

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5240

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 5, 627, 628, 629, and 629c (MCL 257.5,
257.627, 257.628, 257.629, and 257.629c), section 627 as amended
by 2006 PA 19, section 628 as amended by 2003 PA 65, section 629
as amended by 1988 PA 368, and section 629c as amended by 1996 PA
320; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) "Business district" means ~~the territory~~ **AN**
2 **AREA** contiguous to a highway ~~when 50 per cent~~ **WHERE THE TOTAL**
3 **WIDTHS OF THE ADJACENT BUILDINGS IN USE FOR COMMERCIAL BUSINESS**
4 **OPEN TO THE GENERAL PUBLIC ON BOTH SIDES OCCUPY 50% or more of**

1 the **TOTAL** frontage ~~thereon~~ **ON BOTH SIDES** for a distance of ~~300~~
 2 600 feet or more. ~~is occupied by buildings in use for business.~~

3 (2) **AS USED IN THIS SECTION, "COMMERCIAL BUSINESS" DOES NOT**
 4 **INCLUDE A HOME-BASED BUSINESS CONDUCTED FROM A RESIDENCE OR**
 5 **DOMICILE, BUT DOES INCLUDE A MULTI-USE BUILDING IN WHICH A**
 6 **COMMERCIAL BUSINESS OPEN TO THE GENERAL PUBLIC IS OPERATED ON THE**
 7 **GROUND FLOOR AND RESIDENTIAL APARTMENTS EXIST ON UPPER FLOORS.**

8 Sec. 627. (1) A person operating a vehicle on a highway
 9 shall operate that vehicle at a careful and prudent speed not
 10 greater than nor less than is reasonable and proper, having due
 11 regard to the traffic, surface, and width of the highway and of
 12 any other condition then existing. A person shall not operate a
 13 vehicle upon a highway at a speed greater than that which will
 14 permit a stop within the assured, clear distance ahead.

15 (2) ~~Subject to subsection (1) and except~~ **EXCEPT** in those
 16 instances where a lower speed is specified in this chapter **OR THE**
 17 **SPEED IS UNSAFE PURSUANT TO SUBSECTION (1)**, it is prima facie
 18 lawful for the operator of a vehicle to operate that vehicle at a
 19 speed not exceeding the following, except when this speed would
 20 be unsafe:

21 (a) 25 miles ~~an~~ **PER** hour on all highways in a business ~~or~~
 22 ~~residence~~ district as **THAT TERM IS** defined in ~~this act~~ **SECTION**
 23 **5.**

24 (b) 25 miles ~~an~~ **PER** hour in public parks unless a
 25 different speed is fixed and duly posted.

26 (C) **25 MILES PER HOUR ON ALL HIGHWAYS OR PARTS OF HIGHWAYS**
 27 **WITHIN THE BOUNDARIES OF LAND PLATTED UNDER THE LAND DIVISION**

1 ACT, 1967 PA 288, MCL 560.101 TO 560.293, OR THE CONDOMINIUM ACT,
2 1978 PA 59, MCL 559.101 TO 559.276, UNLESS A DIFFERENT SPEED IS
3 FIXED AND POSTED.

4 (D) 25 MILES PER HOUR ON A HIGHWAY SEGMENT WITH 60 OR MORE
5 VEHICULAR ACCESS POINTS WITHIN 1/2 MILE.

6 (E) 35 MILES PER HOUR ON A HIGHWAY SEGMENT WITH NOT LESS
7 THAN 45 VEHICULAR ACCESS POINTS BUT NO MORE THAN 59 VEHICULAR
8 ACCESS POINTS WITHIN 1/2 MILE.

9 (F) 45 MILES PER HOUR ON A HIGHWAY SEGMENT WITH NOT LESS
10 THAN 30 VEHICULAR ACCESS POINTS BUT NO MORE THAN 44 VEHICULAR
11 ACCESS POINTS WITHIN 1/2 MILE.

12 (3) It is prima facie unlawful for a person to exceed the
13 speed limits prescribed in subsection (2), except as provided in
14 section 629.

15 (4) A person operating a vehicle in a mobile home park as
16 defined in section 2 of the mobile home commission act, 1987 PA
17 96, MCL 125.2302, shall operate that vehicle at a careful and
18 prudent speed, not greater than a speed that is reasonable and
19 proper, having due regard for the traffic, surface, width of the
20 roadway, and all other conditions existing, and not greater than
21 a speed that permits a stop within the assured clear distance
22 ahead. It is prima facie unlawful for the operator of a vehicle
23 to operate that vehicle at a speed exceeding 15 miles an hour in
24 a mobile home park as defined in section 2 of the mobile home
25 commission act, 1987 PA 96, MCL 125.2302.

26 (5) A person operating a passenger vehicle drawing another
27 vehicle or trailer shall not exceed the posted speed limit.

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1 (6) Except as otherwise provided in this subsection, **A**
2 **PERSON OPERATING** a truck with a gross weight of 10,000 pounds or
3 more, a truck-tractor, a truck-tractor with a semi-trailer or
4 trailer, or a combination of these vehicles shall not exceed a
5 speed of 55 miles per hour on highways, streets, or freeways and
6 shall not exceed a speed of 35 miles per hour during the period
7 when reduced loadings are being enforced in accordance with this
8 chapter. However, a **PERSON OPERATING A** <<**SCHOOL BUS, A**>> truck, a
truck-tractor, or
9 a truck-tractor with a semi-trailer or trailer described in this
10 subsection shall not exceed a speed of 60 miles per hour on a
11 freeway if the maximum speed limit on that freeway is 70 miles
12 per hour.

13 (7) <<**A EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6), A**>> person
operating a school bus shall not exceed the
14 speed of ~~50~~ 55 miles per hour.

15 (8) The maximum rates of speeds allowed under this section
16 are subject to the maximum rate established under section 629b.

17 (9) A person operating a vehicle on a highway, when entering
18 and passing through a work zone described in section 79d(a) where
19 a normal lane or part of the lane of traffic has been closed due
20 to highway construction, maintenance, or surveying activities,
21 shall not exceed a speed of 45 miles per hour unless a different
22 speed limit is determined for that work zone by the state
23 transportation department, a county road commission, or a local
24 authority, **BASED ON ACCEPTED ENGINEERING PRACTICE**. The state
25 transportation department, a county road commission, or a local
26 authority shall post speed limit signs in each work zone
27 described in section 79d(a) that indicate the speed limit in that

1 work zone and shall identify that work zone with any other
2 traffic control devices necessary to conform to the Michigan
3 manual of uniform traffic control devices. A person shall not
4 exceed a speed limit established under this section or a speed
5 limit established under section 628 or 629.

6 (10) SUBJECT TO SUBSECTIONS (1) AND (2)(C), SPEED LIMITS
7 ESTABLISHED PURSUANT TO THIS SECTION ARE NOT VALID UNLESS
8 PROPERLY POSTED. IN THE ABSENCE OF A PROPERLY POSTED SIGN, THE
9 SPEED LIMIT IN EFFECT SHALL BE THE GENERAL SPEED LIMIT PURSUANT
10 TO SECTION 628(1).

11 (11) NOTHING IN THIS SECTION PREVENTS THE ESTABLISHMENT OF
12 AN ABSOLUTE SPEED LIMIT PURSUANT TO SECTION 628. SUBJECT TO
13 SUBSECTION (1), AN ABSOLUTE SPEED LIMIT ESTABLISHED PURSUANT TO
14 SECTION 628 SUPERSEDES A PRIMA FACIE SPEED LIMIT ESTABLISHED
15 PURSUANT TO THIS SECTION.

16 (12) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS
17 JUSTIFICATION TO DENY A TRAFFIC AND ENGINEERING INVESTIGATION.

18 (13) AS USED IN THIS SECTION, "VEHICULAR ACCESS POINT" MEANS
19 A DRIVEWAY OR INTERSECTING ROADWAY.

20 (14) ~~—(10)—~~ A person who violates this section is
21 responsible for a civil infraction.

22 Sec. 628. (1) If the state transportation ~~commission~~
23 **DEPARTMENT** and the ~~director of the~~ department of state police
24 jointly determine upon the basis of an engineering and traffic
25 investigation that the speed of vehicular traffic on a state
26 trunk line highway is greater or less than is reasonable or safe
27 under the conditions found to exist at an intersection or other

1 place or upon a part of the highway, the ~~officials~~ **DEPARTMENTS**
 2 acting jointly may determine and declare a reasonable and safe
 3 maximum or minimum speed limit on that state trunk line highway
 4 or intersection that shall be effective at the times determined
 5 when appropriate signs giving notice of the speed limit are
 6 erected at the intersection or other place or part of the
 7 highway. **THE MAXIMUM SPEED LIMIT ON ALL HIGHWAYS OR PARTS OF**
 8 **HIGHWAYS UPON WHICH A MAXIMUM SPEED LIMIT IS NOT OTHERWISE FIXED**
 9 **UNDER THIS ACT IS 55 MILES PER HOUR, WHICH SHALL BE KNOWN AND MAY**
 10 **BE REFERRED TO AS THE "GENERAL SPEED LIMIT".**

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

1 PA 283, MCL 224.6, or, in the case of a charter county with a
2 population of 2,000,000 or more with an elected county executive
3 that does not have a board of county road commissioners, the
4 county executive.

5 (3) If a superintendent of a school district determines that
6 the speed of vehicular traffic on a state trunk line or county
7 highway, which is within 1,000 feet of a school in the school
8 district of which that person is the superintendent, is greater
9 or less than is reasonable or safe, the officials identified in
10 subsection (1) or (2), as appropriate, shall include the
11 superintendent of the school district affected in acting jointly
12 in determining and declaring a reasonable and safe maximum or
13 minimum speed limit on that state trunk line or county highway.

14 ~~The maximum speed limit on all highways or parts of highways upon~~
15 ~~which a maximum speed limit is not otherwise fixed under this act~~
16 ~~shall be 55 miles per hour.~~

17 (4) In the case of a county highway of not less than 1 mile
18 with residential lots with road frontage of 300 feet or less
19 along either side of the highway for the length of that part of
20 the highway that is under review for a proposed change in the
21 speed limit, the township board may petition the county road
22 commission or in charter counties where there is no road
23 commission, but there is a county board of commissioners, the
24 township board may petition the county board of commissioners for
25 a proposed change in the speed limit. The county road commission
26 or in charter counties where there is no road commission, but
27 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.~~

(5) ~~—(6)—~~ If upon investigation the state transportation ~~commission~~ **DEPARTMENT** 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~~ **DEPARTMENT** 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.

(6) ~~—(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

1 prima facie evidence of authorization in the case of signs
2 erected or placed temporarily for the control of speed or
3 direction of traffic at points where construction, repairs, or
4 maintenance of highways is in progress, or along a temporary
5 alternate route established to avoid the construction, repair, or
6 maintenance of a highway, if the signs are of uniform design
7 approved by the state transportation ~~commission~~ **DEPARTMENT** and
8 the ~~director of the~~ department of state police and clearly
9 indicate a special control, when proved in court that the
10 temporary traffic-control sign was placed by the state
11 transportation ~~commission~~ **DEPARTMENT** or on the authority of the
12 state transportation ~~commission~~ **DEPARTMENT** and the ~~director of~~
13 ~~the~~ department of state police or by the county road commission
14 or on the authority of the county road commission, at a specified
15 location.

16 (7) ~~—(8)—~~ A person who fails to observe an authorized speed
17 or traffic control sign, signal, or device is responsible for a
18 civil infraction.

19 (8) ~~—(9)—~~ Except as otherwise provided in this section, the
20 maximum speed limit on all freeways shall be 70 miles per hour
21 except ~~that the state transportation department may designate~~
22 ~~not more than 170 miles of freeway in this state on which the~~
23 ~~speed limit may be less than 70 miles per hour~~ **THAT IF THE STATE**
24 **TRANSPORTATION DEPARTMENT AND THE DEPARTMENT OF STATE POLICE**
25 **JOINTLY DETERMINE UPON THE BASIS OF AN ENGINEERING AND TRAFFIC**
26 **INVESTIGATION THAT THE SPEED OF VEHICULAR TRAFFIC ON A FREEWAY IS**
27 **GREATER OR LESS THAN IS REASONABLE OR SAFE UNDER THE CONDITIONS**

1 FOUND TO EXIST UPON A PART OF THE FREEWAY, THE DEPARTMENTS ACTING
 2 JOINTLY MAY DETERMINE AND DECLARE A REASONABLE AND SAFE MAXIMUM
 3 OR MINIMUM SPEED LIMIT ON THAT FREEWAY THAT SHALL BE EFFECTIVE
 4 WHEN APPROPRIATE SIGNS GIVING NOTICE OF THE SPEED LIMIT ARE
 5 ERECTED. The minimum speed limit on all freeways ~~shall be 45~~ IS
 6 55 miles per hour except if reduced speed is necessary for safe
 7 operation or in compliance with law or in compliance with a
 8 special permit issued by an appropriate authority.

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

13 ~~——(11) 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~~
 17 ~~automobile insurance rates.~~

18 (10) EXCEPT FOR THE GENERAL SPEED LIMIT DESCRIBED IN
 19 SUBSECTION (1), SPEED LIMITS ESTABLISHED PURSUANT TO THIS SECTION
 20 SHALL BE KNOWN AS ABSOLUTE SPEED LIMITS.

21 Sec. 629. (1) Local authorities may establish or increase
 22 the prima facie speed limits on highways under their jurisdiction
 23 subject to the following limitations:

24 (a) A highway within a business ~~or residential~~ district on
 25 which the prima facie speed limit is increased shall be
 26 designated a through highway at the entrance to which vehicles
 27 shall be required to stop before entering, except that where 2 of

1 these through highways intersect, local authorities may require
 2 traffic on only 1 highway to stop before entering the
 3 intersection.

4 (b) The local authorities shall place and maintain, upon all
 5 through highways in which the permissible speed is increased,
 6 adequate signs giving notice of the special regulations and shall
 7 also place and maintain upon each highway intersecting a through
 8 highway, appropriate signs which shall be reflectorized or
 9 illuminated at night.

10 (c) Local authorities may establish prima facie lawful speed
 11 limits on highways outside of business ~~or residential~~ districts
 12 ~~which shall not be less than 25 miles per hour, except as~~
 13 ~~provided in subsection (4).~~

14 ~~—— (d) Before a local authority increases or decreases the~~
 15 ~~prima facie speed limit on a state trunk line highway within a~~
 16 ~~school zone, the local authority shall confer with the state~~
 17 ~~transportation department, the department of state police, and~~
 18 ~~the school board of the affected school district. THAT ARE~~
 19 **CONSISTENT WITH THE LIMITS ESTABLISHED IN SECTION 627(2).**

20 (2) The state transportation ~~commission may~~ **DEPARTMENT**
 21 **SHALL** establish the speed ~~which shall be prima facie lawful~~
 22 upon all trunk line highways ~~outside of business districts and~~
 23 located within cities and villages ~~and outside of school zones,~~
 24 as follows:

25 (a) A written copy of the authorization or determination
 26 shall be filed in the office of the county clerk of the county or
 27 counties where the highway is located and a certified copy of the

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1 authorization or determination shall be prima facie evidence in
2 all courts of the issuance of the authorization or determination.

3 (b) When the state transportation ~~commission~~ **DEPARTMENT**
4 increases the speed upon a trunk line highway as provided in this
5 act, subject to section 627a, the state transportation department
6 shall place and maintain upon these highways adequate signs
7 giving notice of the permissible speed fixed by the state
8 transportation commission.

9 (3) Local authorities are authorized to decrease the prima
10 facie speed limits **TO NOT LESS THAN <<15>> MILES PER HOUR** in public
11 parks under their jurisdiction. A decrease in the prima facie
12 speed limits ~~shall be~~ **IS** binding when adequate signs are duly
13 posted giving notice of the reduced speeds.

14 (4) Local authorities are authorized to decrease the prima
15 facie speed limits to not less than ~~15~~ **25** miles an hour on each
16 street or highway under their jurisdiction ~~which~~ **THAT** is
17 adjacent to a publicly owned park or playground. A decrease in
18 the prima facie speed limits ~~shall be~~ **IS** binding when adequate
19 signs are duly posted giving notice of the reduced speeds. As
20 used in this subsection, "local authority" includes the county
21 road commission with the concurrence of the township board of a
22 township for a street or highway within the boundaries of the
23 township.

24 (5) The maximum rates of speed allowed ~~pursuant to~~ **UNDER**
25 this section are subject to the maximum rate established
26 ~~pursuant to~~ **UNDER** section 629b.

27 (6) A person who exceeds a lawful speed limit established

1 ~~pursuant to~~ **UNDER** this section is responsible for a civil
 2 infraction.

3 (7) As used in this section, "local authority" means the
 4 governing body of a city or village, except as provided in
 5 subsection (4).

6 Sec. 629c. (1) Notwithstanding sections 320a and 907, a
 7 person who is determined responsible or responsible "with
 8 explanation" for a civil infraction for violating the maximum
 9 speed limit on a limited access freeway or part of a limited
 10 access freeway upon which the maximum speed limit is 55 miles per
 11 hour or more shall be ordered by the court to pay a minimum fine
 12 and shall have points entered on his or her driving record by the
 13 secretary of state only according to the following schedule,
 14 except as otherwise provided in subsections (2) and (3):

15 Number of miles per hour
 16 that the vehicle exceeded the
 17 applicable speed limit at the

18	<u>time of the violation</u>	<u>Points</u>	<u>Minimum</u> <u>Fine</u>
19	1 to 5	0	\$10.00
20	6 to 10	1	\$20.00
21	11 to 15	2	\$30.00
22	16 to 25	3	\$40.00
23	26 or over	4	\$50.00

1 (2) Subsection (1) does not apply to a person operating a
2 vehicle or vehicle combination for which the maximum rate of
3 speed is established pursuant to section 627(5) to (7).

4 (3) For a violation of a maximum speed limit on a limited
5 access freeway by a person operating a vehicle or vehicle
6 combination described in subsection (2), points shall be assessed
7 under section 320a and fines shall be assessed under section 907.

8 Enacting section 1. Sections 51 and 627b of the Michigan
9 vehicle code, 1949 PA 300, MCL 257.51 and 257.627b, are repealed.

10 Enacting section 2. This amendatory act takes effect
11 November 9, 2006.

12 Enacting section 3. This amendatory act does not take effect
13 unless House Bill No. 5241 of the 93rd Legislature is enacted
14 into law.