

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

Introduced by Rep. Jamnick

ENROLLED HOUSE BILL No. 4022

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 628 (MCL 257.628), as amended by 2000 PA 167.

The People of the State of Michigan enact:

Sec. 628. (1) Except as provided in subsection (2), if the state transportation commission or county road commission, with respect to highways under its jurisdiction, and the director of the department of state police jointly determine upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a state trunk line or county highway is greater or less than is reasonable or safe under the conditions found to exist at an intersection or other place or upon a part of the highway, the officials acting jointly may determine and declare a reasonable and safe maximum or minimum speed limit on that state trunk line, county highway, or intersection that shall be effective at the times determined when appropriate signs giving notice of the speed limit are erected at the intersection or other place or part of the highway.

(2) A township board that desires to be a part of the process provided by this subsection with respect to county highways within that township shall notify in writing the county road commission for that county or the county board of commissioners if there is not a county road commission. If the county road commission, the township board, and the director of the department of state police determine upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a county highway is greater or less than is reasonable or safe under the conditions found to exist at an intersection or other place or upon a part of the highway, the officials acting by a majority vote may

establish a reasonable and safe maximum or minimum speed limit at that intersection or on that county highway that shall be effective at the times determined when appropriate signs giving notice of the speed limit are erected at the intersection or other place or part of the highway. A township board that does not wish to continue as part of the process provided by this subsection shall notify in writing the county road commission or the county board of commissioners if there is not a county road commission.

(3) If a superintendent of a school district determines that the speed of vehicular traffic on a state trunk line or county highway, which is within 1,000 feet of a school in the school district of which that person is the superintendent, is greater or less than is reasonable or safe, the officials identified in subsection (1) shall include the superintendent of the school district affected in acting jointly in determining and declaring a reasonable and safe maximum or minimum speed limit on that state trunk line or county highway. The maximum speed limit on all highways or parts of highways upon which a maximum speed limit is not otherwise fixed under this act shall be 55 miles per hour.

(4) In the case of a county highway of not less than 1 mile with residential lots with road frontage of 300 feet or less along either side of the highway for the length of that part of the highway that is under review for a proposed change in the speed limit, the township board may petition the county road commission or in charter counties where there is no road commission, but there is a county board of commissioners, the township board may petition the county board of commissioners for a proposed change in the speed limit. The county road commission or in charter counties where there is no road commission, but there is a county board of commissioners, the township board may petition the county board of commissioners to approve the proposed change in the speed limit without the necessity of an engineering and traffic investigation.

(5) The speed limit on a county highway or an interconnected group of county highways of not more than 1 mile in total length that connect with the county road system by a single entrance and exit shall be 25 miles per hour unless a different speed limit is fixed and posted.

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

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

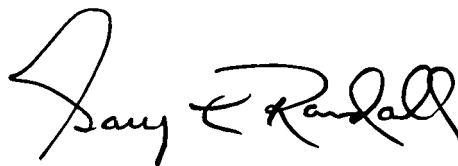
(8) A person who fails to observe an authorized speed or traffic control sign, signal, or device is responsible for a civil infraction.

(9) Except as otherwise provided in this section, the maximum speed limit on all freeways shall be 65 miles per hour except that the state transportation department may designate not more than 170 miles of freeway in this state on which the speed limit may be less than 65 miles per hour. The director of the state transportation department, in consultation with the department of state police, beginning July 31, 1996, shall establish five areas of freeway miles as test zones on which the speed limit may be increased to 70 miles per hour in order to conduct a study to determine whether any of those miles of freeway on which the speed limit is 65 miles per hour on June 25, 1996 may be increased to 70 miles per hour. Tests shall be conducted from August 1, 1996 through October 31, 1996. The study shall be completed by December 15, 1996 and shall be based on traffic congestion and other traffic safety issues as determined by the director of the department of state police or his or her designee and on engineering criteria as determined by the director of the state transportation department or his or her designee. If the study indicates that certain miles of freeway are eligible for increase, the speed limit on those miles of freeway may be increased to 70 miles per hour. The minimum speed limit on all freeways shall be 45 miles per hour except if reduced speed is necessary for safe operation or in compliance with law or in compliance with a special permit issued by an appropriate authority.

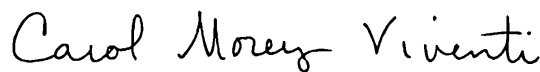
(10) The maximum rates of speed allowed pursuant to this section are subject to the maximum rates established under section 629b, section 627(5) to (7) for certain vehicles and vehicle combinations, and section 629(4).

(11) A citation or civil infraction determination for exceeding a lawful maximum speed limit of 55 miles per hour by driving 65 miles per hour or less shall not be considered by any person in establishing automobile insurance eligibility or automobile insurance rates.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.