

HOUSE BILL No. 4138

January 28, 1997, Introduced by Rep. Middleton and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 628 (MCL 257.628), as amended by 1996 PA 302.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1 county highway, or intersection which shall be effective at the
2 times determined when appropriate signs giving notice of the
3 speed limit are erected at the intersection or other place or
4 part of the highway. If a superintendent of a school district
5 determines that the speed of vehicular traffic on a state trunk
6 line or county highway, which is within 1,000 feet of a school in
7 the school district of which that person is the superintendent,
8 is greater or less than is reasonable or safe, the officials
9 shall include the superintendent of the school district affected
10 in acting jointly in determining and declaring a reasonable and
11 safe maximum or minimum speed limit on that state trunk line or
12 county highway. THE MAXIMUM SPEED LIMIT ON ALL NONPAVED ROADS OR
13 PARTS OF NONPAVED ROADS THAT CONSIST OF CRUSHED STONE, SHALE,
14 SLAG, SAND, GRAVEL, OR OTHER AGGREGATE UPON WHICH A MAXIMUM SPEED
15 LIMIT IS NOT OTHERWISE FIXED PURSUANT TO THIS ACT SHALL BE 45
16 MILES PER HOUR. The maximum speed limit on all highways or parts
17 of highways upon which a maximum speed limit is not otherwise
18 fixed pursuant to this act shall be 55 miles per hour.

19 (2) If upon investigation the state transportation
20 ~~commission~~ DEPARTMENT or county road commission and the direc-
21 tor of the department of state police find it in the interest of
22 public safety, they may order the township board, or city or vil-
23 lage officials to erect and maintain, take down, or regulate the
24 speed control signs, signals, or devices as directed, and in
25 default of an order the state transportation ~~commission~~
26 DEPARTMENT or county road commission may cause the designated
27 signs, signals, and devices to be erected and maintained, taken

1 down, regulated, or controlled, in the manner previously
2 directed, and pay for the erecting and maintenance, removal, reg-
3 ulation, or control of the sign, signal, or device out of the
4 highway fund designated.

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

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

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

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

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