

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 4022

(As passed the House, October 16, 2001)

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 628 (MCL 257.628), as amended by 2000 PA
167.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 628. (1) ~~If~~ EXCEPT AS PROVIDED IN SUBSECTION (2), IF
2 the state transportation commission or county road commission,
3 with respect to highways under its jurisdiction, and the director
4 of the department of state police jointly determine upon the
5 basis of an engineering and traffic investigation that the speed
6 of vehicular traffic on a state trunk line or county highway is
7 greater or less than is reasonable or safe under the conditions
8 found to exist at an intersection or other place or upon a part
9 of the highway, the officials acting jointly may determine and
10 declare a reasonable and safe maximum or minimum speed limit on

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

5 (2) A TOWNSHIP BOARD THAT DESIRES TO BE A PART OF THE PRO-
6 CESS PROVIDED BY THIS SUBSECTION WITH RESPECT TO COUNTY HIGHWAYS
7 WITHIN THAT TOWNSHIP SHALL NOTIFY IN WRITING THE COUNTY ROAD COM-
8 MISSION FOR THAT COUNTY OR THE COUNTY BOARD OF COMMISSIONERS IF
9 THERE IS NOT A COUNTY ROAD COMMISSION. IF THE COUNTY ROAD COM-
10 MISSION, THE TOWNSHIP BOARD, AND THE DIRECTOR OF THE DEPARTMENT
11 OF STATE POLICE DETERMINE UPON THE BASIS OF AN ENGINEERING AND
12 TRAFFIC INVESTIGATION THAT THE SPEED OF VEHICULAR TRAFFIC ON A
13 COUNTY HIGHWAY IS GREATER OR LESS THAN IS REASONABLE OR SAFE
14 UNDER THE CONDITIONS FOUND TO EXIST AT AN INTERSECTION OR OTHER
15 PLACE OR UPON A PART OF THE HIGHWAY, THE OFFICIALS ACTING BY A
16 MAJORITY VOTE MAY ESTABLISH A REASONABLE AND SAFE MAXIMUM OR MIN-
17 IMUM SPEED LIMIT AT THAT INTERSECTION OR ON THAT COUNTY HIGHWAY
18 THAT SHALL BE EFFECTIVE AT THE TIMES DETERMINED WHEN APPROPRIATE
19 SIGNS GIVING NOTICE OF THE SPEED LIMIT ARE ERECTED AT THE INTER-
20 SECTION OR OTHER PLACE OR PART OF THE HIGHWAY. A TOWNSHIP BOARD
21 THAT DOES NOT WISH TO CONTINUE AS PART OF THE PROCESS PROVIDED BY
22 THIS SUBSECTION SHALL NOTIFY IN WRITING THE COUNTY ROAD COMMIS-
23 SION OR THE COUNTY BOARD OF COMMISSIONERS IF THERE IS NOT A
24 COUNTY ROAD COMMISSION.

25 (3) If a superintendent of a school district determines that
26 the speed of vehicular traffic on a state trunk line or county
27 highway, which is within 1,000 feet of a school in the school

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1 district of which that person is the superintendent, is greater
2 or less than is reasonable or safe, the officials IDENTIFIED IN
3 SUBSECTION (1) shall include the superintendent of the school
4 district affected in acting jointly in determining and declaring
5 a reasonable and safe maximum or minimum speed limit on that
6 state trunk line or county highway. The maximum speed limit on
7 all highways or parts of highways upon which a maximum speed
8 limit is not otherwise fixed under this act shall be 55 miles per
9 hour.

10 (4) ~~-(2)-~~ In the case of a county highway of not less than 1
11 mile with residential lots with road frontage of 300 feet or less
12 along either side of the highway for the length of that part of
13 the highway that is under review for a proposed change in the
14 speed limit, the township board may petition the county road com-
15 mission or in charter counties where there is no road commission,
16 but there is a county board of commissioners, the township board
17 may petition the county board of commissioners for a proposed
18 change in the speed limit. The county road commission or in
19 charter counties where there is no road commission, but there is
20 a county board of commissioners, the township board may petition
21 the county board of commissioners to approve the proposed change
22 in the speed limit without the necessity of an engineering and
23 traffic investigation.

24 (5) ~~-(3)-~~ The speed limit on a county highway or an inter-
25 connected group of county highways of not more than 1 mile in
26 total length that connect with the county road system by a single

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1 entrance and exit shall be 25 miles per hour unless a different
2 speed limit is fixed and posted.

3 (6) ~~-(4)-~~ 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 (7) ~~-(5)-~~ 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

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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 (8) ~~-(6)-~~ 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 (9) ~~-(7)-~~ 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 June 25, 1996 may be
22 increased to 70 miles per hour. Tests shall be conducted from
23 August 1, 1996 through October 31, 1996. The study shall be com-
24 pleted by December 15, 1996 and shall be based on traffic conges-
25 tion and other traffic safety issues as determined by the direc-
26 tor of the department of state police or his or her designee and
27 on engineering criteria as determined by the director of the

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

9 (10) ~~-(8)-~~ The maximum rates of speed allowed pursuant to
10 this section are subject to the maximum rates established under
11 section 629b, section 627(5) to (7) for certain vehicles and
12 vehicle combinations, and section 629(4).

13 (11) ~~-(9)-~~ A citation or civil infraction determination for
14 exceeding a lawful maximum speed limit of 55 miles per hour by
15 driving 65 miles per hour or less shall not be considered by any
16 person in establishing automobile insurance eligibility or auto-
17 mobile insurance rates.