

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 589

A bill to amend 1972 PA 106, entitled
"Highway advertising act of 1972,"
by amending section 7a (MCL 252.307a), as amended by 2009 PA 86.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7a. (1) Except as otherwise provided in this section, the
2 department shall not issue annual permits for new signs on or after
3 January 1, 2007.

4 (2) Permits issued by the department before January 1, 2007
5 remain in force and valid.

6 (3) On and after January 1, 2007, the department shall issue
7 an interim permit or permits to a holder of a valid permit or
8 permits if all of the following conditions are met:

9 (a) The holder of the valid permit or permits is otherwise in
10 compliance with this act.

11 (b) The holder of the permit or permits surrenders the permit

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or permits to the department upon the removal of a sign structure or sign structures that have a valid permit under this act.

(c) The holder of the permit or permits verifies the removal of the sign structure or sign structures in writing to the department.

(d) The department verifies that the sign structure or structures have been removed or the removal has been deemed effective under this section.

(4) ~~An~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, AN** interim permit that is issued under this section shall only be utilized for the construction of a new sign structure and shall remain in effect without expiration with fees renewed on an annual basis. **A SIGN CONSTRUCTED PURSUANT TO AN INTERIM PERMIT SHALL NOT BE CLOSER THAN 900 FEET TO ANOTHER SIGN STRUCTURE ON THE SAME SIDE OF THE HIGHWAY ALONG INTERSTATE HIGHWAYS, FREEWAYS, AND PRIMARY HIGHWAYS. AN APPLICATION FOR AN INTERIM PERMIT FOR AN EXISTING SIGN STRUCTURE SHALL BE GRANTED IF ALL OF THE FOLLOWING CONDITIONS ARE MET:**

(A) THE APPLICATION IS SUBMITTED BETWEEN **[DECEMBER 1, 2010]** AND **[MARCH 1, 2011]**.

(B) THE EXISTING STRUCTURE IS NOT CLOSER THAN 900 FEET TO ANOTHER SIGN STRUCTURE ALONG THE SAME SIDE OF THE HIGHWAY.

(C) THE COUNTY IN WHICH THE EXISTING SIGN STRUCTURE IS LOCATED HAS A POPULATION OF LESS THAN 211,000 AND MORE THAN 175,000 AS DETERMINED BY THE MOST RECENT FEDERAL DECENNIAL CENSUS.

(D) THE APPLICATION IS SUBMITTED FOR A DIGITAL BILLBOARD.

(5) IN ADDITION TO THE ANNUAL PERMIT PROVIDED FOR IN SECTION

6, A SIGN OWNER SHALL APPLY FOR A DIGITAL BILLBOARD PERMIT ON A FORM PRESCRIBED BY THE DEPARTMENT FOR EACH SIGN ALLOWED UNDER SECTION 18(F) TO BE MAINTAINED OR TO BE ERECTED IN AN ADJACENT AREA WHERE THE FACING OF THE SIGN IS VISIBLE FROM AN INTERSTATE HIGHWAY, FREEWAY, OR PRIMARY HIGHWAY. A SIGN OWNER SHALL APPLY FOR A SEPARATE DIGITAL BILLBOARD PERMIT FOR EACH SIGN ALLOWED UNDER THE PROVISIONS OF SECTION 18(F) FOR EACH HIGHWAY SUBJECT TO THIS ACT FROM WHICH THE FACING OF THE SIGN ALLOWED UNDER THE PROVISIONS OF SECTION 18(F) IS VISIBLE. THE OWNER SHALL APPLY FOR THE DIGITAL BILLBOARD PERMIT FOR SIGNS ALLOWED UNDER THE PROVISIONS OF SECTION 18(F) THAT BECOME SUBJECT TO THE PERMIT REQUIREMENTS OF THIS ACT BECAUSE OF A CHANGE IN HIGHWAY DESIGNATION OR OTHER REASON NOT WITHIN THE CONTROL OF THE SIGN OWNER WITHIN 2 MONTHS AFTER THE SIGN BECOMES SUBJECT TO THE PERMIT REQUIREMENTS OF THIS ACT. THE FORM SHALL REQUIRE THE NAME AND BUSINESS ADDRESS OF THE APPLICANT, THE NAME AND ADDRESS OF THE OWNER OF THE PROPERTY ON WHICH THE SIGN IS TO BE LOCATED, THE DATE THE SIGN, IF CURRENTLY MAINTAINED, WAS ERECTED, THE ZONING CLASSIFICATION OF THE PROPERTY, A PRECISE DESCRIPTION OF WHERE THE SIGN IS OR WILL BE SITUATED, AND A CERTIFICATION THAT THE SIGN IS NOT PROHIBITED BY THIS ACT AND THAT THE SIGN DOES NOT VIOLATE THIS ACT. THE DEPARTMENT MAY REQUIRE DOCUMENTATION TO VERIFY THE ZONING, THE CONSENT OF THE LAND OWNER, AND ANY OTHER MATTER CONSIDERED ESSENTIAL TO THE EVALUATION OF COMPLIANCE WITH THIS ACT.

(6) IN ADDITION TO THE APPLICATION AS PROVIDED FOR IN SUBSECTION (5), THE APPLICANT FOR A DIGITAL BILLBOARD PERMIT SHALL DO ALL OF THE FOLLOWING FOR EACH DIGITAL BILLBOARD PERMIT APPLIED

1 FOR:

2 (A) SURRENDER AN INTERIM PERMIT OR AN ANNUAL PERMIT FOR A
3 DIGITAL BILLBOARD PERMIT UNLESS THE APPLICATION IS FOR A DIGITAL
4 BILLBOARD PERMIT THAT SATISFIES THE CONDITIONS OF SUBSECTION (4) (A)
5 TO (D) .

6 (B) FOR SIGNS STACKED 1 ON TOP OF ANOTHER, THE REMOVAL AND
7 SURRENDER OF ALL PERMITS FOR SIGN FACES GREATER THAN THAT WHICH IS
8 ALLOWED UNDER THE PROVISIONS OF SECTION 15(2) .

9 (C) AGREE TO ENROLL THE DIGITAL BILLBOARD FACE IN A DEPARTMENT
10 TRAFFIC AND WEATHER MONITORING PROGRAM OR A DEPARTMENT EMERGENCY
11 ALERT PROGRAM, INCLUDING, BUT NOT LIMITED TO, THE NATIONAL AMBER
12 ALERT PROGRAM, OR BOTH.

13 (7) WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THE AMENDATORY ACT
14 THAT ADDED THIS SUBSECTION, THE OWNER OF A SIGN THAT IS ALLOWED
15 UNDER SECTION 18(F) THAT WAS ERECTED PRIOR TO THE EFFECTIVE DATE OF
16 THE AMENDATORY ACT THAT ADDED THIS SUBSECTION SHALL APPLY FOR, AND
17 THE DEPARTMENT SHALL ISSUE, A DIGITAL BILLBOARD PERMIT.

18 (8) ~~(5)~~—The department shall verify that an existing sign
19 structure has been removed no later than 30 days after the
20 department receives written notice from the permit holder that the
21 sign structure has been removed. If the department does not respond
22 to the written notice within 30 days after receipt of the written
23 notice, then the permit holder shall be deemed to have removed the
24 sign structure in compliance with this section.

25 (9) ~~(6)~~—A holder of 2 valid permits for a sign structure with
26 2 faces who complies with this section shall receive 2 interim
27 permits for the construction of a sign structure with 2 faces. A

1 permit holder under this subsection shall not receive 2 interim
2 permits to construct 2 single-face sign structures.

3 (10) ~~(7)~~—A holder of a valid permit for a sign structure with
4 a single face is entitled to exchange that permit under this
5 section for an interim permit with a single face. A holder of valid
6 permits for 2 different single-face structures may exchange the 2
7 permits under this section for 2 interim permits to construct 2
8 single-face sign structures or 2 interim permits to construct 1
9 sign structure with 2 faces.

10 (11) ~~(8)~~—A holder of more than 2 valid permits for a sign
11 structure with more than 2 faces may exchange the permits under
12 this section for a maximum of 2 interim permits. The 2 interim
13 permits received under this section shall only be used to construct
14 1 sign structure with no more than 2 faces.

15 (12) ~~(9)~~—After construction of a sign structure under an
16 interim permit is complete, the department shall issue renewable
17 permits annually for the completed sign structure.

18 (13) ~~(10)~~—If a permit holder for a sign structure that exists
19 on January 1, 2007 requires additional permits for any reason, the
20 department may issue a valid renewable permit renewable on an
21 annual basis without complying with subsection (2) even if the
22 permit holder has more than 2 valid permits as a result.

23 (14) ~~(11)~~—The department may issue a permit for a new sign
24 structure that measures no more than 8 square feet for signs in the
25 categories of service club signs and religious organization signs.

26 (15) ~~(12)~~—Notwithstanding anything else in this act that may
27 be to the contrary, permits issued under subsection ~~(11)~~—(14) are

1 not eligible to be surrendered for an interim permit.