

HOUSE BILL No. 5240

September 28, 2005, Introduced by Reps. Palmer, Hoogendyk, Byrnes, Jones, Nofs, Hansen, Green, Vander Veen, Stahl, Drolet, Gosselin, Taub, Walker and Casperson and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 5, 320a, 627, 628, 629, and 629c (MCL 257.5, 257.320a, 257.627, 257.628, 257.629, and 257.629c), section 320a as amended by 2004 PA 495, section 627 as amended by 2004 PA 62, 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**

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

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

Sec. 320a. (1) ~~Until October 1, 2005, within 10 days after~~
~~the receipt of a properly prepared abstract from this state or~~
~~another state, or, beginning October 1, 2005, within~~ **WITHIN 5**
days after the receipt of a properly prepared abstract from this
state or another state, the secretary of state shall record the
date of conviction, civil infraction determination, or probate
court disposition, and the number of points for each, based on
the following formula, except as otherwise provided in this
section and section 629c:

(a) Manslaughter, negligent homicide, or a felony
resulting from the operation of a motor vehicle, ORV, or
snowmobile 6 points

(b) A violation of section 601b(2) or (3), 601c(1) or
(2), or 653a(3) or (4) 6 points

(c) A violation of section 625(1), (4), (5), (7),
or (8), section 81134 or 82127(1) of the natural resources
and environmental protection act, 1994 PA 451,
MCL 324.81134 and 324.82127, or a law or ordinance
substantially corresponding to section 625(1), (4), (5),
(7), or (8) or section 81134 or 82127(1) of the natural

1 resources and environmental protection act, 1994 PA 451,
 2 MCL 324.81134 and 324.82127 6 points
 3 (d) Failing to stop and disclose identity at the
 4 scene of an accident when required by law 6 points
 5 (e) Operating a motor vehicle in violation of
 6 section 626 6 points
 7 (f) Fleeing or eluding an officer 6 points
 8 (g) A violation of section ~~627(9)~~ **627(8)**
 9 pertaining to speed in a work zone described in that section
 10 by exceeding the lawful maximum by more than 15 miles
 11 per hour 5 points
 12 (h) A violation of any law other than the law
 13 described in subdivision (g) or ordinance pertaining to
 14 speed by exceeding the lawful maximum by more than 15 miles
 15 per hour 4 points
 16 (i) A violation of section 625(3) or (6), section
 17 81135 or 82127(3) of the natural resources and environmental
 18 protection act, 1994 PA 451, MCL 324.81135 and 324.82127,
 19 or a law or ordinance substantially corresponding to
 20 section 625(3) or (6) or section 81135 or 82127(3) of the
 21 natural resources and environmental protection act, 1994
 22 PA 451, MCL 324.81135 and 324.82127 4 points
 23 (j) A violation of section 626a or a law or
 24 ordinance substantially corresponding to section 626a . 4 points
 25 (k) A violation of section 653a(2) 4 points
 26 (l) A violation of section ~~627(9)~~ **627(8)**
 27 pertaining to speed in a work zone described in that section

1 by exceeding the lawful maximum by more than 10 but not more
 2 than 15 miles per hour 4 points

3 (m) A violation of any law other than the law
 4 described in subdivision (l) or ordinance pertaining to
 5 speed by exceeding the lawful maximum by more than 10 but
 6 not more than 15 miles per hour or careless driving in
 7 violation of section 626b or a law or ordinance
 8 substantially corresponding to section 626b 3 points

9 (n) A violation of section ~~627(9)~~ **627(8)**
 10 pertaining to speed in a work zone described in that section
 11 by exceeding the lawful maximum by 10 miles per hour
 12 or less 3 points

13 (o) A violation of any law other than the law
 14 described in subdivision (n) or ordinance pertaining to
 15 speed by exceeding the lawful maximum by 10 miles per hour
 16 or less 2 points

17 (p) Disobeying a traffic signal or stop sign, or
 18 improper passing 3 points

19 (q) A violation of section 624a, 624b, or a law or
 20 ordinance substantially corresponding to section 624a
 21 or 624b 2 points

22 (r) A violation of section 310e(4) or (6) or a law
 23 or ordinance substantially corresponding to section 310e(4)
 24 or (6) 2 points

25 (s) All other moving violations pertaining to the
 26 operation of motor vehicles reported under this section 2 points

27 (t) A refusal by a person less than 21 years of

age to submit to a preliminary breath test required by a
peace officer under section 625a 2 points

(2) Points shall not be entered for a violation of section
310e(14), 311, 625m, 658, 717, 719, 719a, or 723.

(3) Points shall not be entered for bond forfeitures.

(4) Points shall not be entered for overweight loads or for
defective equipment.

(5) If more than 1 conviction, civil infraction
determination, or probate court disposition results from the same
incident, points shall be entered only for the violation that
receives the highest number of points under this section.

(6) If a person has accumulated 9 points as provided in this
section, the secretary of state may call the person in for an
interview as to the person's driving ability and record after due
notice as to time and place of the interview. If the person fails
to appear as provided in this subsection, the secretary of state
shall add 3 points to the person's record.

(7) If a person violates a speed restriction established by
an executive order issued during a state of energy emergency as
provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of
state shall enter points for the violation pursuant to subsection
(1).

(8) The secretary of state shall enter 6 points upon the
record of a person whose license is suspended or denied pursuant
to section 625f. However, if a conviction, civil infraction
determination, or probate court disposition results from the same
incident, additional points for that offense shall not be

1 entered.

2 (9) If a Michigan driver commits a violation in another
3 state that would be a civil infraction if committed in Michigan,
4 and a conviction results solely because of the failure of the
5 Michigan driver to appear in that state to contest the violation,
6 upon receipt of the abstract of conviction by the secretary of
7 state, the violation shall be noted on the driver's record, but
8 no points shall be assessed against his or her driver's license.

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

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

22 (a) 25 miles ~~an~~ **PER** hour on all highways in a business ~~or~~
23 ~~residence~~ district as **THAT TERM IS** defined in ~~this act~~ **SECTION**
24 **5.**

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

27 **(C) 25 MILES PER HOUR ON A HIGHWAY SEGMENT WITH 60 OR MORE**

1 VEHICULAR ACCESS POINTS WITHIN 1/2 MILE.

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

5 (E) 45 MILES PER HOUR ON A HIGHWAY SEGMENT WITH NOT LESS
6 THAN 30 VEHICULAR ACCESS POINTS BUT NO MORE THAN 44 VEHICULAR
7 ACCESS POINTS WITHIN 1/2 MILE.

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

11 (4) The driver of a vehicle in a mobile home park as defined
12 in section 2 of the mobile home commission act, 1987 PA 96, MCL
13 125.2302, shall drive at a careful and prudent speed, not greater
14 than a speed ~~which~~ **THAT** is reasonable and proper, having due
15 regard for the traffic, surface, width of the roadway, and all
16 other conditions existing, and not greater than a speed ~~which~~
17 **THAT** will permit a stop within the assured clear distance ahead.
18 It is prima facie unlawful for the driver of a vehicle to drive
19 at a speed exceeding 15 miles ~~an~~ **PER** hour in a mobile home park
20 as defined in section 2 of the mobile home commission act, 1987
21 PA 96, MCL 125.2302.

22 (5) A person ~~driving a passenger~~ **OPERATING A SCHOOL BUS, A**
23 vehicle drawing another vehicle or trailer, **OR A TRUCK OR TRUCK-**
24 **TRACTOR WITH A GROSS WEIGHT OF 10,000 POUNDS OR MORE,** shall not
25 exceed a speed of 55 miles per hour. ~~, unless the vehicle or~~
26 ~~trailer has 2 wheels or less and does not exceed the combined~~
27 ~~weight of 750 pounds for the vehicle or trailer and load, or a~~

1 ~~trailer coach of not more than 26 feet in length with brakes on~~
2 ~~each wheel and attached to the passenger vehicle with an~~
3 ~~equalizing or stabilizing coupling unit.~~

4 (6) A **PERSON OPERATING A** truck with a gross weight of 10,000
5 pounds or more, a truck-tractor with a trailer, or a combination
6 of these vehicles ~~shall not exceed a speed of 55 miles per hour~~
7 ~~on highways, streets, or freeways and~~ shall not exceed a speed
8 of 35 miles per hour during the period when reduced loadings are
9 being enforced in accordance with this chapter.

10 ~~—— (7) A person driving a school bus shall not exceed the speed~~
11 ~~of 50 miles per hour.~~

12 (7) ~~—(8)—~~ The maximum rates of speeds allowed ~~pursuant to~~
13 **UNDER** this section are subject to the maximum rate established
14 ~~pursuant to~~ **UNDER** section 629b.

15 (8) ~~—(9)—~~ A person operating a vehicle on a highway, when
16 entering and passing through a work zone ~~described in section~~
17 ~~79e(a), or, beginning April 8, 2004,~~ described in section 79d(a)
18 ~~—~~ where a normal lane or part of the lane of traffic has been
19 closed due to highway construction, maintenance, or surveying
20 activities, shall not exceed a speed of 45 miles per hour unless
21 a different speed limit is determined for that work zone by the
22 state transportation department, a county road commission, or a
23 local authority, **BASED ON ACCEPTED ENGINEERING PRACTICE**. The
24 state transportation department, a county road commission, or a
25 local authority shall post speed limit signs in each work zone
26 ~~described in section 79e(a), or, beginning April 8, 2004,~~
27 described in section 79d(a) ~~—~~ that indicate the speed limit in

1 that 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 (9) NOTWITHSTANDING SUBSECTION (1), SPEED LIMITS ESTABLISHED
7 PURSUANT TO THIS SECTION ARE NOT VALID UNLESS PROPERLY POSTED. A
8 SIGN INDICATING "PRIMA FACIE" SHALL BE ATTACHED DIRECTLY BELOW A
9 SIGN INDICATING A SPEED LIMIT POSTED PURSUANT TO THIS SECTION.
10 IN THE ABSENCE OF A PROPERLY POSTED SIGN, THE SPEED LIMIT IN
11 EFFECT SHALL BE THE GENERAL SPEED LIMIT PURSUANT TO SECTION
12 628(1).

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

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

20 (12) ~~-(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 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 at
22 the intersection or other place or part of 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~~ **AN ENGINEER EMPLOYED BY EITHER THE** board
27 of county road commissioners elected or appointed ~~pursuant to~~

1 **UNDER** section 6 of chapter IV of 1909 PA 283, MCL 224.6, or, in
2 the case of a charter county with a population of 2,000,000 or
3 more with an elected county executive that does not have a board
4 of county road commissioners, the 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.~~

(4) ~~—(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.

(5) ~~—(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 (6) ~~-(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 (7) ~~-(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 AT
 4 THE TIMES DETERMINED WHEN APPROPRIATE SIGNS GIVING NOTICE OF THE
 5 SPEED LIMIT ARE ERECTED. The minimum speed limit on all freeways
 6 shall be 45- 55 miles per hour except if reduced speed is
 7 necessary for safe operation or in compliance with law or in
 8 compliance with a special permit issued by an appropriate
 9 authority.

10 (8) ~~-(10)-~~ The maximum rates of speed allowed ~~pursuant to~~
 11 UNDER this section are subject to the maximum rates established
 12 under section 629b, section 627(5) to ~~-(7)-~~ AND (6) for certain
 13 vehicles and vehicle combinations, and section 629(4).

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

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

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

25 (a) A highway within a business ~~or residential~~ district on
 26 which the prima facie speed limit is increased shall be
 27 designated a through highway at the entrance to which vehicles

1 shall be required to stop before entering, except that where 2 of
 2 these through highways intersect, local authorities may require
 3 traffic on only 1 highway to stop before entering the
 4 intersection.

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

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

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

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

26 (a) A written copy of the authorization or determination
 27 shall be filed in the office of the county clerk of the county or

1 counties where the highway is located and a certified copy of the
2 authorization or determination shall be prima facie evidence in
3 all courts of the issuance of the authorization or determination.

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

10 (3) Local authorities are authorized to decrease the prima
11 facie speed limits **TO NOT LESS THAN 25 MILES PER HOUR** in public
12 parks under their jurisdiction. A decrease in the prima facie
13 speed limits ~~shall be~~ **IS** binding when adequate signs are duly
14 posted giving notice of the reduced speeds.

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

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

(6) A person who exceeds a lawful speed limit established pursuant to ~~UNDER~~ this section is responsible for a civil infraction.

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

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

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

Minimum

time of the violation

Points

Fine

1 to 5

0

\$10.00

6 to 10

1

\$20.00

11 to 15

2

\$30.00

16 to 25

3

\$40.00

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)~~ **AND (6)**.

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 does not take effect
11 unless Senate Bill No.____ or House Bill No. 5241(request no.
12 00183'05 a) of the 93rd Legislature is enacted into law.