

Act No. 464
Public Acts of 1998
Approved by the Governor
December 31, 1998
Filed with the Secretary of State
January 4, 1999
EFFECTIVE DATE: March 23, 1999

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Reps. Alley, Gubow, Freeman, Gire, Brater, Martinez, Fitzgerald, Dalman, Anthony, Mans, Prusi, LaForge, Gernaat, McBryde, Goschka and Green

ENROLLED HOUSE BILL No. 4343

AN ACT to amend 1972 PA 106, entitled "An act to provide for the licensing, regulation and control of outdoor advertising adjacent to certain highways; to prescribe certain powers and duties; to promulgate rules; to provide penalties for violations; and to repeal certain acts and parts of acts," by amending the title and section 3 (MCL 252.303) and by adding sections 18a and 20.

The People of the State of Michigan enact:

TITLE

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.

Sec. 3. To improve and enhance scenic beauty consistent with section 131 of title 23 of the United States Code, 23 U.S.C. 131, the legislature finds it appropriate to regulate and control outdoor advertising and outdoor advertising as it pertains to tobacco adjacent to the interstate highway, freeway, and primary highway systems, and outdoor advertising as it pertains to tobacco on secondary highway, major street, and local roads within this state and that outdoor advertising is a legitimate commercial use of private property, is an integral part of the marketing function and an established segment of the economy of this state. In addition, the legislature finds it appropriate to protect minors from exposure to advertising that encourages them to illegally possess tobacco.

Sec. 18a. (1) Notwithstanding any other provision of this act, beginning January 1, 2000, a billboard shall not advertise the purchase or consumption of tobacco products.

(2) Notwithstanding any other provision of this act, a person who violates this section is responsible for a civil fine of not less than \$5,000.00 or more than \$10,000.00 for each day of violation. A civil fine collected under this section shall be distributed to public libraries as provided under 1964 PA 59, MCL 397.31 to 397.40.

(3) As used in this section:

(a) "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 purpose of this section.

(b) "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 for the highway.

(c) "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.

(d) "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.

(e) "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 U.S.C. 131, by the department and approved by the appropriate authority of the federal government.

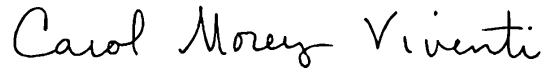
(f) "Secondary highway" means a state secondary road or county primary road.

(g) "Tobacco product" means any tobacco product sold to the general public and includes, but is not limited to, cigarettes, cigars, tobacco snuff, and chewing tobacco.

Sec. 20. If any part of this act is found by a court to be invalid or unconstitutional, the remaining parts of this act shall not be affected but shall remain in full force and effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.