

**SUBSTITUTE FOR
HOUSE BILL NO. 4651**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 628 (MCL 257.628), as amended by 1996 PA
320.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 628. (1) If the state transportation commission or
2 county road commission, with respect to highways under its juris-
3 diction, and the director of the department of state police
4 jointly determine upon the basis of an engineering and traffic
5 investigation that the speed of vehicular traffic on a state
6 trunk line or county highway is greater or less than is reason-
7 able or safe under the conditions found to exist at an intersec-
8 tion or other place or upon a part of the highway, the officials
9 acting jointly may determine and declare a reasonable and safe
10 maximum or minimum speed limit on that state trunk line, county

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1 highway, or intersection which shall be effective at the times
2 determined when appropriate signs giving notice of the speed
3 limit are erected at the intersection or other place or part of
4 the highway. If a superintendent of a school district determines
5 that the speed of vehicular traffic on a state trunk line or
6 county highway, which is within 1,000 feet of a school in the
7 school district of which that person is the superintendent, is
8 greater or less than is reasonable or safe, the officials shall
9 include the superintendent of the school district affected in
10 acting jointly in determining and declaring a reasonable and safe
11 maximum or minimum speed limit on that state trunk line or county
12 highway. The maximum speed limit on all highways or parts of
13 highways upon which a maximum speed limit is not otherwise fixed
14 pursuant to this act shall be 55 miles per hour. IN THE CASE OF
15 A GRAVEL ROAD, IF A TOWNSHIP BOARD ADOPTS A RESOLUTION REQUESTING
16 THAT THE COUNTY ROAD COMMISSION [
17] CONDUCT A TRAFFIC INVESTIGATION ON THAT ROAD, THE INVESTI-
18 GATION SHALL BE CONDUCTED. IF THE COUNTY ROAD COMMISSION [
19 DETERMINES] THAT THE SPEED LIMIT
20 ON THAT GRAVEL ROAD OR A PORTION OF THE ROAD IS GREATER THAN IS
21 REASONABLE OR SAFE UNDER THE CONDITIONS FOUND TO EXIST, THE
22 COUNTY ROAD COMMISSION MAY POST A SPEED LIMIT OF LESS THAN 55
23 MILES PER HOUR ON THAT ROAD OR PORTION OF THE ROAD. IN A RESI-
24 DENCE DISTRICT, THE SPEED LIMIT MAY BE LOWERED WITHOUT THE NECES-
25 SITY OF A TRAFFIC INVESTIGATION. [NOTWITHSTANDING SECTION 51,] AS
USED IN THIS SUBSECTION,
26 "RESIDENCE DISTRICT" MEANS [EITHER OF THE FOLLOWING:

- 27 (A) A GRAVEL ROAD OF NOT LESS THAN 1 MILE WITH RESIDENTIAL LOTS
WITH ROAD FRONTAGE OF 150 FEET OR LESS ALONG BOTH SIDES OF THE ROAD
FOR THE LENGTH OF THAT PART OF THE ROAD THAT IS UNDER REVIEW FOR A
PROPOSED REDUCED SPEED LIMIT.
(B) A GRAVEL ROAD OF NOT LESS THAN 3/4 OF A MILE THAT SERVES AS
AN ENTRANCE AND EXIT TO A SUBDIVISION CONTAINING NOT LESS THAN 20
RESIDENCES.

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(2) IF AFTER AN INVESTIGATION THE COUNTY ROAD COMMISSION FINDS
THAT IT IS NOT IN THE PUBLIC INTEREST TO POST A REDUCED SPEED LIMIT,

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THE TOWNSHIP MAY APPEAL THE DECISION OF THE COUNTY ROAD COMMISSION BY RESOLUTION WITHIN 30 DAYS AFTER THE DATE OF THE DECISION. THE COUNTY ROAD COMMISSION, WITHIN 30 DAYS AFTER RECEIPT OF SUCH A RESOLUTION, SHALL HOLD A HEARING TO DETERMINE WHETHER TO UPHOLD THE DECISION OF THE COUNTY ROAD COMMISSION. THE HEARING PANEL SHALL CONSIST OF A REPRESENTATIVE OF THE COUNTY ROAD COMMISSION, A REPRESENTATIVE OF THE TOWNSHIP BOARD, AND A REPRESENTATIVE OF THE STATE TRANSPORTATION DEPARTMENT'S REGIONAL TRANSPORTATION SERVICE CENTER. THE PANEL SHALL TAKE TESTIMONY AND RECEIVE DOCUMENTATION CONCERNING THE DECISION OF THE COUNTY ROAD COMMISSION. THE PANEL SHALL REVIEW ALL TESTIMONY AND DOCUMENTATION AND PRESENT THEIR RULING TO SUPPORT OR MODIFY THE COUNTY ROAD COMMISSION'S DECISION WITHIN 7 DAYS AFTER THE HEARING. THIS RULING SHALL BE FINAL. A HEARING HELD BY THE PANEL SHALL BE A PUBLIC MEETING CONDUCTED IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275. PUBLIC NOTICE OF THE TIME, DATE, AND PLACE OF THE MEETING SHALL BE GIVEN IN THE MANNER REQUIRED BY THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.]

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

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

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1 state transportation commission or on the authority of the state
2 transportation commission and the director of the department of
3 state police or by the county road commission or on the authority
4 of the county road commission, at a specified location.

5 [(5)] A person who fails to observe an authorized speed or
6 traffic control sign, signal, or device is responsible for a
7 civil infraction.

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

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1 increase, the speed limit on those miles of freeway may be
2 increased to 70 miles per hour. The minimum speed limit on all
3 freeways shall be 45 miles per hour except if reduced speed is
4 necessary for safe operation or in compliance with law or in com-
5 pliance with a special permit issued by an appropriate
6 authority.

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

11 [(8)] A citation or civil infraction determination for exceed-
12 ing a lawful maximum speed limit of 55 miles per hour by driving
13 65 miles per hour or less shall not be considered by any person
14 in establishing automobile insurance eligibility or automobile
15 insurance rates.