

SENATE BILL No. 869

November 9, 2005, Introduced by Senators VAN WOERKOM, KUIPERS, HARDIMAN, GOSCHKA, ALLEN and McMANUS and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 676a (MCL 257.676a), as amended by 2005 PA 1.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 676a. (1) Except as otherwise provided in this section, a
2 person, firm, or corporation who sells or offers for sale, or
3 displays or attempts to display for sale, goods, wares, produce,
4 fruit, vegetables, or merchandise within the right-of-way of a
5 highway outside of the corporate limits of a city or village, or
6 within the right-of-way of a state trunk line highway, is
7 responsible for a civil infraction.

8 (2) The state transportation department may issue a permit to
9 a person, firm, or corporation to conduct activities described in
10 subsection (1) if the permitted activities do not create an unsafe

1 situation and do not interfere with transportation along the state
2 trunk line highway. As a condition of issuing a permit under this
3 subsection, the state transportation department shall require the
4 municipality having jurisdiction over the site to pass a resolution
5 authorizing the activities described in subsection (1) and may
6 require that the municipality having jurisdiction over the site of
7 the permitted activities agree to enforce compliance with the
8 permit. The issuance of a permit under this subsection does not
9 confer any property right. The state transportation department may
10 charge a fee for issuing a permit under this subsection in an
11 amount not greater than the administrative cost of issuing the
12 permit.

13 (3) A holder of a permit issued under subsection (2) that
14 conducts activities in violation of that permit is responsible for
15 a civil infraction. Each day during which the permit holder
16 conducts activities in violation of the permit is a separate
17 violation. The state transportation department may limit or revoke
18 a permit issued under subsection (2) if the permit holder conducts
19 activities that create an unsafe situation or interfere with
20 transportation along the state trunk line highway, or if the permit
21 holder is in violation of the conditions of the permit.

22 (4) **THE STATE TRANSPORTATION DEPARTMENT MAY ENTER INTO AN**
23 **AGREEMENT WITH A CITY OR VILLAGE TO ALLOW A RIGHT-OF-WAY OF A STATE**
24 **TRUNK LINE HIGHWAY WITHIN THE CORPORATE LIMITS OF THAT LOCAL UNIT**
25 **OF GOVERNMENT TO BE USED BY A PERSON, FIRM, OR CORPORATION TO SELL**
26 **OR OFFER FOR SALE, OR DISPLAY OR ATTEMPT TO DISPLAY FOR SALE,**
27 **GOODS, WARES, PRODUCE, FRUIT, VEGETABLES, OR MERCHANDISE WITHIN**

1 **THAT RIGHT-OF-WAY.**

2 (5) ~~—(4)—~~ This section does not interfere with a permanently
3 established business that, as of September 27, 1957, was located on
4 or partially on private property or grant to the owner of that
5 business additional rights or authority that the owner did not
6 possess on September 27, 1957, or diminish the legal rights or
7 duties of the authority having jurisdiction of the right-of-way.

8 (6) ~~—(5)—~~ In conjunction with the exemption granted by federal
9 law from the restrictions contained in 23 USC 111, and described in
10 the "manual on uniform traffic control devices for streets and
11 highways", U.S. department of transportation and federal highway
12 administration, part 2g (LOGOS), this section does not prohibit the
13 use of a facility located in part on the right-of-way of I-94 in
14 the vicinity of the interchange of I-94 and I-69 business loop/I-94
15 business loop for the sale of only those articles ~~—which—~~ **THAT** are
16 for export and consumption outside the United States.

17 (7) ~~—(6)—~~ This section does not prohibit the use of logo
18 signage within the right-of-way of limited access highways. For
19 purposes of this subsection, "logo signage" means a sign containing
20 the trademark or other symbol that identifies a business in a
21 manner and at locations approved by the state transportation
22 department. The state transportation department may enter into
23 agreements to allow logo signage, and any revenue received by the
24 state transportation department under this subsection shall be
25 deposited into the state trunk line fund established under section
26 11 of 1951 PA 51, MCL 247.661.