



HOUSE BILL No. 4740

April 25, 1995, Introduced by Reps. Cherry, Hanley, LaForge, Baird, Gire, Brater, Brewer, Middleton, Anthony, DeMars, Pitoniak, Martinez, Geiger and Stallworth and referred to the Committee on Transportation.

A bill to amend section 628 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," as amended by Act No. 368 of the Public Acts of 1988, being section 257.628 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 628 of Act No. 300 of the Public Acts of
2 1949, as amended by Act No. 368 of the Public Acts of 1988, being
3 section 257.628 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 628. (1) If the state transportation ~~commission~~
6 DEPARTMENT or county road commission, with respect to highways
7 under its jurisdiction, ~~and the director of the department of~~
8 ~~state police jointly~~ determine upon the basis of an engineering
9 and traffic investigation CONDUCTED JOINTLY WITH THE COOPERATION

1 OF THE DEPARTMENT OF STATE POLICE that the speed of vehicular
2 traffic on a state trunk line or county highway is greater or
3 less than is reasonable or safe under the conditions found to
4 exist at an intersection or other place or upon a part of the
5 highway, the ~~officials acting jointly~~ STATE TRANSPORTATION
6 DEPARTMENT IN THE CASE OF A STATE TRUNK LINE OR THE COUNTY ROAD
7 COMMISSION IN THE CASE OF A COUNTY HIGHWAY may determine and
8 declare a reasonable and safe maximum or minimum speed limit on
9 that state trunk line, county highway, or intersection which
10 shall be effective at the times determined when appropriate signs
11 giving notice of the speed limit are erected at the intersection
12 or other place or part of the highway. If a superintendent of a
13 school district determines that the speed of vehicular traffic on
14 a state trunk line or county highway, which is within 1,000 feet
15 of a school in the school district of which that person is the
16 superintendent, is greater or less than is reasonable or safe,
17 the ~~officials shall include the~~ superintendent of the school
18 district affected ~~in acting jointly~~ SHALL BE CONSULTED in
19 determining and declaring a reasonable and safe maximum or mini-
20 mum speed limit on that state trunk line or county highway. The
21 maximum speed limit on all highways or parts of highways upon
22 which a maximum speed limit is not otherwise fixed pursuant to
23 this act shall be 55 miles per hour. However, on all highways or
24 parts of highways upon which a maximum speed limit of 65 miles
25 per hour is permitted by federal law, the maximum speed limit
26 shall be 65 miles per hour.

1 (2) If upon investigation the state transportation
2 ~~commission~~ DEPARTMENT or county road commission and the
3 director of the department of state police find it in the inter-
4 est of public safety, they may order the township board, or city
5 or village officials to erect and maintain, take down, or regu-
6 late the speed control signs, signals, or devices as directed,
7 and in default of an order the state transportation ~~commission~~
8 DEPARTMENT or county road commission may cause the designated
9 signs, signals, and devices to be erected and maintained, taken
10 down, regulated, or controlled, in the manner previously
11 directed, and pay for the erecting and maintenance, removal, reg-
12 ulation, or control of the sign, signal, or device out of the
13 highway fund designated.

14 (3) A public record of all speed control signs, signals, or
15 devices authorized under this section shall be filed in the
16 office of the county clerk of the county in which the highway is
17 located, and a certified copy shall be prima facie evidence in
18 all courts of the issuance of the authorization. The public
19 record with the county clerk shall not be required as prima facie
20 evidence of authorization in the case of signs erected or placed
21 temporarily for the control of speed or direction of traffic at
22 points where construction, repairs, or maintenance of highways is
23 in progress, or along a temporary alternate route established to
24 avoid the construction, repair, or maintenance of a highway, if
25 the signs are of uniform design approved by the state transporta-
26 tion ~~commission~~ DEPARTMENT and the director of the department
27 of state police and clearly indicate a special control, when

1 proved in court that the temporary traffic-control sign was
2 placed by the state transportation ~~commission~~ DEPARTMENT or on
3 the authority of the state transportation ~~commission~~ DEPARTMENT
4 and the director of the department of state police or by the
5 county road commission or on the authority of the county road
6 commission, at a specified location.

7 (4) A person who fails to observe an authorized speed or
8 traffic control sign, signal, or device is responsible for a
9 civil infraction.

10 (5) The minimum speed limit on all freeways shall be 45
11 miles per hour except if reduced speed is necessary for safe
12 operation or in compliance with law or in compliance with a spe-
13 cial permit issued by an appropriate authority.

14 (6) The maximum rates of speed allowed pursuant to this sec-
15 tion are subject to the maximum rates established pursuant to
16 section 629b, section 627(5) to (7) for certain vehicles and
17 vehicle combinations, and section 629(4).

18 (7) A citation or civil infraction determination for exceed-
19 ing a lawful maximum speed limit of 55 miles per hour by driving
20 65 miles per hour or less shall not be considered by any person
21 in establishing automobile insurance eligibility or automobile
22 insurance rates.