

HOUSE BILL No. 4032

January 27, 2005, Introduced by Rep. Whitmer 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 2003 PA 65.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 628. (1) If the state transportation commission, ~~and~~
2 the director of the department of state police, **AND THE CITY**
3 **COUNCIL IF A STATE TRUNK LINE HIGHWAY IS WITHIN THE LIMITS OF THE**
4 **CITY**, jointly determine upon the basis of an engineering and
5 traffic investigation that the speed of vehicular traffic on a
6 state trunk line highway is greater or less than is reasonable or
7 safe under the conditions found to exist at an intersection or
8 other place or upon a part of the highway, the officials acting
9 jointly may determine and declare a reasonable and safe maximum or

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

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

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

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

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

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

27 (6) If upon investigation the state transportation commission

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

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

1 transportation commission and the director of the department of
2 state police or by the county road commission or on the authority
3 of the county road commission, at a specified location.

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

7 (9) Except as otherwise provided in this section, the maximum
8 speed limit on all freeways ~~shall be~~ **IS** 70 miles per hour, except
9 that the state transportation department may designate not more
10 than 170 miles of freeway in this state on which the speed limit
11 ~~may be~~ **IS** less than 70 miles per hour. The minimum speed limit on
12 all freeways ~~shall be~~ **IS** 45 miles per hour, except if reduced
13 speed is necessary for safe operation or in compliance with law or
14 in compliance with a special permit issued by an appropriate
15 authority.

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

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