

HOUSE BILL No. 5143

June 25, 2009, Introduced by Reps. Dean, Lipton, Huckleberry, Robert Jones, Geiss, Jackson, Johnson, Neumann, Terry Brown, Booher, Ball, Hildenbrand, Horn, Scripps, Opsommer, DeShazor, Hansen, Agema, Haveman, Valentine, Meekhof, Pearce, Lori and McMillin 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~~**IS** 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~~**IS** not be
15 required for a local ordinance ~~which~~**THAT** 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 **THAT** prohibit, limit, or restrict all night parking or parking
20 during the early morning hours, if signs, approximately 3 feet by 4
21 feet, 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
18 park. **AS USED IN THIS SUBSECTION, "MOBILE HOME PARK" MEANS THAT**
19 **TERM** as defined in section 2 of the mobile home commission act,
20 1987 PA 96, MCL 125.2302.

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

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

1 speed of 35 miles per hour during the period when reduced loadings
2 are being enforced in accordance with this chapter. However, a
3 person operating a school bus, a truck, a truck-tractor, or a
4 truck-tractor with a semi-trailer or trailer described in this
5 subsection shall not exceed a speed of 60 miles per hour on a
6 freeway if the maximum speed limit on that freeway is 70 miles per
7 hour.

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

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

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

1 section 628 or 629.

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

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

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

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

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

20 Sec. 628. (1) ~~If~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION**
21 **(3), IF** the state transportation department and the department of
22 state police jointly determine upon the basis of an engineering and
23 traffic investigation that the speed of vehicular traffic on a
24 state trunk line highway is greater or less than is reasonable or
25 safe under the conditions found to exist at an intersection or
26 other place or upon a part of the highway, the departments acting
27 jointly may determine and declare a reasonable and safe maximum or

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

9 (2) ~~IF~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), IF** the
10 county road commission, the township board, and the department of
11 state police unanimously determine upon the basis of an engineering
12 and traffic investigation that the speed of vehicular traffic on a
13 county highway is greater or less than is reasonable or safe under
14 the conditions found to exist upon any part of the highway, then
15 acting unanimously they may establish a reasonable and safe maximum
16 or minimum speed limit on that county highway that is effective at
17 the times determined when appropriate signs giving notice of the
18 speed limit are erected on the highway. A township board that does
19 not wish to continue as part of the process provided by this
20 subsection shall notify ~~in writing~~ the county road commission **OF**
21 **THAT FACT IN WRITING**. As used in this subsection, "county road
22 commission" means the board of county road commissioners elected or
23 appointed under section 6 of chapter IV of 1909 PA 283, MCL 224.6,
24 or, in the case of a charter county with a population of 2,000,000
25 or more with an elected county executive that does not have a board
26 of county road commissioners, the county executive.

27 (3) **IF A CITY OR VILLAGE COUNCIL AND THE DEPARTMENT OF STATE**

1 POLICE UNANIMOUSLY DETERMINE UPON THE BASIS OF AN ENGINEERING AND
2 TRAFFIC INVESTIGATION THAT THE SPEED OF VEHICULAR TRAFFIC ON A CITY
3 OR VILLAGE STREET IS GREATER OR LESS THAN IS REASONABLE OR SAFE
4 UNDER THE CONDITIONS FOUND TO EXIST UPON ANY PART OF THE STREET,
5 THEN ACTING UNANIMOUSLY THEY MAY ESTABLISH A REASONABLE AND SAFE
6 MAXIMUM OR MINIMUM SPEED LIMIT ON THAT STREET THAT IS EFFECTIVE AT
7 THE TIMES DETERMINED WHEN APPROPRIATE SIGNS GIVING NOTICE OF THE
8 SPEED LIMIT ARE ERECTED ON THE STREET.

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

18 (5) ~~(4)~~—In the case of a county highway of not less than 1
19 mile with residential lots with road frontage of 300 feet or less
20 along either side of the highway for the length of that part of the
21 highway that is under review for a proposed change in the speed
22 limit, the township board may petition the county road commission
23 or in charter counties where there is no road commission, but there
24 is a county board of commissioners, the township board may petition
25 the county board of commissioners for a proposed change in the
26 speed limit. The county road commission or in charter counties
27 where there is no road commission, but there is a county board of

1 commissioners, the township board may petition the county board of
2 commissioners to approve the proposed change in the speed limit
3 without the necessity of an engineering and traffic investigation.

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

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

1 and the department of state police and clearly indicate a special
2 control, when proved in court that the temporary traffic control
3 sign was placed by the state transportation department or on the
4 authority of the state transportation department and the department
5 of state police or by the county road commission or on the
6 authority of the county road commission, at a specified location.

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

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

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

1 combinations, and section 629(4).

2 (11) ~~(10)~~ Except for the general speed limit described in
3 subsection (1), speed limits established ~~pursuant to~~ **UNDER** this
4 section shall be known as absolute speed limits.

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

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

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

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

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

26 (a) A written copy of the authorization or determination shall
27 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~~ **IS** prima facie evidence in
3 all courts of the issuance of the authorization or determination.

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

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

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

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

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

27 (7) As used in this section, "local authority" means the

- 1 governing body of a city or village, except as provided in
- 2 subsection (4).