

# HOUSE BILL No. 6164

May 14, 2010, Introduced by Reps. Bettie Scott, Rick Jones, Schuitmaker, Durhal, Leland, Cushingberry, Womack, Slavens, Constan, Liss, Huckleberry, Polidori, Young, Geiss, Bledsoe, Stanley, LeBlanc, Robert Jones, Clemente, Bennett, Hammel, Gregory, Tlaib, Lipton, Horn, Moore, Johnson, Dean, Meadows, Opsommer, Espinoza, Mayes, Agema, Marleau, Kowall, Paul Scott, Calley, Kurtz, DeShazor, Rocca, Stamas, Proos, Crawford, Lund, Lori, Bolger, McDowell, Genetski, Knollenberg, Haines, Sheltroun and Hildenbrand and referred to the Committee on Urban Policy.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 628, 629, and 633 (MCL 257.628, 257.629, and  
257.633), sections 628 and 629 as amended by 2006 PA 85; and to  
repeal acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 628. (1) If the state transportation department and the  
2       department of state police jointly determine upon the basis of an  
3       engineering and traffic investigation that the speed of vehicular  
4       traffic on a state trunk line highway is greater or less than is  
5       reasonable or safe under the conditions found to exist at an  
6       intersection or other place or upon a part of the highway, the  
7       departments acting jointly may determine and declare a reasonable

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

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

27 ~~—— (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.~~

~~(3) (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~~

1 department or county road commission may cause the designated  
2 signs, signals, and devices to be erected and maintained, taken  
3 down, regulated, or controlled, in the manner previously directed,  
4 and pay for the erecting and maintenance, removal, regulation, or  
5 control of the sign, signal, or device out of the highway fund  
6 designated.

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

25       (5) ~~(7)~~—A person who fails to observe an authorized speed or  
26 traffic control sign, signal, or device is responsible for a civil  
27 infraction.

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

17           (7) ~~(9)~~ The maximum rates of speed allowed under this section  
18 are subject to the maximum rates established under ~~section 629b,~~  
19 ~~section 627(5) to (7)~~ for certain vehicles and vehicle combinations  
20 ~~and section 629(4).~~

21           (8) ~~(10)~~ Except for the general speed limit described in  
22 subsection (1), speed limits established ~~pursuant to~~ **UNDER** this  
23 section shall be known as absolute speed limits.

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

27           (a) A highway within a business district on which the prima

1    facie speed limit is ~~increased~~ **MORE THAN 25 MILES PER HOUR** shall be  
2    designated a through highway at the entrance to which vehicles  
3    shall be required to stop before entering, except that where 2 of  
4    these through highways intersect, local authorities may require  
5    traffic on only 1 highway to stop before entering the intersection.

6            (b) The local authorities shall place and maintain, upon all  
7    through highways in which the permissible speed is ~~increased~~ **MORE**  
8    **THAN 25 MILES PER HOUR**, adequate signs giving notice of the special  
9    regulations and shall also place and maintain upon each highway  
10   intersecting a through highway, appropriate signs which shall be  
11   reflectorized or illuminated at night.

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

15           (D) **LOCAL AUTHORITIES MAY ESTABLISH SPEED LIMITS BASED ON AN**  
16   **ENGINEERING AND TRAFFIC STUDY UNDER SECTION 627(6). A SPEED LIMIT**  
17   **ESTABLISHED AS DESCRIBED IN THIS SUBDIVISION SUPERSEDES A SPEED**  
18   **LIMIT ESTABLISHED UNDER SECTION 627(2).**

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

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

27           (b) When the state transportation department increases the

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

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

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

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

21 (5) ~~(6)~~ A person who exceeds a lawful speed limit established  
22 under this section is responsible for a civil infraction.

23 (6) ~~(7)~~ As used in this section, "local authority" means the  
24 governing body of a city or village, except as provided in  
25 subsection (4).

26 Sec. 633. (1) In every charge of a violation of a **POSTED** speed  
27 regulation in this chapter, the complaint or citation and the

1 summons or notice to appear ~~—~~shall specify the speed at which the  
2 defendant is alleged to have driven and the speed applicable within  
3 the district or at the location.

4 (2) The provision of this chapter declaring speed limitations  
5 shall not be construed to relieve the plaintiff in a civil action  
6 from the burden of proving negligence on the part of the defendant  
7 as the proximate cause of an accident.

8 Enacting section 1. Section 629b of the Michigan vehicle code,  
9 1949 PA 300, MCL 257.629b, is repealed.

10 Enacting section 2. This amendatory act does not take effect  
11 unless Senate Bill No. \_\_\_\_ or House Bill No. 6165(request no.  
12 05583'09) of the 95th Legislature is enacted into law.