

SUBSTITUTE FOR  
HOUSE BILL NO. 4343

A bill to amend 1972 PA 106, entitled  
"Highway advertising act of 1972,"  
by amending the title and section 3 (MCL 252.303) and by adding  
sections 18a and 20.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to provide for the licensing, regulation, ~~and~~ con-  
3 trol, AND PROHIBITION of outdoor advertising adjacent to certain  
4 ROADS AND highways; to prescribe ~~certain~~ powers and duties OF  
5 CERTAIN STATE AGENCIES AND OFFICIALS; to promulgate rules; to  
6 provide REMEDIES AND PRESCRIBE penalties for violations; and to  
7 repeal ~~certain~~ acts and parts of acts.

8 Sec. 3. To improve and enhance scenic beauty consistent  
9 with ~~the provision of~~ section 131 of title 23 of the United  
10 States ~~code, as amended,~~ CODE, 23 U.S.C. 131, the legislature

**HB4343, As Passed House, September 24, 1998**

Sub. H.B. 4343 (H-2) as amended September 22 & 24, 1998

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1 finds it appropriate to regulate and control outdoor advertising  
2 AND [ ] OUTDOOR ADVERTISING AS IT PERTAINS TO TOBACCO  
3 adjacent to the interstate highway, freeway, and primary highway  
4 systems, AND [ ] OUTDOOR ADVERTISING AS IT PERTAINS TO  
5 TOBACCO ON SECONDARY HIGHWAY, MAJOR STREET, AND LOCAL ROADS  
6 within this state and that outdoor advertising is a legitimate  
7 commercial use of private property, is an integral part of the  
8 marketing function and an established segment of the economy of  
9 this state. [IN ADDITION, THE LEGISLATURE FINDS IT APPROPRIATE TO  
PROTECT MINORS FROM EXPOSURE TO ADVERTISING THAT ENCOURAGES THEM TO  
ILLEGALLY POSSESS TOBACCO.]

10 SEC. 18A. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
11 ACT, BEGINNING JANUARY 1, 2000, A BILLBOARD SHALL NOT ADVERTISE  
12 THE PURCHASE OR CONSUMPTION OF TOBACCO PRODUCTS.

13 [(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A PERSON  
14 WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A CIVIL FINE OF NOT  
15 LESS THAN \$5,000.00 OR MORE THAN \$10,000.00 FOR EACH DAY OF  
16 VIOLATION. A CIVIL FINE COLLECTED UNDER THIS SECTION SHALL BE  
DISTRIBUTED TO PUBLIC LIBRARIES AS PROVIDED UNDER 1964 PA 59, MCL  
397.31 TO 397.40.]

17 (3) AS USED IN THIS [SECTION]:

18 (A) "BILLBOARD" MEANS A SIGN SEPARATE FROM A PREMISES  
19 ERECTED FOR THE PURPOSE OF ADVERTISING A PRODUCT, EVENT, PERSON,  
20 OR SUBJECT NOT RELATED TO THE PREMISES ON WHICH THE SIGN IS  
21 LOCATED. OFF-PREMISES DIRECTIONAL SIGNS AS PERMITTED IN THIS ACT  
22 SHALL NOT BE CONSIDERED BILLBOARDS FOR THE PURPOSE OF THIS  
23 SECTION.

[(B) "FREEWAY" MEANS A DIVIDED HIGHWAY OF NOT LESS THAN 2 LANES  
IN EACH DIRECTION TO WHICH OWNERS OR OCCUPANTS OF ABUTTING PROPERTY  
OR THE PUBLIC DO NOT HAVE A RIGHT OF INGRESS OR EGRESS TO, FROM, OR  
ACROSS THE HIGHWAY, EXCEPT AT POINTS DETERMINED BY OR AS OTHERWISE  
PROVIDED BY THE AUTHORITIES RESPONSIBLE FOR THE HIGHWAY.]

(C) "INTERSTATE HIGHWAY" MEANS A HIGHWAY OFFICIALLY DESIGNATED  
AS A PART OF THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS  
BY THE DEPARTMENT AND APPROVED BY THE APPROPRIATE AUTHORITY OF THE  
FEDERAL GOVERNMENT.

(D) "MAIN-TRAVELED WAY" MEANS THE TRAVELED WAY OF A HIGHWAY ON  
WHICH THROUGH TRAFFIC IS CARRIED. THE TRAVELED WAY OF EACH OF THE  
SEPARATE ROADWAYS FOR TRAFFIC IN OPPOSITE DIRECTIONS IS A MAIN-  
TRAVELED WAY OF A DIVIDED HIGHWAY. IT DOES NOT INCLUDE FACILITIES  
AS FRONTAGE ROADS, TURNING ROADWAYS, OR PARKING AREAS.

(E) "PRIMARY HIGHWAY" MEANS A HIGHWAY, OTHER THAN AN INTERSTATE  
HIGHWAY OR FREEWAY, OFFICIALLY DESIGNATED AS A PART OF THE PRIMARY  
SYSTEM AS DEFINED IN SECTION 131 OF TITLE 23 OF THE UNITED STATES  
CODE, 23 U.S.C. 131, BY THE DEPARTMENT AND APPROVED BY THE  
APPROPRIATE AUTHORITY OF THE FEDERAL GOVERNMENT.

(F) "SECONDARY HIGHWAY" MEANS A STATE SECONDARY ROAD OR COUNTY  
PRIMARY ROAD.]

24 [(G)] "TOBACCO PRODUCT" MEANS ANY TOBACCO PRODUCT SOLD TO THE  
25 GENERAL PUBLIC AND INCLUDES, BUT IS NOT LIMITED TO, CIGARETTES,

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**26** CIGARS, TOBACCO SNUFF, AND CHEWING TOBACCO.

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**1** SEC. 20. IF ANY PART OF THIS ACT IS FOUND BY A COURT TO BE  
**2** INVALID OR UNCONSTITUTIONAL, THE REMAINING PARTS OF THIS ACT  
**3** SHALL NOT BE AFFECTED BUT SHALL REMAIN IN FULL FORCE AND EFFECT.