

HOUSE BILL No. 4781

June 11, 1999, Introduced by Reps. Vear, Bovin, Tesanovich, Prusi and Neumann 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 juris-
3 diction, 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~~ THAT 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 highways or parts
13 of highways upon which a maximum speed limit is not otherwise
14 fixed ~~pursuant to~~ UNDER this act shall be 55 miles per hour.

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

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

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

23 (5) Except as otherwise provided in this section, the maxi-
24 mum speed limit on all freeways shall be 65 miles per hour except
25 that the state transportation department may designate not more
26 than 170 miles of freeway in this state on which the speed limit
27 may be less than 65 miles per hour. The director of the state

1 transportation department, in consultation with the department of
2 state police, beginning July 31, 1996, shall establish five areas
3 of freeway miles as test zones on which the speed limit may be
4 increased to 70 miles per hour in order to conduct a study to
5 determine whether any of those miles of freeway on which the
6 speed limit is 65 miles per hour on ~~the effective date of the~~
7 ~~1996 amendatory act that amended this section~~ JUNE 25, 1996 may
8 be increased to 70 miles per hour. Tests shall be conducted from
9 August 1, 1996 through October 31, 1996. The study shall be com-
10 pleted by December 15, 1996 and shall be based on traffic conges-
11 tion and other traffic safety issues as determined by the direc-
12 tor of the department of state police or his or her designee and
13 on engineering criteria as determined by the director of the
14 state transportation department or his or her designee. If the
15 study indicates that certain miles of freeway are eligible for
16 increase, the speed limit on those miles of freeway may be
17 increased to 70 miles per hour. The minimum speed limit on all
18 freeways shall be 45 miles per hour except if reduced speed is
19 necessary for safe operation or in compliance with law or in com-
20 pliance with a special permit issued by an appropriate
21 authority.

22 (6) THE DIRECTOR OF THE STATE TRANSPORTATION DEPARTMENT, IN
23 CONSULTATION WITH THE DEPARTMENT OF STATE POLICE, BEGINNING
24 SEPTEMBER 1, 1999, SHALL ESTABLISH CERTAIN AREAS OF UNITED STATES
25 HIGHWAY AND STATE TRUNK LINE ALL SEASON ROUTE HIGHWAY MILES AS
26 TEST ZONES ON WHICH THE SPEED LIMIT MAY BE INCREASED UP TO 65
27 MILES PER HOUR IN ORDER TO CONDUCT A STUDY TO DETERMINE WHETHER

1 UNITED STATES HIGHWAYS AND STATE TRUNK LINE ALL SEASON ROUTE
2 HIGHWAYS ON WHICH THE SPEED LIMIT IS 55 MILES PER HOUR ON THE
3 EFFECTIVE DATE OF THE 1999 AMENDATORY ACT THAT AMENDED THIS SEC-
4 TION MAY BE INCREASED UP TO 65 MILES PER HOUR. TESTS SHALL BE
5 CONDUCTED FROM SEPTEMBER 1, 1999 THROUGH SEPTEMBER 1, 2000. THE
6 STUDY SHALL BE COMPLETED AND RETURNED TO THE CHAIRPERSONS OF THE
7 HOUSE AND SENATE STANDING COMMITTEES THAT CONSIDER TRANSPORTATION
8 AND TRAFFIC RELATED ISSUES BY OCTOBER 15, 2000, SHALL BE BASED ON
9 TRAFFIC CONGESTION AND OTHER TRAFFIC SAFETY ISSUES AS DETERMINED
10 BY THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE OR HIS OR HER
11 DESIGNEE AND ON ENGINEERING CRITERIA AS DETERMINED BY THE DIREC-
12 TOR OF THE STATE TRANSPORTATION DEPARTMENT OR HIS OR HER DESIG-
13 NEE, AND SHALL INCLUDE RECOMMENDATIONS AS TO WHETHER THE SPEED
14 LIMIT ON ANY OF THE UNITED STATES HIGHWAYS OR STATE TRUNK LINE
15 ALL SEASON ROUTE HIGHWAYS SHOULD BE INCREASED UP TO 65 MILES PER
16 HOUR EFFECTIVE JANUARY 1, 2001. THE TOTAL NUMBER OF HIGHWAY AND
17 FREEWAY MILES USED FOR THE TESTS UNDER THIS SUBSECTION SHALL NOT
18 EXCEED 1,500. NOT LESS THAN 750 MILES OF THE TEST ZONES SHALL BE
19 AT 65 MILES PER HOUR.

20 (7) ~~(6)~~ The maximum rates of speed allowed ~~pursuant to~~
21 UNDER this section are subject to the maximum rates established
22 ~~pursuant to~~ UNDER section 629b, section 627(5) to (7) for cer-
23 tain vehicles and vehicle combinations, and section 629(4).

24 (8) ~~(7)~~ A citation or civil infraction determination for
25 exceeding a lawful maximum speed limit of 55 miles per hour by
26 driving 65 miles per hour or less shall not be considered by any

1 person in establishing automobile insurance eligibility or
2 automobile insurance rates.