

HOUSE BILL No. 4377

March 4, 1999, Introduced by Reps. Vear and Jelinek and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 627 and 628 (MCL 257.627 and 257.628), section 627 as amended by 1990 PA 165 and section 628 as amended by 1996 PA 320.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 627. (1) A person driving a vehicle on a highway shall
2 drive at a careful and prudent speed not greater than ~~nor~~ OR
3 less than is reasonable and proper, having due regard to the
4 traffic, surface, and width of the highway and of any other con-
5 dition then existing. A person shall not drive a vehicle upon a
6 highway at a speed greater than that which will permit a stop
7 within the assured ~~—~~ clear distance ahead.

8 (2) Subject to subsection (1) and except in those instances
9 where a lower speed is specified in this chapter, it is prima

1 facie lawful for the driver of a vehicle to drive at a speed not
2 exceeding the following, except when this speed would be unsafe:

3 (a) 25 miles an hour on all highways in a business or resi-
4 dence district as defined in this act.

5 (b) 25 miles an hour in public parks unless a different
6 speed is fixed and duly posted.

7 (3) It is prima facie unlawful for a person to exceed the
8 speed limits prescribed in subsection (2), except as provided in
9 section 629.

10 (4) The driver of a vehicle in a mobile home park as defined
11 in section 2 of the mobile home commission act, ~~Act No. 96 of~~
12 ~~the Public Acts of 1987, being section 125.2302 of the Michigan~~
13 ~~Compiled Laws~~ 1987 PA 96, MCL 125.2302, shall drive at a careful
14 and prudent speed, not greater than a speed which is reasonable
15 and proper, having due regard for the traffic, surface, width of
16 the roadway, and all other conditions existing, and not greater
17 than a speed which will permit a stop within the assured clear
18 distance ahead. It is prima facie unlawful for the driver of a
19 vehicle to drive at a speed exceeding 15 miles an hour in a
20 mobile home park as defined in section 2 of ~~Act No. 96 of the~~
21 ~~Public Acts of 1987~~ THE MOBILE HOME COMMISSION ACT, 1987 PA 96,
22 MCL 125.2302.

23 (5) A person driving a passenger vehicle drawing another
24 vehicle or trailer shall not exceed a speed of 55 miles per hour,
25 unless the vehicle or trailer has 2 wheels or less and does not
26 exceed the combined weight of 750 pounds for the vehicle or
27 trailer and load, or a trailer coach of not more than 26 feet in

1 length with brakes on each wheel and attached to the passenger
2 vehicle with an equalizing or stabilizing coupling unit.

3 (6) A truck with a gross weight of 10,000 pounds or more, a
4 truck-tractor with a trailer, or a combination of these vehicles
5 shall not exceed a speed of ~~55~~ 65 miles per hour on highways,
6 streets, or freeways, 70 MILES PER HOUR ON THOSE FREEWAYS ON
7 WHICH THE SPEED LIMIT WAS INCREASED TO 70 MILES PER HOUR UNDER
8 SECTION 628(5), and ~~shall not exceed a speed of 35~~ 45 miles per
9 hour during the period when reduced loadings are being enforced
10 in accordance with this chapter.

11 (7) A person driving a school bus shall not exceed the speed
12 of 50 miles per hour.

13 (8) The maximum rates of speeds allowed pursuant to this
14 section are subject to the maximum rate established ~~pursuant to~~
15 UNDER section 629b.

16 (9) A person operating a vehicle on a highway, when entering
17 and passing through a designated work area where a normal lane or
18 part of the lane of traffic has been closed due to highway con-
19 struction, maintenance, or surveying activities, shall not exceed
20 a speed of 45 miles per hour unless otherwise determined and
21 posted by the state transportation department, a county road com-
22 mission, or a local authority. The state transportation depart-
23 ment, a county road commission, or a local authority shall iden-
24 tify on streets and highways under its jurisdiction a designated
25 work area with traffic control devices which are in conformance
26 with the Michigan manual of uniform traffic control devices. A
27 person shall not exceed a speed limit established under this

1 section or a speed limit established ~~pursuant to~~ UNDER
2 section 628 or 629.

3 (10) A person who violates this section is responsible for a
4 civil infraction.

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
10 trunk line or county highway is greater or less than is reason-
11 able or safe under the conditions found to exist at an intersec-
12 tion or other place or upon a part of the highway, the officials
13 acting jointly may determine and declare a reasonable and safe
14 maximum or minimum speed limit on that state trunk line, county
15 highway, or intersection ~~which~~ THAT shall be effective at the
16 times determined when appropriate signs giving notice of the
17 speed limit are erected at the intersection or other place or
18 part of the highway. If a superintendent of a school district
19 determines that the speed of vehicular traffic on a state trunk
20 line or county highway, which is within 1,000 feet of a school in
21 the school district of which that person is the superintendent,
22 is greater or less than is reasonable or safe, the officials
23 shall include the superintendent of the school district affected
24 in acting jointly in determining and declaring a reasonable and
25 safe maximum or minimum speed limit on that state trunk line or
26 county highway. The maximum speed limit on all highways or parts

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

3 (2) If upon investigation the state transportation commis-
4 sion or county road commission and the director of the department
5 of state police find it in the interest of public safety, they
6 may order the township board, or city or village officials to
7 erect and maintain, take down, or regulate the speed control
8 signs, signals, or devices as directed, and in default of an
9 order the state transportation commission or county road commis-
10 sion may cause the designated signs, signals, and devices to be
11 erected and maintained, taken down, regulated, or controlled, in
12 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 (3) A public record of all speed control signs, signals, or
16 devices authorized under this section shall be filed in the
17 office of the county clerk of the county in which the highway is
18 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 (4) A person who fails to observe an authorized speed or
9 traffic control sign, signal, or device is responsible for a
10 civil infraction.

11 (5) Except as otherwise provided in this ~~section~~ ACT, the
12 maximum speed limit on all freeways, UNITED STATES HIGHWAYS, AND
13 THOSE STATE TRUNKLINE HIGHWAYS THAT ARE CONSIDERED ALL SEASON
14 TRUCK ROUTES shall be 65 miles per hour except that the state
15 transportation department may designate not more than 170 miles
16 of freeway in this state on which the speed limit may be less
17 than 65 miles per hour. The director of the state transportation
18 department, in consultation with the department of state police,
19 beginning July 31, 1996, shall establish five areas of freeway
20 miles as test zones on which the speed limit may be increased to
21 70 miles per hour in order to conduct a study to determine
22 whether any of those miles of freeway on which the speed limit is
23 65 miles per hour on ~~the effective date of the 1996 amendatory~~
24 ~~act that amended this section~~ JUNE 25, 1996 may be increased to
25 70 miles per hour. Tests shall be conducted from August 1, 1996
26 through October 31, 1996. The study shall be completed by
27 December 15, 1996 and shall be based on traffic congestion and

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

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

16 (7) A citation or civil infraction determination for exceed-
17 ing a lawful maximum speed limit of 55 miles per hour by driving
18 65 miles per hour or less shall not be considered by any person
19 in establishing automobile insurance eligibility or automobile
20 insurance rates.