

SENATE BILL No. 1656

December 2, 2008, Introduced by Senators HARDIMAN and GILBERT and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 627, 628, and 629 (MCL 257.627, 257.628, and 257.629), 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 subsection (1),
2 it is prima facie lawful for the operator of a vehicle to operate
3 that vehicle at a speed not exceeding the following, except when
4 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 this section are not valid unless properly
19 posted. In the absence of a properly posted sign, the speed limit
20 in effect shall be the general speed limit pursuant to section
21 628(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 LOCAL AUTHORITY FROM CONDUCTING** a traffic
2 and engineering investigation **AS PART OF THE PROCESS TO DETERMINE**
3 **AN ABSOLUTE SPEED LIMIT UNDER THIS ACT.**

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

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

8 Sec. 628. (1) ~~It~~**EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION**
9 **(3), IF** the state transportation department and the department of
10 state police jointly determine upon the basis of an engineering and
11 traffic investigation that the speed of vehicular traffic on a
12 state trunk line highway is greater or less than is reasonable or
13 safe under the conditions found to exist at an intersection or
14 other place or upon a part of the highway, the departments acting
15 jointly may determine and declare a reasonable and safe maximum or
16 minimum speed limit on that state trunk line highway or
17 intersection that ~~shall be~~**IS** effective at the times determined
18 when appropriate signs giving notice of the speed limit are erected
19 at the intersection or other place or part of the highway. The
20 maximum speed limit on all highways or parts of highways upon which
21 a maximum speed limit is not otherwise fixed under this act is 55
22 miles per hour, which shall be known and may be referred to as the
23 "general speed limit".

24 (2) ~~It~~**EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), IF** the
25 county road commission, the township board, and the department of
26 state police unanimously determine upon the basis of an engineering
27 and traffic investigation that the speed of vehicular traffic on a

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

15 (3) **IF A CITY OR VILLAGE COUNCIL AND THE DEPARTMENT OF STATE**
16 **POLICE UNANIMOUSLY DETERMINE UPON THE BASIS OF AN ENGINEERING AND**
17 **TRAFFIC INVESTIGATION THAT THE SPEED OF VEHICULAR TRAFFIC ON A CITY**
18 **OR VILLAGE STREET IS GREATER OR LESS THAN IS REASONABLE OR SAFE**
19 **UNDER THE CONDITIONS FOUND TO EXIST UPON ANY PART OF THE STREET,**
20 **THEN ACTING UNANIMOUSLY THEY MAY ESTABLISH A REASONABLE AND SAFE**
21 **MAXIMUM OR MINIMUM SPEED LIMIT ON THAT STREET THAT IS EFFECTIVE AT**
22 **THE TIMES DETERMINED WHEN APPROPRIATE SIGNS GIVING NOTICE OF THE**
23 **SPEED LIMIT ARE ERECTED ON THE STREET.**

24 (4) ~~(3)~~—If a superintendent of a school district determines
25 that the speed of vehicular traffic on a state trunk line or county
26 highway ~~which~~ **THAT** 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.

6 (5) ~~(4)~~—In the case of a county highway of not less than 1
7 mile with residential lots with road frontage of 300 feet or less
8 along either side of the highway for the length of that part of the
9 highway that is under review for a proposed change in the speed
10 limit, the township board may petition the county road commission
11 or in charter counties where there is no road commission, but there
12 is a county board of commissioners, the township board may petition
13 the county board of commissioners for a proposed change in the
14 speed limit. The county road commission or in charter counties
15 where there is no road commission, but there is a county board of
16 commissioners, the township board may petition the county board of
17 commissioners to approve the proposed change in the speed limit
18 without the necessity of an engineering and traffic investigation.

19 (6) ~~(5)~~—If upon investigation the state transportation
20 department or county road commission and the department of state
21 police find it in the interest of public safety, they may order the
22 township board, or city or village officials to erect and maintain,
23 take down, or regulate the speed control signs, signals, or devices
24 as directed, and in default of an order the state transportation
25 department or county road commission may cause the designated
26 signs, signals, and devices to be erected and maintained, taken
27 down, regulated, or controlled, in the manner previously directed,

1 and pay for the erecting and maintenance, removal, regulation, or
2 control of the sign, signal, or device out of the highway fund
3 designated.

4 (7) ~~(6)~~—A public record of all speed control signs, signals,
5 or devices authorized under this section shall be filed in the
6 office of the county clerk of the county in which the highway is
7 located, and a certified copy shall be prima facie evidence in all
8 courts of the issuance of the authorization. The public record with
9 the county clerk shall not be required as prima facie evidence of
10 authorization in the case of signs erected or placed temporarily
11 for the control of speed or direction of traffic at points where
12 construction, repairs, or maintenance of highways is in progress,
13 or along a temporary alternate route established to avoid the
14 construction, repair, or maintenance of a highway, if the signs are
15 of uniform design approved by the state transportation department
16 and the department of state police and clearly indicate a special
17 control, when proved in court that the temporary traffic control
18 sign was placed by the state transportation department or on the
19 authority of the state transportation department and the department
20 of state police or by the county road commission or on the
21 authority of the county road commission, at a specified location.

22 (8) ~~(7)~~—A person who fails to observe an authorized speed or
23 traffic control sign, signal, or device is responsible for a civil
24 infraction.

25 (9) ~~(8)~~—Except as otherwise provided in this section, the
26 maximum speed limit on all freeways ~~shall be~~ **IS** 70 miles per hour
27 except that if the state transportation department and the

1 department of state police jointly determine upon the basis of an
2 engineering and traffic investigation that the speed of vehicular
3 traffic on a freeway is greater or less than is reasonable or safe
4 under the conditions found to exist upon a part of the freeway, the
5 departments acting jointly may determine and declare a reasonable
6 and safe maximum or minimum speed limit on that freeway that is not
7 more than 70 miles per hour but not less than 55 miles per hour and
8 that ~~shall be~~ **IS** effective when appropriate signs giving notice of
9 the speed limit are erected. The minimum speed limit on all
10 freeways is 55 miles per hour except if reduced speed is necessary
11 for safe operation or in compliance with law or in compliance with
12 a special permit issued by an appropriate authority.

13 (10) ~~(9)~~—The maximum rates of speed allowed under this section
14 are subject to the maximum rates established under section 629b,
15 section 627(5) to (7) for certain vehicles and vehicle
16 combinations, and section 629(4).

17 (11) ~~(10)~~—Except for the general speed limit described in
18 subsection (1), speed limits established ~~pursuant to~~ **UNDER** this
19 section shall be known as absolute speed limits.

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

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

1 to stop before entering the intersection.

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

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

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

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

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

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

1 of the reduced speeds.

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

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

13 (6) A person who exceeds a lawful speed limit established
14 under this section is responsible for a civil infraction.

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