

# HOUSE BILL No. 5773

February 20, 2008, Introduced by Rep. Calley and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 627 and 628 (MCL 257.627 and 257.628), as amended by 2006 PA 85.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

8           (2) Except in those instances where a lower speed is specified

1 in this chapter or the speed is unsafe ~~pursuant to~~ **UNDER** subsection  
2 (1), it is prima facie lawful for the operator of a vehicle to  
3 operate that vehicle at a speed not exceeding the following, except  
4 when this speed would be unsafe:

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

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

9 (c) 25 miles per hour on all highways or parts of highways  
10 within the boundaries of land platted under the land division act,  
11 1967 PA 288, MCL 560.101 to 560.293, or the condominium act, 1978  
12 PA 59, MCL 559.101 to 559.276, unless a different speed is fixed  
13 and posted.

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

16 (e) 35 miles per hour on a highway segment with not less than  
17 45 vehicular access points but no more than 59 vehicular access  
18 points within 1/2 mile.

19 (f) 45 miles per hour on a highway segment with not less than  
20 30 vehicular access points but no more than 44 vehicular access  
21 points within 1/2 mile.

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

25 (4) A person operating a vehicle in a mobile home park as  
26 defined in section 2 of the mobile home commission act, 1987 PA 96,  
27 MCL 125.2302, shall operate that vehicle at a careful and prudent

1 speed, not greater than a speed that is reasonable and proper,  
2 having due regard for the traffic, surface, width of the roadway,  
3 and all other conditions existing, and not greater than a speed  
4 that permits a stop within the assured clear distance ahead. It is  
5 prima facie unlawful for the operator of a vehicle to operate that  
6 vehicle at a speed exceeding 15 miles an hour in a mobile home park  
7 as defined in section 2 of the mobile home commission act, 1987 PA  
8 96, MCL 125.2302.

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

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

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

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

1           (9) A person operating a vehicle on a highway, when entering  
2 and passing through a work zone described in section 79d(a) where a  
3 normal lane or part of the lane of traffic has been closed due to  
4 highway construction, maintenance, or surveying activities, shall  
5 not exceed a speed of 45 miles per hour unless a different speed  
6 limit is determined for that work zone by the state transportation  
7 department, a county road commission, or a local authority, based  
8 on accepted engineering practice. The state transportation  
9 department, a county road commission, or a local authority shall  
10 post speed limit signs in each work zone described in section  
11 79d(a) that indicate the speed limit in that work zone and shall  
12 identify that work zone with any other traffic control devices  
13 necessary to conform to the Michigan manual of uniform traffic  
14 control devices. A person shall not exceed a speed limit  
15 established under this section or a speed limit established under  
16 section 628 or 629.

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

22           (11) Nothing in this section prevents the establishment of an  
23 absolute speed limit ~~pursuant to~~ **UNDER** section 628. Subject to  
24 subsection (1), an absolute speed limit established ~~pursuant to~~  
25 **UNDER** section 628 supersedes a prima facie speed limit established  
26 ~~pursuant to~~ **UNDER** this section.

27           (12) Nothing in this section shall be construed as

1 justification to deny a traffic and engineering investigation.

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

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

6 Sec. 628. (1) If the state transportation department and the  
7 department of state police jointly determine upon the basis of an  
8 engineering and traffic investigation that the speed of vehicular  
9 traffic on a state trunk line highway is greater or less than is  
10 reasonable or safe under the conditions found to exist at an  
11 intersection or other place or upon a part of the highway, the  
12 departments acting jointly may determine and declare a reasonable  
13 and safe maximum or minimum speed limit on that state trunk line  
14 highway or intersection that shall be effective at the times  
15 determined when appropriate signs giving notice of the speed limit  
16 are erected at the intersection or other place or part of the  
17 highway. The maximum speed limit on all **PAVED** highways or parts of  
18 **PAVED** highways upon which a maximum speed limit is not otherwise  
19 fixed under this act is 55 miles per hour, ~~which~~ **AND THE MAXIMUM**  
20 **SPEED LIMIT ON ALL UNPAVED HIGHWAYS OR PARTS OF UNPAVED HIGHWAYS**  
21 **UPON WHICH A MAXIMUM SPEED LIMIT IS NOT OTHERWISE FIXED UNDER THIS**  
22 **ACT IS 45 MILES PER HOUR. THESE LIMITS** shall be known and may be  
23 referred to as the "general speed ~~limit~~ **LIMITS**".

24 (2) If the county road commission, the township board, and the  
25 department of state police unanimously determine upon the basis of  
26 an engineering and traffic investigation that the speed of  
27 vehicular traffic on a county highway is greater or less than is

1 reasonable or safe under the conditions found to exist upon any  
2 part of the highway, then acting unanimously they may establish a  
3 reasonable and safe maximum or minimum speed limit on that county  
4 highway that is effective at the times determined when appropriate  
5 signs giving notice of the speed limit are erected on the highway.  
6 A township board that does not wish to continue as part of the  
7 process provided by this subsection shall notify in writing the  
8 county road commission. As used in this subsection, "county road  
9 commission" means the board of county road commissioners elected or  
10 appointed under section 6 of chapter IV of 1909 PA 283, MCL 224.6,  
11 or, in the case of a charter county with a population of 2,000,000  
12 or more with an elected county executive that does not have a board  
13 of county road commissioners, the county executive.

14 (3) If a superintendent of a school district determines that  
15 the speed of vehicular traffic on a state trunk line or county  
16 highway, which is within 1,000 feet of a school in the school  
17 district of which that person is the superintendent, is greater or  
18 less than is reasonable or safe, the officials identified in  
19 subsection (1) or (2), as appropriate, shall include the  
20 superintendent of the school district affected in acting jointly in  
21 determining and declaring a reasonable and safe maximum or minimum  
22 speed limit on that state trunk line or county highway.

23 (4) In the case of a county highway of not less than 1 mile  
24 with residential lots with road frontage of 300 feet or less along  
25 either side of the highway for the length of that part of the  
26 highway that is under review for a proposed change in the speed  
27 limit, the township board may petition the county road commission

1 or in charter counties where there is no road commission, but there  
2 is a county board of commissioners, the township board may petition  
3 the county board of commissioners for a proposed change in the  
4 speed limit. The county road commission or in charter counties  
5 where there is no road commission, but there is a county board of  
6 commissioners, the township board may petition the county board of  
7 commissioners to approve the proposed change in the speed limit  
8 without the necessity of an engineering and traffic investigation.

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

21 (6) A public record of all speed control signs, signals, or  
22 devices authorized under this section shall be filed in the office  
23 of the county clerk of the county in which the highway is located,  
24 and a certified copy shall be prima facie evidence in all courts of  
25 the issuance of the authorization. The public record with the  
26 county clerk shall not be required as prima facie evidence of  
27 authorization in the case of signs erected or placed temporarily

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

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

15 (8) Except as otherwise provided in this section, the maximum  
16 speed limit on all freeways shall be 70 miles per hour except that  
17 if the state transportation department and the department of state  
18 police jointly determine upon the basis of an engineering and  
19 traffic investigation that the speed of vehicular traffic on a  
20 freeway is greater or less than is reasonable or safe under the  
21 conditions found to exist upon a part of the freeway, the  
22 departments acting jointly may determine and declare a reasonable  
23 and safe maximum or minimum speed limit on that freeway that is not  
24 more than 70 miles per hour but not less than 55 miles per hour and  
25 that shall be effective when appropriate signs giving notice of the  
26 speed limit are erected. The minimum speed limit on all freeways is  
27 55 miles per hour except if reduced speed is necessary for safe

1 operation or in compliance with law or in compliance with a special  
2 permit issued by an appropriate authority.

3 (9) The maximum rates of speed allowed under this section are  
4 subject to the maximum rates established under section 629b,  
5 section 627(5) to (7) for certain vehicles and vehicle  
6 combinations, and section 629(4).

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