

Act No. 85  
Public Acts of 2006  
Approved by the Governor  
April 2, 2006  
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April 3, 2006  
EFFECTIVE DATE: November 9, 2006

**STATE OF MICHIGAN  
93RD LEGISLATURE  
REGULAR SESSION OF 2006**

**Introduced by Reps. Palmer, Hoogendyk, Byrnes, Jones, Nofs, Hansen, Green, Vander Veen, Stahl, Drolet,  
Gosselin, Taub, Walker and Casperson**

# **ENROLLED HOUSE BILL No. 5240**

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 provide appropriations for certain purposes; 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 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:*

Sec. 5. (1) "Business district" means an area contiguous to a highway where the total widths of the adjacent buildings in use for commercial business open to the general public on both sides occupy 50% or more of the total frontage on both sides for a distance of 600 feet or more.

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

(2) Except in those instances where a lower speed is specified in this chapter or the speed is unsafe pursuant to subsection (1), it is prima facie lawful for the operator of a vehicle to operate that vehicle at a speed not exceeding the following, except when this speed would be unsafe:

(a) 25 miles per hour on all highways in a business district as that term is defined in section 5.

(b) 25 miles per hour in public parks unless a different speed is fixed and duly posted.

(c) 25 miles per hour on all highways or parts of highways within the boundaries of land platted under the land division act, 1967 PA 288, MCL 560.101 to 560.293, or the condominium act, 1978 PA 59, MCL 559.101 to 559.276, unless a different speed is fixed and posted.

(d) 25 miles per hour on a highway segment with 60 or more vehicular access points within 1/2 mile.

(e) 35 miles per hour on a highway segment with not less than 45 vehicular access points but no more than 59 vehicular access points within 1/2 mile.

(f) 45 miles per hour on a highway segment with not less than 30 vehicular access points but no more than 44 vehicular access points within 1/2 mile.

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

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

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

(6) Except as otherwise provided in this subsection, a person operating a truck with a gross weight of 10,000 pounds or more, a truck-tractor, a truck-tractor with a semi-trailer or trailer, or a combination of these vehicles shall not exceed a speed of 55 miles per hour on highways, streets, or freeways and shall not exceed a speed of 35 miles per hour during the period when reduced loadings are being enforced in accordance with this chapter. However, a person operating a school bus, a truck, a truck-tractor, or a truck-tractor with a semi-trailer or trailer described in this subsection shall not exceed a speed of 60 miles per hour on a freeway if the maximum speed limit on that freeway is 70 miles per hour.

(7) Except as otherwise provided in subsection (6), a person operating a school bus shall not exceed the speed of 55 miles per hour.

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

(9) A person operating a vehicle on a highway, when entering and passing through a work zone described in section 79d(a) where a normal lane or part of the lane of traffic has been closed due to highway construction, maintenance, or surveying activities, shall not exceed a speed of 45 miles per hour unless a different speed limit is determined for that work zone by the state transportation department, a county road commission, or a local authority, based on accepted engineering practice. The state transportation department, a county road commission, or a local authority shall post speed limit signs in each work zone described in section 79d(a) that indicate the speed limit in that work zone and shall identify that work zone with any other traffic control devices necessary to conform to the Michigan manual of uniform traffic control devices. A person shall not exceed a speed limit established under this section or a speed limit established under section 628 or 629.

(10) Subject to subsections (1) and (2)(c), speed limits established pursuant to this section are not valid unless properly posted. In the absence of a properly posted sign, the speed limit in effect shall be the general speed limit pursuant to section 628(1).

(11) Nothing in this section prevents the establishment of an absolute speed limit pursuant to section 628. Subject to subsection (1), an absolute speed limit established pursuant to section 628 supersedes a prima facie speed limit established pursuant to this section.

(12) Nothing in this section shall be construed as justification to deny a traffic and engineering investigation.

(13) As used in this section, "vehicular access point" means a driveway or intersecting roadway.

(14) A person who violates this section is responsible for a civil infraction.

Sec. 628. (1) If the state transportation department and 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 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 departments acting jointly may determine and declare a reasonable and safe maximum or minimum speed limit on that state trunk line 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. The maximum speed limit on all highways or parts of highways upon which a maximum speed limit is not otherwise fixed under this act is 55 miles per hour, which shall be known and may be referred to as the “general speed limit”.

(2) If the county road commission, the township board, and the department of state police unanimously 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 upon any part of the highway, then acting unanimously they may establish a reasonable and safe maximum or minimum speed limit on that county highway that is effective at the times determined when appropriate signs giving notice of the speed limit are erected on 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. As used in this subsection, “county road commission” means the board of county road commissioners elected or appointed under section 6 of chapter IV of 1909 PA 283, MCL 224.6, or, in the case of a charter county with a population of 2,000,000 or more with an elected county executive that does not have a board of county road commissioners, the county executive.

(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) or (2), as appropriate, 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.

(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) If upon investigation the state transportation department or county road commission and 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 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) 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 department and 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 department or on the authority of the state transportation department and the department of state police or by the county road commission or on the authority of the county road commission, at a specified location.

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

(8) Except as otherwise provided in this section, the maximum speed limit on all freeways shall be 70 miles per hour except that if the state transportation department and the department of state police jointly determine upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a freeway is greater or less than is reasonable or safe under the conditions found to exist upon a part of the freeway, the departments acting jointly may determine and declare a reasonable and safe maximum or minimum speed limit on that freeway that is not more than 70 miles per hour but not less than 55 miles per hour and that shall be effective when appropriate signs giving notice of the speed limit are erected. The minimum speed limit on all freeways is 55 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.

(9) The maximum rates of speed allowed under 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).

(10) Except for the general speed limit described in subsection (1), speed limits established pursuant to this section shall be known as absolute speed limits.

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

(a) A highway within a business district on which the prima facie speed limit is increased shall be designated a through highway at the entrance to which vehicles shall be required to stop before entering, except that where 2 of these through highways intersect, local authorities may require traffic on only 1 highway to stop before entering the intersection.

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

(c) Local authorities may establish prima facie lawful speed limits on highways outside of business districts that are consistent with the limits established in section 627(2).

(2) The state transportation department shall establish the speed upon all trunk line highways located within cities and villages as follows:

(a) A written copy of the authorization or determination shall be filed in the office of the county clerk of the county or counties where the highway is located and a certified copy of the authorization or determination shall be prima facie evidence in all courts of the issuance of the authorization or determination.

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

(3) Local authorities are authorized to decrease the prima facie speed limits to not less than 15 miles per hour in public parks under their jurisdiction. A decrease in the prima facie speed limits is binding when adequate signs are duly posted giving notice of the reduced speeds.

(4) Local authorities are authorized to decrease the prima facie speed limits to not less than 25 miles an hour on each street or highway under their jurisdiction that is adjacent to a publicly owned park or playground. A decrease in the prima facie speed limits is binding when adequate signs are duly posted giving notice of the reduced speeds. As used in this subsection, "local authority" includes the county road commission with the concurrence of the township board of a township for a street or highway within the boundaries of the township.

(5) The maximum rates of speed allowed under this section are subject to the maximum rate established under section 629b.

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

<u>Number of miles per hour that the vehicle exceeded the applicable speed limit at the time of the violation</u>	<u>Points</u>	<u>Minimum Fine</u>
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

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

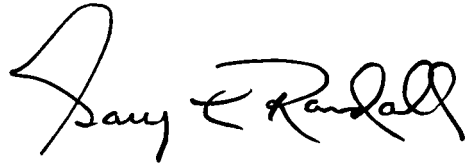
(3) For a violation of a maximum speed limit on a limited access freeway by a person operating a vehicle or vehicle combination described in subsection (2), points shall be assessed under section 320a and fines shall be assessed under section 907.

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

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

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

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor