

Act No. 86
Public Acts of 2009
Approved by the Governor
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**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2009**

Introduced by Rep. Kandrevas

ENROLLED HOUSE BILL No. 5122

AN ACT to amend 1972 PA 106, entitled "An act to provide for the licensing, regulation, control, and prohibition of outdoor advertising adjacent to certain roads and highways; to prescribe powers and duties of certain state agencies and officials; to promulgate rules; to provide remedies and prescribe penalties for violations; and to repeal acts and parts of acts," by amending sections 2, 7, 7a, 11a, 17, 18, and 21 (MCL 252.302, 252.307, 252.307a, 252.311a, 252.317, 252.318, and 252.321), sections 2, 7, 17, and 18 as amended and section 11a as added by 2006 PA 448 and section 7a as added by 2006 PA 447.

The People of the State of Michigan enact:

Sec. 2. As used in this act:

(a) "Business area" means an adjacent area which is zoned under authority of state, county, township, or municipal zoning authority for industrial or commercial purposes, customarily referred to as "b" or business, "c" or commercial, "i" or industrial, "m" or manufacturing, and "s" or service, and all other similar classifications and which is within a city, village, or charter township or is within 1 mile of the corporate limits of a city, village, or charter township or is beyond 1 mile of the corporate limits of a city, village, or charter township and contains 1 or more permanent structures devoted to the industrial or commercial purposes described in this subdivision and which extends along the highway a distance of 800 feet beyond each edge of the activity. Each side of the highway is considered separately in applying this definition except where it is not topographically feasible for a sign or sign structure to be erected or maintained on the same side of the highway as the permanent structure devoted to industrial or commercial purposes, a business area may be established on the opposite side of a primary highway in an area zoned commercial or industrial or in an unzoned area with the approval of the state highway commission. A permanent structure devoted to industrial or commercial purposes does not result in the establishment of a business area on both sides of the highway. All measurements shall be from the outer edge of the regularly used building, parking lot or storage or processing area of the commercial or industrial activity and not from the property lines of the activities and shall be along or parallel to the edge or pavement of the highway. Commercial or industrial purposes are those activities generally restricted to commercial or industrial zones in jurisdictions that have zoning. In addition, the following activities shall not be considered commercial or industrial:

(i) Agricultural, animal husbandry, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands.

(ii) Transient or temporary activities.

(iii) Activities not visible from the main-traveled way.

(iv) Activities conducted in a building principally used as a residence, or in a building located on property that is used principally for residential purposes or for activities recited in subparagraph (i).

(v) Railroad tracks and minor sidings.

(vi) Outdoor advertising.

(vii) Activities more than 660 feet from the main-traveled way.

(viii) Activities that have not been in continuous operation of a business or commercial nature for at least 2 years.

(ix) Public utility facilities, whether regularly staffed or not.

(x) Structures associated with on-site outdoor recreational activities such as riding stables, golf course shops, and campground offices.

(xi) Activities conducted in a structure for which an occupancy permit has not been issued or which is not a fully enclosed building, having all necessary utility service and sanitary facilities required for its intended commercial or industrial use.

(xii) A storage facility for a business or other activity not located on the same property, except a storage building having at least 10 separate units that are available to be rented by the public.

(xiii) A temporary business solely established to qualify as commercial or industrial activity under this act.

(b) "Unzoned commercial or industrial area" means an area which is within an adjacent area, which is not zoned by state or local law, regulation or ordinance, which contains 1 or more permanent structures devoted to the industrial or commercial purposes described in subdivision (a), and which extends along the highway a distance of 800 feet beyond each edge of the activity. Each side of the highway is considered separately in applying this definition except where it is not topographically feasible for a sign or sign structure to be erected or maintained on the same side of the highway as the permanent structure devoted to industrial or commercial purposes, an unzoned commercial or industrial area may be established on the opposite side of a primary highway in an area zoned commercial or industrial or in an unzoned area with the approval of the state highway commission. A permanent structure devoted to industrial or commercial purposes does not result in the establishment of an unzoned commercial or industrial area on both sides of the highway. All measurements shall be from the outer edge of the regularly used building, parking lot or storage or processing area of the commercial or industrial activity and not from the property lines of the activities and shall be along or parallel to the edge or pavement of the highway. Commercial or industrial purposes are those activities generally restricted to commercial or industrial zones in jurisdictions that have zoning. In addition, the following activities shall not be considered commercial or industrial:

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(iii) Activities not visible from the main-traveled way.

(iv) Activities conducted in a building principally used as a residence, or in a building located on property that is used principally for residential purposes or for activities recited in subparagraph (i).

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(xii) A storage facility for a business or other activity not located on the same property, except a storage building having at least 10 separate units that are available to be rented by the public.

(xiii) A temporary business solely established to qualify as commercial or industrial activity under this act.

(c) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(d) "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.

(e) "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 therefor.

(f) "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 USC 131, by the department and approved by the appropriate authority of the federal government.

(g) “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.

(h) “Sign” means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing, whether placed individually or on a T-type, V-type, back to back or double-faced display, designed, intended or used to advertise or inform.

(i) “Sign structure” means the assembled components which make up an outdoor advertising display, including, but not limited to, uprights, supports, facings and trim. Such sign structure may contain 1 or 2 signs per facing and may be double-faced, back to back, T-type or V-type.

(j) “Visible” means a sign that has a message that is capable of being seen and read by a person of normal visual acuity when traveling in a motor vehicle.

(k) “Location” means a place where there is located a single, double-faced, back to back, T-type, or V-type sign structure.

(l) “Maintain” means to allow to exist and includes the periodic changing of advertising messages, customary maintenance and repair of signs and sign structures.

(m) “Abandoned sign or sign structure” means a sign or sign structure subject to the provisions of this act, the owner of which has failed to secure a permit, has failed to identify the sign or sign structure or has failed to respond to notice.

(n) “Department” means the state transportation department.

(o) “Adjacent area” means the area measured from the nearest edge of the right of way of an interstate highway, freeway, or primary highway and extending 3,000 feet perpendicularly and then along a line parallel to the right-of-way line.

(p) “Person” means any individual, partnership, private association, or corporation, state, county, city, village, township, charter township, or other public or municipal association or corporation.

(q) “On-premises sign” means a sign advertising activities conducted or maintained on the property on which it is located. The boundary of the property shall be as determined by tax rolls, deed registrations, and apparent land use delineations. When a sign consists principally of brand name or trade name advertising and the product or service advertised is only incidental to the principal activity, or if it brings rental income to the property owner or sign owner, it shall be considered the business of outdoor advertising and not an on-premises sign. Signs on narrow strips of land contiguous to the advertised activity, or signs on easements on adjacent property, when the purpose is clearly to circumvent the intent of this act, shall not be considered on-premises signs.

(r) “Billboard” means 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 this act shall not be considered billboards for the purposes of this section.

(s) “Secondary highway” means a state secondary road or county primary road.

(t) “Tobacco product” means any tobacco product sold to the general public and includes, but is not limited to, cigarettes, tobacco snuff, and chewing tobacco.

(u) “Religious organization sign” means a sign, not larger than 8 square feet, that gives notice of religious services.

(v) “Service club sign” means a sign, not larger than 8 square feet, that gives notice about nonprofit service clubs or charitable associations.

Sec. 7. (1) A permit fee is payable annually in advance, to be credited to the state trunk line fund. The fee is \$100.00 for the first year except that signs in existence prior to a highway’s change in designation or jurisdiction which would require signs to be permitted shall only be required to pay the permit renewal amount as provided in subsection (2). The department shall establish an annual expiration date for each permit and may change the expiration date of existing permits to spread the permit renewal activity over the year. Permit fees may be prorated the first year. An application for the renewal of a permit shall be filed with the department at least 30 days before the expiration date.

(2) For signs up to and including 300 square feet, the annual permit renewal fee is \$50.00. For signs greater than 300 square feet, the annual permit renewal fee is \$80.00. Signs of the service club and religious category are not subject to an annual renewal fee.

(3) The annual renewal fee for each permit shall increase by an additional \$20.00 if the fee is not paid at least 30 days before the expiration date of the permit. If the annual renewal fee is not paid as required under this section, the department shall send notice of nonpayment by certified mail to the permit holder’s address on file not more than 30 days after the permit expiration date. If the annual renewal fee for any permit is not paid within 60 days after the permit expiration date, the department may cancel the permit without taking further administrative action unless an administrative hearing is requested by the permit holder within 60 days of the permit expiration date.

(4) Notwithstanding subsection (3), for permits having the same expiration date, the maximum amount of increased annual renewal fees for late payments that may be assessed by the department under this section against 1 permit holder is \$10,000.00.

(5) If the department has collected penalties from a permit holder under this section during the period beginning January 1, 2007 and ending on the date of the amendatory act that added this subsection and the total amount collected from that permit holder during that period exceeds \$10,000.00, the excess amount for that period shall be credited against future renewal fees of the permit holder.

(6) The department shall require a transfer fee when a request is made to transfer existing permits to a new sign owner. Except as otherwise provided in this subsection, the transfer fee shall be \$100.00 for each permit that is requested to be transferred, up to a maximum of \$500.00 for a request that identifies 5 or more permits to be transferred. If the department incurs additional costs directly attributable to special and unique circumstances associated with the requested transfer, the department may assess a transfer fee greater than the maximums identified in this subsection to recover those costs incurred by the department.

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

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

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

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

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

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

(6) A holder of 2 valid permits for a sign structure with 2 faces who complies with this section shall receive 2 interim permits for the construction of a sign structure with 2 faces. A permit holder under this subsection shall not receive 2 interim permits to construct 2 single-face sign structures.

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

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

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

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

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

(12) Notwithstanding anything else in this act that may be to the contrary, permits issued under subsection (11) are not eligible to be surrendered for an interim permit.

Sec. 11a. (1) Subject to the requirements of this section, the department is authorized to and shall issue permits for the management of vegetation to the owner of a sign subject to this act.

(2) A sign owner may apply to the department for a permit to manage vegetation using the department's approved form. The application shall be accompanied by an application fee of \$150.00 to cover the costs of evaluating and

processing the application. The application shall be submitted during the 2 or more annual application periods not less than 60 days each, as specified by the department. The application shall clearly identify the vegetation to be managed in order to create visibility of the sign within the billboard viewing zone and all proposed mitigation for the impacts of the vegetation management undertaken. The application shall also include anticipated management that will be needed in the future to maintain the visibility of the sign within the billboard viewing zone for the time specified in subsection (4) and procedures for clearing vegetation as determined by the department.

(3) Unless otherwise agreed to by the department and an applicant, the department shall issue its decision on an application no later than 30 days after the last day of the application period. The department shall approve the application, approve the application with modification, or deny the application. If the department approves the application or approves the application with modification, it shall notify the applicant and the notification shall include the value of the vegetation to be managed as determined by the department using the most recent version of the international society of arboriculture's guide for plant appraisal and the corresponding Michigan tree evaluation supplement to the guide for plant appraisal published by the Michigan forestry and park association. The department may use another objective authoritative guide in consultation with representatives of the outdoor advertising industry and other interested parties, if either the guide or the supplement has not been updated for more than 5 years. The department, in consultation with representatives of the outdoor advertising industry and other interested parties, may develop a value schedule for vegetation. If agreed to by both the department and the applicant, this value schedule shall be used to determine the value of the vegetation to be managed. The notification to the applicant shall also include any required mitigation for the vegetation to be managed and all conditions and requirements associated with the issuance of the permit. The permit fee shall be \$300.00, except that in special and unique situations and circumstances where the department incurs additional costs directly attributable to the approval of the permit, a fee greater than \$300.00 adequate for the recovery of additional costs may be assessed. Upon receipt of the permit fee, payment for the value of the vegetation, and compliance with MDOT conditions and requirements, the department shall issue the permit.

(4) Subject to the provisions of this subsection, a permit to manage vegetation shall provide for a minimum of 5 seconds of continuous, clear, and unobstructed view of the billboard face based on travel at the posted speed as measured from the point directly adjacent to the point of the billboard closest to the highway. The department and the applicant may enter into an agreement, at the request of the applicant, identifying the specific location of the continuous, clear, and unobstructed view within the billboard viewing zone. The specific location may begin at a point anywhere within the billboard viewing zone but shall result in a continuous, clear, and unobstructed view of not less than 5 seconds. An applicant shall apply for a permit that minimizes the amount of vegetation to be managed for the amount of viewing time requested. Applications for vegetation management that provide for greater than 5 seconds of continuous, clear, and unobstructed viewing at the posted speed as measured from a point directly adjacent to the point of the billboard closest to the highway shall not be rejected based solely upon the application exceeding the 5-second minimum. For billboards spaced less than 500 feet apart, vegetation management, when permitted, shall provide for a minimum of 5 seconds of continuous, clear, and unobstructed view of the billboard face based on travel at the posted speed or the distance between the billboard and the adjacent billboard, whichever is less.

(5) The department shall issue permits for vegetation management in a viewing cone or, at the department's discretion, another shape that provides for the continuous, clear, and unobstructed view of the billboard face. The department may, in its discretion, issue a permit for vegetation management outside of the billboard viewing zone.

(6) If no suitable alternative exists or the applicant is unable to provide acceptable mitigation, the department may deny an application or provide a limited permit to manage vegetation when it can be demonstrated that 1 or more of the following situations exist:

- (a) The vegetation management would have an adverse impact on safety.
- (b) The vegetation management would have an adverse impact on operations of the state trunk line highway.
- (c) The vegetation management conflicts with federal or state law, rules, or statutory requirements.
- (d) The applicant does not have the approval of the owner of the property.
- (e) The vegetation to be managed was planted or permitted to be planted by the department for a specific purpose.
- (f) Vegetation would be managed for a newly constructed billboard or vegetation existed that obscured the billboard or would have obscured the billboard before it was constructed. In denying an application or providing a limited permit, the department shall consider previous vegetation management that was allowed at the billboard site.
- (g) The management would occur on a scenic or heritage route that was designated on or before the effective date of the amendatory act that added this section.
- (h) The application is for a sign that has been found, after a hearing in accordance with section 19, not to be in compliance with this act.
- (i) Other special or unique circumstances or conditions exist, including, but not limited to, adverse impact on the environment, natural features, or adjacent property owners.

(7) If the department denies an application or issues a limited permit under this subsection, the department shall provide a specific rationale for denying an application or approving a limited permit.

(8) No later than 30 days after receiving a denial or a limited permit under subsection (6), an applicant may request the review and reconsideration of the denial or limited permit. The applicant shall submit its request in writing on a form as determined by the department. The applicant shall state the specific item or items for which review and reconsideration are being requested. An applicant who received a limited permit may manage vegetation in accordance with that permit during the review and reconsideration period.

(9) No later than 90 days after January 1, 2007, the department shall develop a procedure for review and reconsideration of applications that are denied or that result in the issuance of a limited permit. This procedure shall include at least 2 levels of review and provide for input from the applicant. The review period shall not exceed 120 days. The department shall consult with all affected and interested parties, including, but not limited to, representatives of the outdoor advertising industry, in the development of this procedure.

(10) If, after review and reconsideration as provided for in subsection (8), the applicant is denied a permit or issued a limited permit, the applicant may appeal the decision of the department to a court of competent jurisdiction.

(11) All work performed in connection with trimming, removing, or relocating vegetation shall be performed at the sign owner's expense.

(12) The department shall not plant or authorize to be planted any vegetation that obstructs, or through expected normal growth will obstruct in the future, the visibility within the billboard viewing zone of any portion of a sign face subject to this act.

(13) The department shall prepare an annual report for submission to the legislature regarding the vegetation management undertaken pursuant to this section. At a minimum, this report shall include all of the following items:

- (a) The number of application periods.
- (b) The number of applications submitted under this section.
- (c) The number of permits approved without modifications.
- (d) The number of permits approved with modifications.
- (e) The number of permits denied.
- (f) The number of modified or denied permits which were appealed.
- (g) The number of appeals that reversed the department's decision.
- (h) The number of appeals that upheld the department's decision.
- (i) The number of permits approved which requested a visibility time period exceeding 5 seconds.
- (j) The amount of compensation paid to the state for removed vegetation.

(k) The average number of days after the end of the application period before an applicant was sent notice that a permit was approved.

(l) A summary of the reasons for which the department denied or modified permits.

(m) A summary of the amount of all revenues and expenses associated with the management of the vegetation program.

(14) The report in subsection (13) shall contain a summary for the entire state and report in detail for each department region. The department shall provide the report to the legislature for review no later than 90 days following the completion of each fiscal year. The reporting deadline for the initial report is 18 months after January 1, 2007.

(15) A person who under the authority of a permit obtained under this section trims or removes more trees and shrubs than the permit authorizes is subject to 1 or more of the following penalties:

(a) For the first 3 violations during a 3-year period, a penalty of an amount up to \$5,000.00 or the amount authorized as a penalty in section 11(1), whichever is greater.

(b) For the fourth violation during a 3-year period and any additional violation during that period, a penalty of an amount up to \$25,000.00 or double the amount authorized as a penalty in section 11(1), whichever is greater, for each violation.

(c) For the fourth violation during a 3-year period, and any additional violation, a person is not eligible to obtain or renew a permit under this section for a period of 3 years from the date of the fourth violation.

(16) If the department alleges that a person has trimmed or removed more trees or shrubs than the permit authorizes, then the department shall notify the person of its intent to seek any 1 or more of the penalties provided in subsection (15). The notification shall be in writing and delivered via United States certified mail, and shall detail the conduct the department alleges constitutes a violation of subsection (15), shall indicate what penalties the department will be seeking under subsection (15), and shall occur within 30 days of the filing of the completion order for the trimming or removal of trees or shrubs the department alleges violated the permit. Any allegation by the department that a person has trimmed or removed more trees or shrubs than the permit authorizes shall be subject to the appeals process contained in subsections (8), (9), and (10).

(17) As used in this act:

(a) "Billboard viewing zone" means the 1,000-foot area measured at the pavement edge of the main-traveled way closest to the billboard having as its terminus the point of the right-of-way line immediately adjacent to the billboard.

(b) "Vegetation management" means the trimming, removal, or relocation of trees, shrubs, or other plant material.

(c) "Viewing cone" means the triangular area described as the point directly below the face of the billboard closest to the roadway, the point directly below the billboard face farthest away from the roadway, a point as measured from a point directly adjacent to the part of the billboard closest to the roadway and extending back parallel to the roadway the distance that provides the view of the billboard prescribed in this section, and the triangle described by the points extending upward to the top of the billboard.

Sec. 17. (1) Along interstate highways and freeways, a sign structure located in a business area or unzoned commercial or industrial area shall not be erected closer than 1,000 feet to another sign structure on the same side of the highway.

(2) Along primary highways a sign structure shall not be closer than 500 feet to another sign structure.

(3) The provisions of this section do not apply to signs separated by a building or other visual obstruction in such a manner that only 1 sign located within the spacing distances is visible from the highway at any time, provided that the building or other visual obstruction has not been created for the purpose of visually obstructing either of the signs at issue.

(4) Along interstate highways and freeways located outside of incorporated municipalities, a sign structure shall not be permitted adjacent to or within 500 feet of an interchange, an intersection at grade or a safety roadside rest area. The 500 feet shall be measured from the point of beginning or ending of pavement widening at the exit from, or entrance to, the main-traveled way.

(5) Official signs as described in section 13(1)(a) and on-premises signs shall not be counted nor shall measurements be made from them for purposes of determining compliance with the spacing requirements provided in this section.

(6) The spacing requirements provided in this section apply separately to each side of the highway.

(7) The spacing requirements provided in this section shall be measured along the nearest edge of the pavement of the highway between points directly opposite each sign.

(8) A sign that was erected in compliance with the spacing requirements of this section that were in effect at the time when the sign was erected, but which does not comply with the spacing requirements of this section after March 23, 1999, shall not be considered unlawful as that term is used in section 22.

Sec. 18. The following signs or sign structures are prohibited:

(a) Those which purport to regulate, warn, or direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal, or device.

(b) Those which are not adequately maintained and in a good state of repair.

(c) Those which are erected or maintained upon trees or painted or drawn upon rocks or other natural resources.

(d) Those which prevent the driver of a motor vehicle from having a clear and unobstructed view of approaching, intersecting, or merging traffic.

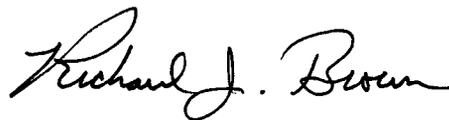
(e) Those which are abandoned.

(f) Those that involve motion or rotation of any part of the structure, running animation or displays, or flashing or moving lights. This subdivision does not apply to a sign or sign structure with static messages or images that change if the rate of change between 2 static messages or images does not exceed more than 1 change per 6 seconds, each change is complete in 1 second or less, and the sign possesses and utilizes automatic dimming capabilities so that the maximum luminescence level is not more than 0.3 foot candles over ambient light levels measured at a distance of 150 feet for those sign faces less than or equal to 300 square feet, measured at a distance of 200 feet for those sign faces greater than 300 square feet but less than or equal to 378 square feet, measured at a distance of 250 feet for those sign faces greater than 378 square feet and less than 672 square feet, and measured at a distance of 350 feet for those sign faces equal to or greater than 672 square feet. In addition to the above requirements, signs exempted under this subdivision shall be configured to default to a static display in the event of mechanical failure.

(g) Signs found to be in violation of subdivision (f) shall be brought into compliance by the permit holder or its agent no later than 24 hours after receipt by the permit holder or its agent of an official written notice from the department. Failure to comply with this subdivision within this specified time frame shall result in a \$100.00 penalty being assessed to the sign owner for each day the sign remains out of compliance. The first repeat violation of subdivision (f), for a specific sign, shall also be brought into compliance by the permit holder or its agent within 24 hours after receipt of an official written notice from the department. Failure to comply with the official written notice within the 24-hour period for the first repeat violation subjects the sign owner to a \$1,000.00 penalty for each day the sign remains out of compliance. These penalties are required to be submitted to the department before the sign's permit is renewed under section 6. Second repeat violations of subdivision (f), for a specific sign, shall result in permanent removal of the variable message display device from that sign by the department or the sign owner.

Sec. 21. Except as otherwise provided in section 7, a person who erects or maintains any sign or sign structure or other object for outdoor advertising subject to the provisions of this act without complying with this act is liable for a penalty of not less than \$100.00 nor more than \$1,000.00 for each violation which shall be paid into the state trunk line fund. Penalties shall be sued for, by and in the name of the department and shall be recoverable with the reasonable costs thereof in the district or circuit court in the county where the person maintains his principal place of business or in the county where the signs erected or maintained without complying with this act are located. A person who falsely misrepresents information submitted in a permit form pursuant to section 6 is guilty of a misdemeanor. A sign erected or maintained under a permit falsely secured in such a manner shall be deemed to be abandoned and is not eligible for removal compensation.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor