

GOVERNOR JOHN B. SWAINSON MICHIGAN HISTORICAL MARKERS ACT (EXCERPT)
Act 10 of 1955

***** 399.157.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 19, 2018 *****

399.157.amended Official Michigan historical marker; property; control; ownership; transfer prohibited; stolen or damaged marker; recovery; proper maintenance.

Sec. 7. (1) An official Michigan historical marker approved by the department and the commission is the property of the state of Michigan and is subject to the exclusive control of the department, whether erected on public or private property. In addition to other text on the marker, each marker shall include the conspicuous statement "property of the state of Michigan".

(2) The department shall not abandon an official Michigan historical marker. In all legal proceedings, in this state or elsewhere, there is an irrebuttable presumption against abandonment of the state of Michigan's ownership of an official Michigan historical marker.

(3) Except pursuant to written permission of the department, a person or agency in possession of a historic resource where an official Michigan historical marker is displayed shall not attempt to convey, sell, or otherwise transfer the marker, and a conveyance, sale, or transfer of the marker is void.

(4) Upon discovering that an official Michigan historical marker may have been stolen or otherwise improperly or unlawfully removed from the historic resource or site where it was placed, the department, with advice and assistance from the attorney general, may commence an action, in this state or elsewhere, to recover the marker.

(5) Upon discovering that an official Michigan historical marker has been marred, vandalized, or otherwise damaged, the department, with advice and assistance from the attorney general, may commence an action, in this state or elsewhere, to recover the actual replacement cost of the marker, plus taxable costs, reasonable attorney fees, and interest calculated under section 6013 of the revised judicature act of 1961, 1961 PA 236, MCL 600.6013. Money received under this subsection shall be forwarded to the state treasurer for deposit into the fund.

(6) A person or agency in possession of a resource or site where a marker is displayed shall maintain the marker in accordance with standards prescribed by the department upon consultation with the commission. Failure to properly maintain a marker may result in its removal by the department.

History: Add. 2002, Act 488, Imd. Eff. June 28, 2002;—Am. 2017, Act 185, Eff. Feb. 19, 2018.

Compiler's note: For transfer of powers and duties relating to promotion of history and the preservation of the state's historical resources to the department of natural resources, see E.R.O. No. 2009-26, compiled at MCL 399.752.