



**House
Legislative
Analysis
Section**

House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

**REVISE HIGHWAY BILLBOARD
REQUIREMENTS**

House Bill 6380

Sponsor: Rep. Judson Gilbert II

Committee: Transportation

Complete to 9-26-02

A SUMMARY OF HOUSE BILL 6380 AS INTRODUCED 9-24-02

House Bill 6380 would amend the Highway Advertising Act of 1972 to revise the requirements for highway billboards.

Under the bill, two new definitions would be added to describe certain kinds of billboards. The bill would define "bulletin" to mean a billboard with a facing of 14 feet by 28 feet. Further, "poster" would be defined to mean a billboard with a facing of 12 feet by 25 feet. The bill also would retain but relocate within the act, the current definition of "billboard", which is defined to mean a sign separate from a premises erected for the purpose of advertising a product, event, person, or subject not related to the premises on which the sign is located. Off-premises directional signs as permitted in the act are not considered billboards of the purpose of the definition.

In addition and under the current law, a city, village, township, or charter township may enact ordinances to regulate and control the size, lighting, and spacing of signs and sign structures, but they cannot permit a sign (or sign structure) that is otherwise prohibited by the act, nor can they require or cause the removal of lawfully erected signs (or sign structures) subject to the act without the payment of just compensation. The bill would retain these provisions, and add that such ordinances would be required to permit posters visible from primary highways and secondary highways, and bulletins visible from freeways and interstate highways.

Further, the bill would add a new subsection to specify that a sign (or sign structure) that was erected or maintained in violation of the act would be a nuisance per se. The department could apply to the circuit court in the county in which a sign was located for an order to show cause why the use of the sign should not be enjoined pending its removal. The department could apply for the order to show cause either before or after a hearing was conducted.

Currently under the law, a sign having a "facing" that is visible from a public road must comply with the act. Under the bill, "facing" would be deleted, and instead, a sign having a "message" that is visible from a public road would have to comply with the act.

Currently under the law, a first-year permit fee of \$100 is payable annually for each billboard, and that money is credited to the state trunk line fund. The law also specifies renewal fees. For signs greater than eight square feet and up to and including 300 square feet, the annual permit renewal fee is \$25. For signs greater than 300 square feet, the permit renewal fee is \$40. However, signs of service clubs and religious organizations are not subject to annual renewal fees. Under the bill, these provisions would be retained but modified so that all signs up to and

House Bill 6380 (9-26-02)

including 300 square feet would pay an annual permit renewal fee of \$25, rather than only those greater than eight square feet. Further, the bill specifies that signs of service clubs and religious organizations would not be subject to an annual fee, rather than to an annual renewal fee.

Currently under the law, a sign structure cannot be located closer than 500 feet to another sign structure, if it is along a primary highway within the limits of an incorporated municipality. Under the bill, a sign structure cannot be located closer than 500 feet to another sign structure "on the same side of the highway," if it is along a primary highway located in a business area or unzoned commercial or industrial area. The bill would then delete a provision that currently specifies that along primary highways in areas outside of the limits of an incorporated municipality, a sign structure cannot be closer than 500 feet to another sign structure.

MCL 252.302 et al

Analyst: J. Hunault

■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.