT CHANGED AT THE NEW LOCATION. IF THE SIGN IS A
 3 DIGITAL BILLBOARD, THE RELOCATION OF THE SIGN IS NOT SUBJECT TO
 4 SECTION 6(6)(A). A PERMIT HOLDER DESCRIBED IN THIS SECTION MAY MAKE
 5 MODEST MODIFICATIONS TO A SIGN THAT IS RELOCATED UNDER THIS SECTION
 6 TO ACCOMMODATE THE RELOCATION. A SIGN THAT IS RELOCATED UNDER THIS
 7 SECTION SHALL BE RESTORED TO ITS ORIGINAL LOCATION AND STATUS NO
 8 LATER THAN 60 DAYS AFTER THE LIMITED ACCESS FREEWAY IS REOPENED FOR
 9 FULL USE. NO LATER THAN 30 DAYS BEFORE THE REOPENING OF THE LIMITED
 10 ACCESS FREEWAY FOR FULL USE, THE DEPARTMENT SHALL NOTIFY A PERMIT
 11 HOLDER DESCRIBED IN THIS SUBSECTION OF THE REOPENING.

12 Sec. 9. Except for signs existing on March 31, 1972, a permit
 13 shall be issued or denied within 30 days after proper receipt of
 14 the permit form and the permit fee from the applicant. A permit
 15 shall not be issued for a sign ~~which~~ **THAT** is prohibited by section
 16 ~~18(a), (b), (c), or (d).~~ **18.** A permit shall not be issued for a
 17 sign that violates this act unless the sign is eligible for removal
 18 compensation under section 22.

19 Sec. 17. (1) Except as otherwise provided in subsections ~~(10)~~
 20 ~~(9) and (11),~~ **(10)**, along interstate highways and freeways, a sign
 21 structure located in a business area or unzoned commercial or
 22 industrial area shall not be erected or maintained closer than
 23 1,000 feet to another sign structure on the same side of the
 24 highway.

25 (2) Along primary highways **AND ROADWAYS THAT ARE PART OF THE**
 26 **NATIONAL HIGHWAY SYSTEM**, a sign structure shall not be erected or
 27 maintained closer than 500 feet to another sign structure.

1 (3) Except as otherwise provided in subsection (4), a sign
2 utilizing a digital billboard permit shall not be closer than 1,750
3 feet to another sign utilizing a digital billboard permit on either
4 side of the highway facing the same direction of oncoming traffic.

5 ~~(4) Beginning on the effective date of the amendatory act that~~
6 ~~added this subsection and ending 1 year after the effective date of~~
7 ~~the amendatory act that added this subsection, for~~ **FOR** the first 8
8 nonstandard signs for which the owner applies for a digital
9 billboard permit under section 6(6)(a) without having to surrender
10 3 interim permits as provided under section 6(6)(b), each sign
11 shall not be closer than 1,000 feet to another sign using a digital
12 billboard permit on either side of the highway facing the same
13 direction of traffic. This subsection only applies to signs located
14 in a county having a population of not less than 750,000. **THIS**
15 **SUBSECTION ONLY APPLIES TO A SIGN THE OWNER OF WHICH, BETWEEN**
16 **JANUARY 30, 2014 AND THE EFFECTIVE DATE OF THE 2018 AMENDATORY ACT**
17 **THAT AMENDED THIS SUBSECTION, HAS APPLIED FOR 1 OR MORE OF THE 8**
18 **DIGITAL BILLBOARD PERMITS THAT DO NOT REQUIRE SURRENDER OF 3**
19 **INTERIM PERMITS UNDER SECTION 6(6)(B).**

20 (5) This section does not apply to signs separated by a
21 building or other visual obstruction in such a manner that only 1
22 sign located within the spacing distances is visible from the
23 highway at any time, provided that the building or other visual
24 obstruction has not been created for the purpose of visually
25 obstructing either of the signs at issue.

26 (6) Along interstate highways and freeways located outside of
27 incorporated municipalities, a sign structure shall not be

1 permitted adjacent to or within 500 feet of an interchange, an
2 intersection at grade, or a safety roadside rest area. The 500 feet
3 shall be measured from the point of beginning or ending of pavement
4 widening at the exit from, or entrance to, the main-traveled way.

5 (7) Official signs as described in section 13(1)(a) and on-
6 premises signs shall not be counted and measurements shall not be
7 made from them for purposes of determining compliance with the
8 spacing requirements in this section.

9 (8) Except as provided in subsection (3), the spacing
10 requirements in this section apply separately to each side of the
11 highway.

12 (9) The spacing requirements in this section shall be measured
13 along the nearest edge of the pavement of the highway between
14 points directly opposite each sign.

15 (10) A sign that was erected in compliance with the spacing
16 requirements of this section that were in effect at the time when
17 the sign was erected, but that does not comply with the spacing
18 requirements of this section after March 23, 1999, is not unlawful
19 under section 22.

20 (11) Along an interstate highway that is designated by 1
21 letter and 3 numbers and located in a county with a population of
22 less than 211,000 but more than 175,000, an existing sign structure
23 that was erected prior to March 24, 2011 shall not be closer than
24 900 feet to another sign structure on the same side of the highway.

25 ~~———— (12) Nothing in this section shall be construed to cause a~~
26 ~~sign that was legally erected prior to March 23, 1999 to be defined~~
27 ~~as a nonconforming sign.~~

1 Sec. 17a. (1) A nonconforming sign may continue to exist as
2 long as it is not a destroyed, abandoned, discontinued, or
3 prohibited sign. A nonconforming sign that has not displayed an
4 advertising message for more than 1 year shall be considered an
5 abandoned sign.

6 (2) A sign owner may perform customary maintenance and repair
7 of a nonconforming sign. The annual cost of the customary
8 maintenance and repair shall not exceed 40% of the replacement cost
9 of a new sign. ~~structure constructed using equivalent materials and~~
10 ~~equipment.~~

11 (3) A sign owner may perform customary maintenance and repair
12 of a nonconforming sign that is damaged as a result of storm, fire,
13 or casualty. Customary maintenance and repair of a nonconforming
14 sign that is damaged as a result of storm, fire, or casualty shall
15 not exceed 60% of the replacement cost of a new sign structure.
16 ~~constructed using equivalent materials and equipment.~~ The 60%
17 limitation in this subsection does not apply if the damage to the
18 nonconforming sign is caused by vandalism or a negligent act of a
19 person other than the sign owner.

20 (4) A nonconforming sign owner may not take any action that
21 places this state out of compliance with federal statutes,
22 published rules, regulations, or the federal-state agreement on
23 outdoor advertising.

24 (5) A nonstandard sign may continue to exist and a sign owner
25 may perform any action to a nonstandard sign that is allowed under
26 this act, except for the following:

27 (a) Increasing the overall height of an existing sign

1 structure. THIS SUBDIVISION DOES NOT APPLY TO A NONSTANDARD SIGN
 2 LOCATED IN A CITY WITH A POPULATION OF MORE THAN 600,000 THAT WAS
 3 PERMITTED ON OR BEFORE MARCH 23, 1999 AND THAT WAS PERMITTED BY A
 4 LOCAL JURISDICTION FOR A HEIGHT OF AT LEAST 60 FEET.

5 (b) Increasing the total square footage of a sign face to a
 6 size greater than its original square footage.

7 (c) Increasing the number of sign faces to more than 2.

8 (6) As used in this section: ~~,"customary maintenance and~~
 9 ~~repair"~~

10 (A) "CUSTOMARY MAINTENANCE AND REPAIR" means the repair or
 11 replacement of materials or equipment with equivalent materials or
 12 equipment on a sign or sign structure that restores the structural
 13 integrity of the sign or sign structure or the functionality of the
 14 equipment. Customary maintenance and repair includes, but is not
 15 limited to, modifications to the sign or sign structure that are
 16 designed to comply with state and federal worker safety regulations
 17 and requirements, modifications to the sign structure that are
 18 primarily for the conservation of energy or environmental
 19 preservation, paint, **AND** the installation of trim or borders. ~~,"and~~
 20 ~~removal of 1 or more sign faces or relocation of all or part of the~~
 21 ~~sign or sign structure upon request by the department.~~ All of the
 22 following apply to customary maintenance and repair:

23 (i) ~~(a)~~ Customary maintenance and repair does not include any
 24 of the following:

25 (A) ~~(i)~~ Enlargement of the sign or sign structure. As used in
 26 this subparagraph, "enlargement of the sign or sign structure" does
 27 not include either of the following:

1 (I) ~~(A)~~—The installation of a temporary copy enhancement.

2 (II) ~~(B)~~—The installation of an embedded message device, if
3 the installation is not prohibited by federal statute or a rule
4 promulgated by the federal highway administration.

5 (B) ~~(ii)~~—Except as otherwise provided in this ~~subsection~~, **SUB-**
6 **SUBPARAGRAPH**, a change in the location of the sign structure.

7 (C) ~~(iii)~~—An increase in the height of the sign structure.

8 (D) ~~(iv)~~—Installation of additional signs on a sign structure.

9 (E) ~~(v)~~—Electrification of the sign or sign structure.

10 (ii) ~~(b)~~—Notwithstanding any other provision of this act,
11 customary maintenance and repair includes a modification to a sign
12 or sign structure that was completed ~~prior to~~ **BEFORE** January 1,
13 2007, other than electrification, conversion to a digital
14 billboard, or conversion to a trivision sign. Customary maintenance
15 and repair includes the reversal of electrification, conversion to
16 a digital billboard, or conversion to a trivision sign if the
17 electrification, conversion to a digital billboard, or conversion
18 to a trivision sign was completed before January 1, 2007.

19 (B) **"REPLACEMENT COST" MEANS THE TOTAL SUM OF THE COSTS**
20 **INCURRED TO ERECT A NEW REPLACEMENT SIGN OR SIGN STRUCTURE WITH**
21 **EQUIVALENT MATERIALS AND EQUIPMENT AT CURRENT MARKET PRICES.**

22 Sec. 19. (1) Signs and their supporting structures erected or
23 maintained in violation of this act may be removed by the
24 department in the manner prescribed in this section.

25 (2) ~~There~~ **THE DEPARTMENT** shall ~~be mailed to the owner of the~~
26 ~~sign~~ **MAIL** by certified mail **TO THE SIGN OWNER, PERMIT HOLDER, OR**
27 **SIGN OWNER AND PERMIT HOLDER IF THE SIGN OWNER IS DIFFERENT THAN**

1 **THE PERMIT HOLDER**, a notice that the sign or its supporting sign
 2 structure violates stated specified provisions of this act and is
 3 subject to removal. If the ~~owner's~~ **SIGN OWNER OR PERMIT HOLDER'S**
 4 address cannot be determined, **THE DEPARTMENT SHALL POST** a notice
 5 ~~shall be posted~~ on the sign. The posted notice shall be written on
 6 red waterproof paper stock of a size not less than 8-1/2 inches by
 7 11 inches. The **DEPARTMENT SHALL POST THE** notice ~~shall be posted in~~
 8 the area designated by section 12 for the placing of permit
 9 numbers, in a manner so that it is visible from the highway faced
 10 by the sign or sign structure.

11 (3) If the sign or sign structure is not removed or brought
 12 into compliance with this act within 60 days following the date of
 13 posting or mailing of written notice or within such further time as
 14 the department may allow in writing, the sign or sign structure
 15 shall be considered ~~to be~~ abandoned.

16 (4) The department shall conduct a hearing ~~pursuant to~~ **UNDER**
 17 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
 18 to 24.328, at which it shall confirm that the sign is abandoned,
 19 that due process has been observed, and that the sign may be
 20 removed by the department without payment of compensation and at
 21 the expense of the owner. ~~Signs~~ **THE DEPARTMENT SHALL REMOVE SIGNS**
 22 or sign structures ~~considered~~ **DETERMINED TO BE** abandoned **UNDER THIS**
 23 **SUBSECTION**, and any other sign or sign structure erected or
 24 maintained in violation of this act that is not eligible for
 25 removal compensation as provided in section 22, ~~shall be removed by~~
 26 ~~the department forthwith~~ **IMMEDIATELY** or upon the expiration of such
 27 further time as the department allows. The department may recover

1 as a penalty from the owner of the sign or sign structure or, if he
2 or she cannot be found, the owner of the real property upon which
3 the sign or sign structure is located, double the cost of removal
4 or \$500.00, whichever is greater. For frivolous hearings as
5 determined by the administrative law judge, the department may
6 recover as a penalty from the owner of the sign or sign structure,
7 or, if the owner of the sign or sign structure cannot be found, the
8 owner of the real property upon which the sign or sign structure is
9 located, double the cost of an administrative hearing incurred by
10 the department or \$500.00, whichever is greater. Any penalty
11 imposed under this section is subject to de novo review in circuit
12 court.

13 (5) The department, its agents and employees, and any person
14 acting under the authority of or by contract with the department
15 may enter upon private property without liability ~~for so doing in~~
16 connection with the posting or the removal of any sign or sign
17 structure ~~pursuant to~~ **UNDER** this act.

18 (6) The department may contract on a negotiated basis without
19 competitive bidding with a permittee under this act for the removal
20 of any sign or sign structure ~~pursuant to~~ **UNDER** this act.

21 (7) Any repeat violation of this act shall be considered a
22 continuing violation of this act.

23 (8) A sign or sign structure erected or maintained in
24 violation of this act is a nuisance per se. The department, before
25 or after a hearing is conducted, may apply to the circuit court in
26 the county in which a sign is located for an order to show cause
27 why the use of a sign erected or maintained in violation of this

1 act should not be enjoined pending its removal in accordance with
2 this section.

3 (9) A PERSON THAT ERECTS AND MAINTAINS A SIGN WITHOUT A VALID
4 PERMIT ISSUED UNDER THIS ACT IS SUBJECT TO A FINE THAT WILL BE
5 ASSESSED DAILY FOR THE DURATION OF THE VIOLATION BEGINNING ON THE
6 DATE THE NOTICE REQUIRED UNDER SUBSECTION (2) IS RECEIVED AS
7 INDICATED ON THE CERTIFIED MAILING CARD. THE FINE AMOUNTS ARE AS
8 FOLLOWS:

9 (A) \$100.00 PER DAY FOR THE FIRST 30 DAYS AFTER THE NOTICE IS
10 RECEIVED.

11 (B) \$150.00 PER DAY FOR THE THIRTY-FIRST THROUGH SIXTIETH DAY
12 AFTER THE NOTICE IS RECEIVED.

13 (C) \$175.00 PER DAY FOR THE SIXTY-FIRST THROUGH NINETIETH DAY
14 AFTER THE NOTICE IS RECEIVED.

15 (D) \$200.00 PER DAY FOR THE NINETY-FIRST AND EACH SUBSEQUENT
16 DAY AFTER THE NOTICE IS RECEIVED.

17 (10) IN ADDITION TO THE FINES PROVIDED FOR IN SUBSECTION (9),
18 THE DEPARTMENT MAY RECOVER GROSS REVENUE A PERSON EARNED AS A
19 RESULT OF HIS OR HER VIOLATION OF THIS ACT IF ALL OF THE FOLLOWING
20 APPLY:

21 (A) THE SIGN IS LOCATED IN A BUSINESS AREA.

22 (B) THE SIGN OCCUPIES AN AREA GREATER THAN 300 SQUARE FEET.

23 (C) THE SIGN IS ATTACHED TO THE EXTERIOR OF A PUBLIC OR
24 PRIVATE BUILDING.

25 Sec. 23. (1) The department may promulgate and enforce rules
26 to implement this act in accordance with and subject to ~~Act No. 306~~
27 ~~of the Public Acts of 1969, as amended, being sections 24.201 to~~

1 ~~24.315 of the Compiled Laws of 1948.~~ **THE ADMINISTRATIVE PROCEDURES**
2 **ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328.**

3 (2) If a person is aggrieved by any action or inaction of the
4 department, he **OR SHE** may request a formal hearing on the matter
5 involved. The hearing shall be conducted by the department in
6 accordance with the provisions for contested cases in ~~Act No. 306~~
7 ~~of the Public Acts of 1969, as amended~~ **THE ADMINISTRATIVE**
8 **PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328. AN**
9 **EMPLOYEE OF THE DEPARTMENT MAY REPRESENT THE DEPARTMENT AT THE**
10 **HEARING, AND AN INDIVIDUAL MAY REPRESENT HIMSELF OR HERSELF AT THE**
11 **HEARING.**

12 (3) A determination, action or inaction by the department
13 following the hearing ~~shall be~~ **IS** subject to judicial review as
14 provided in ~~Act No. 306 of the Public Acts of 1969, as amended.~~ **THE**
15 **ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO**
16 **24.328.**

17 Enacting section 1. Sections 18b and 18c of the highway
18 advertising act of 1972, 1972 PA 106, MCL 252.318b and 252.318c,
19 are repealed.

20 Enacting section 2. This amendatory act takes effect 90 days
21 after the date it is enacted into law.