

Act No. 528
Public Acts of 2004
Approved by the Governor
January 3, 2005
Filed with the Secretary of State
January 3, 2005
EFFECTIVE DATE: January 3, 2005

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Senators Allen, George and Barcia

ENROLLED SENATE BILL No. 735

AN ACT 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:

Sec. 1. As used in this act:

- (a) "Department" means the state transportation department.
- (b) "Eligible attraction" means a tourist-oriented activity that is all of the following:
 - (i) Within 10 miles of the rural road for which a tourist-oriented directional sign is sought, unless otherwise restricted or permitted by the department.
 - (ii) Not visible from the rural road for which a tourist-oriented directional sign is sought.
 - (iii) In compliance with section 131 of title 23 of the United States Code, 23 USC 131, and the national standards, criteria, and rules established under that act, if the activity is advertised by rural road signs.
- (c) "Rural road" means a highway as that term is defined in section 20 of the Michigan vehicle code, 1949 PA 300, MCL 257.20, but does not include either of the following:
 - (i) A freeway as that term is defined in section 18a of the Michigan vehicle code, 1949 PA 300, MCL 257.18a.
 - (ii) A road that is part of the national system of interstate and defense highways.
- (d) "Tourist-oriented activity" means a lawful cultural, historical, recreational, educational, or commercial activity that is annually attended by 2,000 or more people and for which a major portion of the activity's income or visitors are derived during the normal business season from motorists not residing in the immediate area of the activity.
- (e) "Tourist-oriented directional sign" means a sign used to provide motorists with advanced notice of a tourist-oriented activity.

Sec. 3. (1) The operator of a tourist-oriented activity who wishes to participate in a directional sign program under this act shall submit to the department or its designee an application described in section 2. If the department or its designee determines that an application is complete and that the applicant has complied with this act, the department or its designee shall notify the applicant of that determination in writing. If the applicant pays the permit fee following receipt of the written notice described in this subsection, the department or its designee shall issue the permit.

(2) If the department or its designee determines that an application is incomplete or that the applicant has not complied with this act, the department or its designee shall provide the applicant with written notice specifying the factual basis of that determination. A person aggrieved by a determination under this act may appeal the determination pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

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

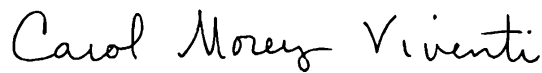
(4) The department or its designee shall not issue permits that would result in installation of more signs at a single site than are permitted under this act. If applications for sign installation at a single site exceed the number of signs permitted for that site, permits shall be issued in accordance with the program described in section 2.

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

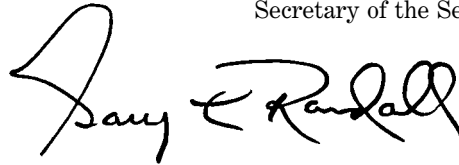
(6) If the department or its designee has reasonable cause to believe that an eligible attraction for which a permit is in effect has ceased operation, the director of the department shall issue an order canceling the permit and provide the holder of that permit with a copy of the order. If the order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

(7) In addition to the other requirements of this section, the operator of a tourist-oriented activity who wishes to participate in a directional sign program under this act and is applying for a sign that would reside within the boundaries of an incorporated city or village shall have the application approved by the incorporated city or village if the incorporated city or village has adopted an ordinance that allows tourist-oriented directional signs within the jurisdictional boundaries of the incorporated city or village. If the incorporated city or village has not adopted an ordinance that allows tourist-oriented directional signs, then a tourist-oriented directional sign shall not be posted within the jurisdictional limits of the incorporated city or village. If the incorporated city or village has adopted an ordinance allowing tourist-oriented directional signs, the incorporated city or village may reject any application for tourist-oriented directional signs within the jurisdictional limits of the incorporated city or village.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor