

# HOUSE BILL No. 5886

May 21, 1998, Introduced by Reps. Bodem, Dalman, Law, Lowe, Voorhees, Hammerstrom, Goschka, Gernaat, Richner, Middleton, Raczkowski, Callahan, McBryde, Jansen, McManus and London 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  
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~~  
3 ~~jurisdiction,~~ 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 —

1 ~~county~~ highway ~~—~~ or intersection which shall be effective at  
2 the 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~~ THAT is within 1,000 feet of a  
7 school in the school district of which that person is the super-  
8 intendent ~~—~~ is greater or less than is reasonable or safe, the  
9 officials shall include the superintendent of the school district  
10 affected in acting jointly in determining and declaring a reason-  
11 able and safe maximum or minimum speed limit on that state trunk  
12 line ~~or county~~ highway.

13 (2) IF THE COUNTY ROAD COMMISSION DETERMINES OR THE COUNTY  
14 ROAD COMMISSION AND THE TOWNSHIP BOARD WITH RESPECT TO HIGHWAYS,  
15 ROADS, OR STREETS IN THE TOWNSHIP JOINTLY DETERMINE UPON THE  
16 BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION THAT THE SPEED  
17 OF VEHICULAR TRAFFIC ON A COUNTY HIGHWAY OR OTHER HIGHWAY, ROAD,  
18 OR STREET IS GREATER OR LESS THAN IS REASONABLE OR SAFE UNDER THE  
19 CONDITIONS FOUND TO EXIST AT AN INTERSECTION OR OTHER PLACE OR  
20 UPON A PART OF THE HIGHWAY, THE COUNTY ROAD COMMISSION OR THE  
21 OFFICIALS ACTING JOINTLY, AS APPLICABLE, MAY DETERMINE AND  
22 DECLARE A REASONABLE AND SAFE MAXIMUM OR MINIMUM SPEED LIMIT ON  
23 THAT COUNTY HIGHWAY OR INTERSECTION WHICH SHALL BE EFFECTIVE AT  
24 THE TIMES DETERMINED WHEN APPROPRIATE SIGNS GIVING NOTICE OF THE  
25 SPEED LIMIT ARE ERECTED AT THE INTERSECTION OR OTHER PLACE OR  
26 PART OF THE HIGHWAY. IF A SUPERINTENDENT OF A SCHOOL DISTRICT  
27 DETERMINES THAT THE SPEED OF VEHICULAR TRAFFIC ON A COUNTY

1 HIGHWAY THAT IS WITHIN 1,000 FEET OF A SCHOOL IN THE SCHOOL  
2 DISTRICT OF WHICH THAT PERSON IS THE SUPERINTENDENT IS GREATER OR  
3 LESS THAN IS REASONABLE OR SAFE, THE SUPERINTENDENT OF THE SCHOOL  
4 DISTRICT AFFECTED SHALL BE CONSULTED IN DETERMINING AND DECLARING  
5 A REASONABLE AND SAFE MAXIMUM OR MINIMUM SPEED LIMIT ON THAT  
6 COUNTY HIGHWAY.

7 (3) The maximum speed limit on all highways or parts of  
8 highways upon which a maximum speed limit is not otherwise fixed  
9 pursuant to this act shall be 55 miles per hour.

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

22 (5) ~~-(3)-~~ A public record of all speed control signs, sig-  
23 nals, or devices authorized under this section shall be filed in  
24 the office of the county clerk of the county in which the highway  
25 is located, and a certified copy shall be prima facie evidence in  
26 all courts of the issuance of the authorization. The public  
27 record with the county clerk shall not be required as prima facie

1 evidence of authorization in the case of signs erected or placed  
2 temporarily for the control of speed or direction of traffic at  
3 points where construction, repairs, or maintenance of highways is  
4 in progress, or along a temporary alternate route established to  
5 avoid the construction, repair, or maintenance of a highway, if  
6 the signs are of uniform design approved by the state transporta-  
7 tion commission and the director of the department of state  
8 police and clearly indicate a special control, when proved in  
9 court that the temporary traffic-control sign was placed by the  
10 state transportation commission or on the authority of the state  
11 transportation commission and the director of the department of  
12 state police or by the county road commission or on the authority  
13 of the county road commission, at a specified location.

14       (6) ~~-(4)-~~ A person who fails to observe an authorized speed  
15 or traffic control sign, signal, or device is responsible for a  
16 civil infraction.

17       (7) ~~-(5)-~~ Except as otherwise provided in this section, the  
18 maximum speed limit on all freeways shall be 65 miles per hour  
19 except that the state transportation department may designate not  
20 more than 170 miles of freeway in this state on which the speed  
21 limit may be less than 65 miles per hour. The director of the  
22 state transportation department, in consultation with the depart-  
23 ment of state police, beginning July 31, 1996, shall establish  
24 five areas of freeway miles as test zones on which the speed  
25 limit may be increased to 70 miles per hour in order to conduct a  
26 study to determine whether any of those miles of freeway on which  
27 the speed limit is 65 miles per hour on ~~the effective date of~~

1 ~~the 1996 amendatory act that amended this section~~ JUNE 25, 1996  
2 may be increased to 70 miles per hour. Tests ~~shall be~~ WERE  
3 conducted from August 1, 1996 through October 31, 1996. The  
4 study ~~shall be~~ WAS completed by December 15, 1996 and ~~shall~~  
5 ~~be~~ WAS based on traffic congestion and other traffic safety  
6 issues as determined by the director of the department of state  
7 police or his or her designee and on engineering criteria as  
8 determined by the director of the state transportation department  
9 or his or her designee. If the study ~~indicates~~ INDICATED that  
10 certain miles of freeway are eligible for increase, the speed  
11 limit on those miles of freeway may be increased to 70 miles per  
12 hour. The minimum speed limit on all freeways shall be 45 miles  
13 per hour except if reduced speed is necessary for safe operation  
14 or in compliance with law or in compliance with a special permit  
15 issued by an appropriate authority.

16 (8) ~~-(6)-~~ The maximum rates of speed allowed pursuant to  
17 this section are subject to the maximum rates established pursu-  
18 ant to section 629b, section 627(5) to (7) for certain vehicles  
19 and vehicle combinations, and section 629(4).

20 (9) ~~-(7)-~~ A citation or civil infraction determination for  
21 exceeding a lawful maximum speed limit of 55 miles per hour by  
22 driving 65 miles per hour or less shall not be considered by any  
23 person in establishing automobile insurance eligibility or auto-  
24 mobile insurance rates.