

SENATE BILL No. 1657

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 606, 627, 628, and 629 (MCL 257.606, 257.627,
257.628, and 257.629), section 606 as amended by 1980 PA 518 and
sections 627, 628, and 629 as amended by 2006 PA 85.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 606. (1) ~~The provisions of this~~ **THIS** chapter shall ~~shall~~ **DOES**
2 ~~not be considered to prevent~~ **PROHIBIT** local authorities **FROM DOING**
3 **ANY OF THE FOLLOWING** with respect to streets or highways under the
4 jurisdiction of the local authority and within the reasonable
5 exercise of ~~the~~ **ITS** police power: ~~from~~.

6 (a) Regulating the standing or parking of vehicles.

7 (b) Regulating the impoundment or immobilization of vehicles

1 whose owner has failed to answer 6 or more parking violation
2 notices or citations regarding illegal parking.

3 (c) Regulating traffic by means of police officers or traffic
4 control signals.

5 (d) Regulating or prohibiting processions or assemblages on
6 the highways or streets.

7 (e) Designating particular highways as 1-way highways and
8 requiring that all vehicles on those highways be moved in 1
9 specific direction.

10 (f) Regulating the speed of vehicles in public parks.

11 (g) Designating any highway as a through highway and requiring
12 that all vehicles stop before entering or crossing the through
13 highway; designating any intersection as a stop intersection and
14 requiring all vehicles to stop at 1 or more entrances to these
15 intersections; or designating intersections at which vehicular
16 traffic shall be required to yield the right of way at 1 or more
17 entrances to these intersections.

18 (h) Restricting the use of highways as authorized in section
19 726.

20 (i) Regulating the operation of bicycles and requiring the
21 registration and licensing of bicycles, including the requirement
22 of a registration fee.

23 (j) Regulating or prohibiting the turning of vehicles at
24 intersections.

25 (k) Increasing **OR DECREASING** the prima facie speed limits as
26 authorized in this act.

27 (l) Adopting other traffic regulations as are specifically

1 authorized by this chapter.

2 (2) A local authority shall not erect or maintain a stop sign
3 or traffic control device at a location so as to require the
4 traffic on any state trunk line highway to stop before entering or
5 crossing any intersecting highway unless approval in writing has
6 been first obtained from the director of the state transportation
7 department.

8 (3) An ordinance or regulation enacted under subsection
9 (1)(a), (d), (e), (f), (g), (i), or (j) shall not be enforceable
10 until signs giving notice of the local traffic regulations are
11 posted upon or at the entrance to the highway or street or part of
12 the highway or street affected, as may be most appropriate, and are
13 sufficiently legible as to be seen by an ordinarily observant
14 person. The posting of signs giving the notice shall not be
15 required for a local ordinance which does not differ from the
16 provisions of this act regulating the parking or standing of
17 vehicles; nor to ordinances of general application throughout the
18 jurisdiction of the municipalities enacting the ordinances which
19 prohibit, limit, or restrict all night parking or parking during
20 the early morning hours, if signs, approximately 3 feet by 4 feet,
21 sufficiently legible as to be seen by an ordinarily observant
22 person, giving notice of these ordinances relating to all night
23 parking or parking during the early morning hours, are posted on
24 highways at the corporate limits of the municipality.

25 (4) A local authority, in providing by ordinance for the
26 impounding of any motor vehicle parked contrary to a local
27 ordinance, shall not require a bond or cash deposit by the owner of

1 the motor vehicle in excess of \$500.00 in order to recover the
2 possession of the motor vehicle pending final adjudication of the
3 case.

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

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

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

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

20 (c) 25 miles per hour on all highways or parts of highways
21 within the boundaries of land platted under the land division act,
22 1967 PA 288, MCL 560.101 to 560.293, or the condominium act, 1978
23 PA 59, MCL 559.101 to 559.276, unless a different speed is fixed
24 and posted.

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

27 (e) 35 miles per hour on a highway segment with not less than

1 45 vehicular access points but no more than 59 vehicular access
2 points within 1/2 mile.

3 (f) 45 miles per hour on a highway segment with not less than
4 30 vehicular access points but no more than 44 vehicular access
5 points within 1/2 mile.

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

9 (4) A person operating a vehicle in a mobile home park as
10 defined in section 2 of the mobile home commission act, 1987 PA 96,
11 MCL 125.2302, shall operate that vehicle at a careful and prudent
12 speed, not greater than a speed that is reasonable and proper,
13 having due regard for the traffic, surface, width of the roadway,
14 and all other conditions existing, and not greater than a speed
15 that permits a stop within the assured clear distance ahead. It is
16 prima facie unlawful for the operator of a vehicle to operate that
17 vehicle at a speed exceeding 15 miles an hour in a mobile home park
18 as defined in section 2 of the mobile home commission act, 1987 PA
19 96, MCL 125.2302.

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

22 (6) Except as otherwise provided in this subsection, a person
23 operating a truck with a gross weight of 10,000 pounds or more, a
24 truck-tractor, a truck-tractor with a semi-trailer or trailer, or a
25 combination of these vehicles shall not exceed a speed of 55 miles
26 per hour on highways, streets, or freeways and shall not exceed a
27 speed of 35 miles per hour during the period when reduced loadings

1 are being enforced in accordance with this chapter. However, a
2 person operating a school bus, a truck, a truck-tractor, or a
3 truck-tractor with a semi-trailer or trailer described in this
4 subsection shall not exceed a speed of 60 miles per hour on a
5 freeway if the maximum speed limit on that freeway is 70 miles per
6 hour.

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

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

12 (9) A person operating a vehicle on a highway, when entering
13 and passing through a work zone described in section 79d(a) where a
14 normal lane or part of the lane of traffic has been closed due to
15 highway construction, maintenance, or surveying activities, shall
16 not exceed a speed of 45 miles per hour unless a different speed
17 limit is determined for that work zone by the state transportation
18 department, a county road commission, or a local authority, based
19 on accepted engineering practice. The state transportation
20 department, a county road commission, or a local authority shall
21 post speed limit signs in each work zone described in section
22 79d(a) that indicate the speed limit in that work zone and shall
23 identify that work zone with any other traffic control devices
24 necessary to conform to the Michigan manual of uniform traffic
25 control devices. A person shall not exceed a speed limit
26 established under this section or a speed limit established under
27 section 628 or 629.

1 (10) Subject to subsections (1) and (2)(c), speed limits
2 established pursuant to this section are not valid unless properly
3 posted. In the absence of a properly posted sign, the speed limit
4 in effect shall be the general speed limit pursuant to section
5 628(1).

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

11 (12) ~~Nothing in this~~ **THIS** section ~~shall be construed as~~
12 ~~justification to deny~~ **DOES NOT PROHIBIT A LOCAL AUTHORITY FROM**
13 **CONDUCTING** a traffic and engineering investigation **AS PART OF THE**
14 **PROCESS FOR DETERMINING AN ABSOLUTE SPEED LIMIT UNDER THIS ACT.**

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

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

19 Sec. 628. (1) If the state transportation department and the
20 department of state police jointly determine upon the basis of an
21 engineering and traffic investigation that the speed of vehicular
22 traffic on a state trunk line highway is greater or less than is
23 reasonable or safe under the conditions found to exist at an
24 intersection or other place or upon a part of the highway, the
25 departments acting jointly may determine and declare a reasonable
26 and safe maximum or minimum speed limit on that state trunk line
27 highway or intersection that shall be effective at the times

1 determined when appropriate signs giving notice of the speed limit
2 are erected at the intersection or other place or part of the
3 highway. The maximum speed limit on all highways or parts of
4 highways upon which a maximum speed limit is not otherwise fixed
5 under this act is 55 miles per hour, which shall be known and may
6 be referred to as the "general speed limit".

7 (2) If the county road commission, the township board, and the
8 department of state police unanimously determine upon the basis of
9 an engineering and traffic investigation that the speed of
10 vehicular traffic on a county highway is greater or less than is
11 reasonable or safe under the conditions found to exist upon any
12 part of the highway, then acting unanimously they may establish a
13 reasonable and safe maximum or minimum speed limit on that county
14 highway that is effective at the times determined when appropriate
15 signs giving notice of the speed limit are erected on the highway.
16 A 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 under section 6 of chapter IV of 1909 PA 283, MCL 224.6,
21 or, in the case of a charter county with a population of 2,000,000
22 or more with an elected county executive that does not have a board
23 of county road commissioners, the county executive.

24 (3) IF A CITY OR VILLAGE COUNCIL AND THE DEPARTMENT OF STATE
25 POLICE UNANIMOUSLY DETERMINE UPON THE BASIS OF AN ENGINEERING AND
26 TRAFFIC INVESTIGATION THAT THE SPEED OF VEHICULAR TRAFFIC ON A CITY
27 OR VILLAGE STREET IS GREATER OR LESS THAN IS REASONABLE OR SAFE

1 UNDER THE CONDITIONS FOUND TO EXIST UPON ANY PART OF THE STREET,
2 THEN ACTING UNANIMOUSLY THEY MAY ESTABLISH A REASONABLE AND SAFE
3 MAXIMUM OR MINIMUM SPEED LIMIT ON THAT STREET THAT IS EFFECTIVE AT
4 THE TIMES DETERMINED WHEN APPROPRIATE SIGNS GIVING NOTICE OF THE
5 SPEED LIMIT ARE ERECTED ON THE STREET.

6 (4) ~~(3)~~—If a superintendent of a school district determines
7 that the speed of vehicular traffic on a state trunk line or county
8 highway, which is within 1,000 feet of a school in the school
9 district of which that person is the superintendent, is greater or
10 less than is reasonable or safe, the officials identified in
11 subsection (1) or (2), as appropriate, shall include the
12 superintendent of the school district affected in acting jointly in
13 determining and declaring a reasonable and safe maximum or minimum
14 speed limit on that state trunk line or county highway.

15 (5) ~~(4)~~—In the case of a county highway of not less than 1
16 mile with residential lots with road frontage of 300 feet or less
17 along either side of the highway for the length of that part of the
18 highway that is under review for a proposed change in the speed
19 limit, the township board may petition the county road commission
20 or in charter counties where there is no road commission, but there
21 is a county board of commissioners, the township board may petition
22 the county board of commissioners for a proposed change in the
23 speed limit. The county road commission or in charter counties
24 where there is no road commission, but there is a county board of
25 commissioners, the township board may petition the county board of
26 commissioners to approve the proposed change in the speed limit
27 without the necessity of an engineering and traffic investigation.

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

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

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

4 (8) ~~(7)~~—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) ~~(8)~~—Except as otherwise provided in this section, the
8 maximum speed limit on all freeways shall be 70 miles per hour
9 except that if the state transportation department and the
10 department of state police jointly determine upon the basis of an
11 engineering and traffic investigation that the speed of vehicular
12 traffic on a freeway is greater or less than is reasonable or safe
13 under the conditions found to exist upon a part of the freeway, the
14 departments acting jointly may determine and declare a reasonable
15 and safe maximum or minimum speed limit on that freeway that is not
16 more than 70 miles per hour but not less than 55 miles per hour and
17 that shall be effective when appropriate signs giving notice of the
18 speed limit are erected. The minimum speed limit on all freeways is
19 55 miles per hour except if reduced speed is necessary for safe
20 operation or in compliance with law or in compliance with a special
21 permit issued by an appropriate authority.

22 (10) ~~(9)~~—The maximum rates of speed allowed under this section
23 are subject to the maximum rates established under section 629b,
24 section 627(5) to (7) for certain vehicles and vehicle
25 combinations, and section 629(4).

26 (11) ~~(10)~~—Except for the general speed limit described in
27 subsection (1), speed limits established pursuant to this section

1 shall be known as absolute speed limits.

2 Sec. 629. (1) Local authorities may establish, ~~or~~ increase, **OR**
3 **DECREASE** the prima facie speed limits on highways under their
4 jurisdiction subject to the following limitations:

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

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

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

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

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

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

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

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

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

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

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