

HOUSE BILL No. 4836

June 30, 2011, Introduced by Reps. Shaughnessy, Glardon, Rendon, Johnson, Daley, Hughes, Kurtz, Nesbitt, Lori, Lyons, Zorn, Brunner, Horn, Wayne Schmidt, Goike and Oakes and referred to the Committee on Transportation.

A bill 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 section 1 (MCL 247.401), as amended by 2004 PA 528, and by adding section 2a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Department" means the state transportation department.

3 (b) "Eligible attraction" means a tourist-oriented activity
4 that is all of the following:

5 (i) Within 10 miles of the rural road for which a tourist-
6 oriented directional sign is sought, unless otherwise restricted or
7 permitted by the department.

8 (ii) Not visible from the rural road for which a tourist-
9 oriented directional sign is sought.

1 (iii) In compliance with ~~section 131 of title 23 of the United~~
2 ~~States Code,~~ 23 USC 131, and the national standards, criteria, and
3 rules established under that act, if the activity is advertised by
4 rural road signs.

5 (c) "Rural road" means a highway as ~~that term is~~ defined in
6 section 20 of the Michigan vehicle code, 1949 PA 300, MCL 257.20,
7 but does not include either of the following:

8 (i) A freeway as ~~that term is~~ defined in section 18a of the
9 Michigan vehicle code, 1949 PA 300, MCL 257.18a.

10 (ii) A road that is part of the national system of interstate
11 and defense highways.

12 (d) "Tourist-oriented activity" means a lawful cultural,
13 historical, recreational, educational, or commercial activity that
14 is annually attended by 2,000 or more people and for which a major
15 portion of the activity's income or visitors ~~are~~ **IS** derived during
16 the normal business season from motorists not residing in the
17 immediate area of the activity. **TOURIST-ORIENTED ACTIVITY INCLUDES**
18 **A FARM MARKET AND A FARMERS MARKET AS DEFINED IN SECTION 2A.**

19 (e) "Tourist-oriented directional sign" means a sign used to
20 provide motorists with ~~advanced~~ **ADVANCE** notice of a tourist-
21 oriented activity.

22 **SEC. 2A. (1) THE DEPARTMENT SHALL ALLOW THE CATEGORIES OF FARM**
23 **MARKETS AND FARMERS MARKETS IN THE TOURIST-ORIENTED DIRECTIONAL**
24 **SIGN PROGRAM AUTHORIZED UNDER SECTION 2 AND SHALL ESTABLISH**
25 **QUALIFICATION CRITERIA FOR FACILITIES, ACTIVITIES, AND LOCATIONS**
26 **DESIGNATED AS FARM MARKETS OR FARMERS MARKETS NOT IN CONFLICT WITH**
27 **THIS SECTION.**

(2) AS USED IN THIS SECTION:

(A) "AGRICULTURAL PRODUCT" MEANS AN AGRICULTURAL COMMODITY OR PRODUCT, WHETHER RAW OR PROCESSED, INCLUDING A COMMODITY OR PRODUCT DERIVED FROM LIVESTOCK THAT IS MARKETING FOR HUMAN OR LIVESTOCK USE OR CONSUMPTION.

(B) "CROP" MEANS A PLANT OR PART OF A PLANT MARKETING OR INTENDED TO BE MARKETING AS AN AGRICULTURAL PRODUCT OR FED OR INTENDED TO BE FED TO LIVESTOCK.

(C) "FARM MARKET" MEANS A LOCATION, WHETHER OR NOT ENCLOSED IN A TEMPORARY OR PERMANENT STRUCTURE, WHERE AGRICULTURAL PRODUCTS ARE SOLD TO CONSUMERS. ALL OF THE FOLLOWING APPLY TO A FARM MARKET:

(i) IT IS PART OF A FARM OPERATION.

(ii) NOT LESS THAN 50% OF THE PRODUCTS OFFERED FOR SALE ARE PRODUCED ON AND BY THE AFFILIATED FARM. THIS CALCULATION MAY BE AN AVERAGE OVER NOT MORE THAN 5 SEASONS.

(iii) IT MAY SELL AGRICULTURAL PRODUCTS IN THEIR NATURAL STATE OR IN A VALUE-ADDED FORM FOR DIRECT CUSTOMER SALES AS OTHERWISE PROVIDED BY LAW.

(iv) IT MAY OPERATE SEASONALLY OR YEAR-ROUND.

(v) IT MAY INCLUDE MARKETING ACTIVITIES AND SERVICES TO ATTRACT AND ENTERTAIN CUSTOMERS, UNLESS OTHERWISE PROHIBITED BY LAW.

(D) "FARMERS MARKET" MEANS A FARMERS MARKET ESTABLISHED UNDER 2009 PA 158, MCL 46.191 TO 46.193.

(E) "VALUE-ADDED" MEANS THE ENHANCEMENT OR IMPROVEMENT OF THE OVERALL VALUE OF AN AGRICULTURAL COMMODITY OR OF AN ANIMAL OR PLANT PRODUCT INTO A PRODUCT OF HIGHER VALUE. AN ENHANCEMENT OR

- 1 IMPROVEMENT INCLUDES, BUT IS NOT LIMITED TO, MARKETING,
- 2 AGRICULTURAL PROCESSING, TRANSFORMING, OR PACKAGING.