



HOUSE BILL No. 6159

September 25, 1996, Introduced by Reps. Schroer, Cherry, Brater, London, Martinez and Tesanovich 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. 320 of the Public Acts of 1996, 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. 320 of the Public Acts of 1996, 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 or
6 county road commission, with respect to highways under its juris-
7 diction, and the director of the department of state police
8 jointly determine upon the basis of an engineering and traffic
9 investigation that the speed of vehicular traffic on a state

1 trunk line or county highway is greater or less than is
2 reasonable or safe under the conditions found to exist at an
3 intersection or other place or upon a part of the highway, the
4 officials acting jointly may determine and declare a reasonable
5 and safe maximum or minimum speed limit on that state trunk line,
6 county highway, or intersection which shall be effective at the
7 times determined when appropriate signs giving notice of the
8 speed limit are erected at the intersection or other place or
9 part of the highway. If a superintendent of a school district
10 determines that the speed of vehicular traffic on a state trunk
11 line or county highway, which is within 1,000 feet of a school in
12 the school district of which that person is the superintendent,
13 is greater or less than is reasonable or safe, the officials
14 shall include the superintendent of the school district affected
15 in acting jointly in determining and declaring a reasonable and
16 safe maximum or minimum speed limit on that state trunk line or
17 county highway. The maximum speed limit on all highways or parts
18 of highways upon which a maximum speed limit is not otherwise
19 fixed pursuant to this act shall be 55 miles per hour. HOWEVER A
20 COUNTY MAY DETERMINE AND POST A SPEED LIMIT OF OTHER THAN 55
21 MILES PER HOUR ON A GRAVEL ROAD WITHIN THE COUNTY.

22 (2) If upon investigation the state transportation commis-
23 sion or county road commission and the director of the department
24 of state police find it in the interest of public safety, they
25 may order the township board, or city or village officials to
26 erect and maintain, take down, or regulate the speed control
27 signs, signals, or devices as directed, and in default of an

1 order the state transportation commission or county road
2 commission may cause the designated signs, signals, and devices
3 to be erected and maintained, taken down, regulated, or con-
4 trolled, in the manner previously directed, and pay for the
5 erecting and maintenance, removal, regulation, or control of the
6 sign, signal, or device out of the highway fund designated.

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

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

4 (5) Except as otherwise provided in this section, the maxi-
5 mum speed limit on all freeways shall be 65 miles per hour except
6 that the state transportation department may designate not more
7 than 170 miles of freeway in this state on which the speed limit
8 may be less than 65 miles per hour. The director of the state
9 transportation department, in consultation with the department of
10 state police, beginning July 31, 1996, shall establish five areas
11 of freeway miles as test zones on which the speed limit may be
12 increased to 70 miles per hour in order to conduct a study to
13 determine whether any of those miles of freeway on which the
14 speed limit is 65 miles per hour on the effective date of the
15 1996 amendatory act that amended this section may be increased to
16 70 miles per hour. Tests shall be conducted from August 1, 1996
17 through October 31, 1996. The study shall be completed by
18 December 15, 1996 and shall be based on traffic congestion and
19 other traffic safety issues as determined by the director of the
20 department of state police or his or her designee and on engi-
21 neering criteria as determined by the director of the state
22 transportation department or his or her designee. If the study
23 indicates that certain miles of freeway are eligible for
24 increase, the speed limit on those miles of freeway may be
25 increased to 70 miles per hour. The minimum speed limit on all
26 freeways shall be 45 miles per hour except if reduced speed is
27 necessary for safe operation or in compliance with law or in

1 compliance with a special permit issued by an appropriate
2 authority.

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

7 (7) A citation or civil infraction determination for exceed-
8 ing a lawful maximum speed limit of 55 miles per hour by driving
9 65 miles per hour or less shall not be considered by any person
10 in establishing automobile insurance eligibility or automobile
11 insurance rates.