

HOUSE BILL No. 4433

March 23, 1999, Introduced by Rep. Jamnick 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

1 maximum or minimum speed limit on that state trunk line ~~—, county~~
2 ~~highway,~~ or intersection which shall be effective at the times
3 determined when appropriate signs giving notice of the speed
4 limit are erected at the intersection or other place or part of
5 the highway.

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

18 (3) If a superintendent of a school district determines that
19 the speed of vehicular traffic on a state trunk line or county
20 highway, which is within 1,000 feet of a school in the school
21 district of which that person is the superintendent, is greater
22 or less than is reasonable or safe, the officials IDENTIFIED IN
23 SUBSECTION (1) OR (2), AS APPROPRIATE, shall include the superin-
24 tendent of the school district affected in acting jointly in
25 determining and declaring a reasonable and safe maximum or mini-
26 mum speed limit on that state trunk line or county highway. The
27 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.