

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 735

A bill to amend 1996 PA 299, entitled

"An act to regulate tourist-oriented directional signs on certain rural roads; and to impose certain duties upon the state transportation department,"

by amending sections 1 and 3 (MCL 247.401 and 247.403).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. As used in this act:
- 2 (a) "Department" means the state transportation department.
- 3 (b) "Eligible attraction" means a tourist-oriented activity
- 4 that is all of the following:
- 5 (i) Within 10 miles of the rural road for which a
- 6 tourist-oriented directional sign is sought, unless otherwise
- 7 restricted or permitted by the department.
- 8 (ii) Not visible from the rural road for which a
- 9 tourist-oriented directional sign is sought.
- 10 (iii) In compliance with section 131 of title 23 of the

1 United States Code, 23 ~~U.S.C.~~ **USC** 131, and the national
 2 standards, criteria, and rules established under that act, if the
 3 activity is advertised by rural road signs.

4 (c) "Rural road" means a highway as that term is defined in
 5 section 20 of the Michigan vehicle code, ~~Act No. 300 of the~~
 6 ~~Public Acts of 1949, being section 257.20 of the Michigan~~
 7 ~~Compiled Laws~~ **1949 PA 300, MCL 257.20**, but does not include
 8 ~~any~~ **either** of the following:

9 ~~(i) A road or street within the boundaries of an~~
 10 ~~incorporated city or village.~~

11 ~~(ii) A limited access highway as that term is defined in~~
 12 ~~section 26 of Act No. 300 of the Public Acts of 1949, being~~
 13 ~~section 257.26 of the Michigan Compiled Laws.~~

14 **(i) A freeway as that term is defined in section 18a of the**
 15 **Michigan vehicle code, 1949 PA 300, MCL 257.18a.**

16 **(ii)** ~~-(iii)-~~ A road that is part of the national system of
 17 interstate and defense highways.

18 (d) "Tourist-oriented activity" means a lawful cultural,
 19 historical, recreational, educational, or commercial activity
 20 that is annually attended by 2,000 or more people and for which a
 21 major portion of the activity's income or visitors are derived
 22 during the normal business season from motorists not residing in
 23 the immediate area of the activity.

24 (e) "Tourist-oriented directional sign" means a sign used to
 25 provide motorists with advanced notice of a tourist-oriented
 26 activity.

27 Sec. 3. (1) The operator of a tourist-oriented activity who

1 wishes to participate in a directional sign program under this
2 act shall submit to the department or its designee an application
3 described in section 2. If the department or its designee
4 determines that an application is complete and that the applicant
5 has complied with this act, the department or its designee shall
6 notify the applicant of that determination in writing. If the
7 applicant pays the permit fee following receipt of the written
8 notice described in this subsection, the department or its
9 designee shall issue the permit.

10 (2) If the department or its designee determines that an
11 application is incomplete or that the applicant has not complied
12 with this act, the department or its designee shall provide the
13 applicant with written notice specifying the factual basis of
14 that determination. A person aggrieved by a determination under
15 this act may appeal the determination pursuant to the
16 administrative procedures act of 1969, ~~Act No. 306 of the Public~~
17 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~
18 ~~Compiled Laws~~ **1969 PA 306, MCL 24.201 to 24.328.**

19 (3) The department shall establish the time period for which
20 a permit issued or renewed under this section is valid.
21 Additionally, the department shall establish criteria for the
22 cancellation of a permit issued or renewed under this section.

23 (4) The department or its designee shall not issue permits
24 that would result in installation of more signs at a single site
25 than are permitted under this act. If applications for sign
26 installation at a single site exceed the number of signs
27 permitted for that site, permits shall be issued in accordance

1 with the program described in section 2.

2 (5) If the eligible attraction for which a permit is in
3 effect ceases operation, the owner or operator of that eligible
4 attraction shall immediately return the permit to the department
5 or the department's designee for cancellation.

6 (6) If the department or its designee has reasonable cause to
7 believe that an eligible attraction for which a permit is in
8 effect has ceased operation, the director of the department shall
9 issue an order canceling the permit and provide the holder of
10 that permit with a copy of the order. If the order is not
11 appealed in a timely manner, or if the order is appealed and the
12 cancellation is affirmed, the director shall order the removal of
13 the sign or signs governed by the canceled permit.

14 (7) In addition to the other requirements of this section,
15 the operator of a tourist-oriented activity who wishes to
16 participate in a directional sign program under this act and is
17 applying for a sign that would reside within the boundaries of an
18 incorporated city or village shall have the application approved
19 by the incorporated city or village if the incorporated city or
20 village has adopted an ordinance that allows tourist-oriented
21 directional signs within the jurisdictional boundaries of the
22 incorporated city or village. If the incorporated city or
23 village has not adopted an ordinance that allows tourist-oriented
24 directional signs, then a tourist-oriented directional sign shall
25 not be posted within the jurisdictional limits of the
26 incorporated city or village. If the incorporated city or
27 village has adopted an ordinance allowing tourist-oriented

1 directional signs, the incorporated city or village may reject
2 any application for tourist-oriented directional signs within the
3 jurisdictional limits of the incorporated city or village.