

# HOUSE BILL No. 4206

February 9, 1999, Introduced by Reps. Rick Johnson, Green, Schermesser, Bovin, Allen, Prusi, Tabor, Gilbert, Bradstreet and DeWeese 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 ~~, county~~

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.

5 (2) IF THE COUNTY ROAD COMMISSION, THE TOWNSHIP BOARD, AND  
6 THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE JOINTLY DETERMINE  
7 UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION THAT  
8 THE SPEED OF VEHICULAR TRAFFIC ON A COUNTY HIGHWAY IS GREATER OR  
9 LESS THAN IS REASONABLE OR SAFE UNDER THE CONDITIONS FOUND TO  
10 EXIST AT AN INTERSECTION OR OTHER PLACE OR UPON A PART OF THE  
11 HIGHWAY, THE OFFICIALS ACTING JOINTLY MAY ESTABLISH A REASONABLE  
12 AND SAFE MAXIMUM OR MINIMUM SPEED LIMIT AT THAT INTERSECTION OR  
13 ON THAT COUNTY HIGHWAY THAT SHALL BE EFFECTIVE AT THE TIMES  
14 DETERMINED WHEN APPROPRIATE SIGNS GIVING NOTICE OF THE SPEED  
15 LIMIT ARE ERECTED AT THE INTERSECTION OR OTHER PLACE OR PART OF  
16 THE HIGHWAY.

17 (3) If a superintendent of a school district determines that  
18 the speed of vehicular traffic on a state trunk line or county  
19 highway, which is within 1,000 feet of a school in the school  
20 district of which that person is the superintendent, is greater  
21 or less than is reasonable or safe, the officials IDENTIFIED IN  
22 SUBSECTION (1) OR (2), AS APPROPRIATE, shall include the superin-  
23 tendent of the school district affected in acting jointly in  
24 determining and declaring a reasonable and safe maximum or mini-  
25 mum speed limit on that state trunk line or county highway. The  
26 maximum speed limit on all highways or parts of highways upon

1 which a maximum speed limit is not otherwise fixed ~~pursuant to~~  
2 UNDER this act shall be 55 miles per hour.

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

15       (5) ~~-(3)-~~ A public record of all speed control signs, sig-  
16 nals, or devices authorized under this section shall be filed in  
17 the office of the county clerk of the county in which the highway  
18 is located, and a certified copy shall be prima facie evidence in  
19 all courts of the issuance of the authorization. The public  
20 record with the county clerk shall not be required as prima facie  
21 evidence of authorization in the case of signs erected or placed  
22 temporarily for the control of speed or direction of traffic at  
23 points where construction, repairs, or maintenance of highways is  
24 in progress, or along a temporary alternate route established to  
25 avoid the construction, repair, or maintenance of a highway, if  
26 the signs are of uniform design approved by the state  
27 transportation commission and the director of the department of

1 state police and clearly indicate a special control, when proved  
2 in court that the temporary traffic-control sign was placed by  
3 the state transportation commission or on the authority of the  
4 state transportation commission and the director of the depart-  
5 ment of state police or by the county road commission or on the  
6 authority of the county road commission, at a specified  
7 location.

8       (6) ~~-(4)-~~ A person who fails to observe an authorized speed  
9 or traffic control sign, signal, or device is responsible for a  
10 civil infraction.

11       (7) ~~-(5)-~~ Except as otherwise provided in this section, the  
12 maximum speed limit on all freeways shall be 65 miles per hour  
13 except that the state transportation department may designate not  
14 more than 170 miles of freeway in this state on which the speed  
15 limit may be less than 65 miles per hour. The director of the  
16 state transportation department, in consultation with the depart-  
17 ment of state police, beginning July 31, 1996, shall establish  
18 five areas of freeway miles as test zones on which the speed  
19 limit may be increased to 70 miles per hour in order to conduct a  
20 study to determine whether any of those miles of freeway on which  
21 the speed limit is 65 miles per hour on ~~the effective date of~~  
22 ~~the 1996 amendatory act that amended this section~~ JUNE 25, 1996  
23 may be increased to 70 miles per hour. Tests shall be conducted  
24 from August 1, 1996 through October 31, 1996. The study shall be  
25 completed by December 15, 1996 and shall be based on traffic con-  
26 gestion and other traffic safety issues as determined by the  
27 director of the department of state police or his or her designee

1 and on engineering criteria as determined by the director of the  
2 state transportation department or his or her designee. If the  
3 study indicates that certain miles of freeway are eligible for  
4 increase, the speed limit on those miles of freeway may be  
5 increased to 70 miles per hour. The minimum speed limit on all  
6 freeways shall be 45 miles per hour except if reduced speed is  
7 necessary for safe operation or in compliance with law or in com-  
8 pliance with a special permit issued by an appropriate  
9 authority.

10 (8) ~~-(6)-~~ The maximum rates of speed allowed pursuant to  
11 this section are subject to the maximum rates established  
12 ~~pursuant to~~ UNDER section 629b, section 627(5) to (7) for cer-  
13 tain vehicles and vehicle combinations, and section 629(4).

14 (9) ~~-(7)-~~ A citation or civil infraction determination for  
15 exceeding a lawful maximum speed limit of 55 miles per hour by  
16 driving 65 miles per hour or less shall not be considered by any  
17 person in establishing automobile insurance eligibility or auto-  
18 mobile insurance rates.