

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 4133

(As Passed the House, March 26, 2003)

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 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
7 reasonable or safe under the conditions found to exist at an
8 intersection or other place or upon a part of the highway, the
9 officials acting jointly may determine and declare a reasonable
10 and safe maximum or minimum speed limit on that state trunk line

1 ~~— county —~~ highway ~~—~~ or intersection that shall be effective at
2 the 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.

5 **(2)** If the county road commission, the township board, and
6 the director of the department of state police unanimously
7 determine upon the basis of an engineering and traffic
8 investigation that the speed of vehicular traffic on a county
9 highway is greater or less than is reasonable or safe under the
10 conditions found to exist at an intersection or other place or
11 upon a part of the highway, the officials acting unanimously may
12 establish a reasonable and safe maximum or minimum speed limit at
13 that intersection or on that county highway that shall be
14 effective at the times determined when appropriate signs giving
15 notice of the speed limit are erected at the intersection or
16 other place or part of the highway. A township board that does
17 not wish to continue as part of the process provided by this
18 subsection shall notify in writing the county road commission.
19 As used in this subsection, "county road commission" means the
20 board of county road commissioners elected or appointed pursuant
21 to section 6 of chapter IV of 1909 PA 283, MCL 224.6, or, in the
22 case of a charter county with a population of 2,000,000 or more
23 with an elected county executive that does not have a board of
24 county road commissioners, the county executive.

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

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) or (2), as appropriate,** shall include the
4 superintendent of the school district affected in acting jointly
5 in determining and declaring a reasonable and safe maximum or
6 minimum speed limit on that state trunk line or county highway.
7 The maximum speed limit on all highways or parts of highways upon
8 which a maximum speed limit is not otherwise fixed under this act
9 shall be 55 miles per 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
15 commission or in charter counties where there is no road
16 commission, but there is a county board of commissioners, the
17 township board may petition the county board of commissioners for
18 a proposed change in the speed limit. The county road commission
19 or in charter counties where there is no road commission, but
20 there is a county board of commissioners, the township board may
21 petition the county board of commissioners to approve the
22 proposed change in the speed limit without the necessity of an
23 engineering and traffic investigation.

24 **(5) —(3)—** The speed limit on a county highway or an
25 interconnected group of county highways of not more than 1 mile
26 in total length that connect with the county road system by a
27 single entrance and exit shall be 25 miles per hour unless a

1 different speed limit is fixed and posted.

2 **(6)** ~~—(4)—~~ If upon investigation the state transportation
3 commission or county road commission and the director of the
4 department of state police find it in the interest of public
5 safety, they may order the township board, or city or village
6 officials to erect and maintain, take down, or regulate the speed
7 control signs, signals, or devices as directed, and in default of
8 an order the state transportation commission or county road
9 commission may cause the designated signs, signals, and devices
10 to be erected and maintained, taken down, regulated, or
11 controlled, in the manner previously directed, and pay for the
12 erecting and maintenance, removal, regulation, or control of the
13 sign, signal, or device out of the highway fund designated.

14 **(7)** ~~—(5)—~~ A public record of all speed control signs,
15 signals, or devices authorized under this section shall be filed
16 in the office of the county clerk of the county in which the
17 highway is located, and a certified copy shall be prima facie
18 evidence in all courts of the issuance of the authorization. The
19 public record with the county clerk shall not be required as
20 prima facie evidence of authorization in the case of signs
21 erected or placed temporarily for the control of speed or
22 direction of traffic at points where construction, repairs, or
23 maintenance of highways is in progress, or along a temporary
24 alternate route established to avoid the construction, repair, or
25 maintenance of a highway, if the signs are of uniform design
26 approved by the state transportation commission and the director
27 of the department of state police and clearly indicate a special

1 control, when proved in court that the temporary traffic-control
2 sign was placed by the state transportation commission or on the
3 authority of the state transportation commission and the director
4 of the department of state police or by the county road
5 commission or on the authority of the county road commission, at
6 a specified location.

7 **(8)** ~~-(6)-~~ A person who fails to observe an authorized speed
8 or traffic control sign, signal, or device is responsible for a
9 civil infraction.

10 **(9)** ~~-(7)-~~ Except as otherwise provided in this section, the
11 maximum speed limit on all freeways shall be ~~-65-~~ **70** miles per
12 hour except that the state transportation department may
13 designate not more than 170 miles of freeway in this state on
14 which the speed limit may be less than ~~-65-~~ **70** miles per hour.
15 ~~The director of the state transportation department, in~~
16 ~~consultation with the department of state police, beginning~~
17 ~~July 31, 1996, shall establish five areas of freeway miles as~~
18 ~~test zones on which the speed limit may be increased to 70 miles~~
19 ~~per hour in order to conduct a study to determine whether any of~~
20 ~~those miles of freeway on which the speed limit is 65 miles per~~
21 ~~hour on June 25, 1996 may be increased to 70 miles per hour.~~
22 ~~Tests shall be conducted from August 1, 1996 through October 31,~~
23 ~~1996. The study shall be completed by December 15, 1996 and~~
24 ~~shall be based on traffic congestion and other traffic safety~~
25 ~~issues as determined by the director of the department of state~~
26 ~~police or his or her designee and on engineering criteria as~~
27 ~~determined by the director of the state transportation department~~

~~1 or his or her designee. If the study indicates that certain~~
~~2 miles of freeway are eligible for increase, the speed limit on~~
~~3 those miles of freeway may be increased to 70 miles per hour.~~

4 The minimum speed limit on all freeways shall be 45 miles per
5 hour except if reduced speed is necessary for safe operation or
6 in compliance with law or in compliance with a special permit
7 issued by an appropriate authority.

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

12 **(11)** ~~—(9)—~~ A citation or civil infraction determination for
13 exceeding a lawful maximum speed limit of 55 miles per hour by
14 driving 65 miles per hour or less shall not be considered by any
15 person in establishing automobile insurance eligibility or
16 automobile insurance rates.

17 Enacting section 1. This amendatory act does not take
18 effect unless House Bill No. 4224 of the 92nd legislature is
19 enacted into law.