

HOUSE BILL NO. 6065

May 03, 2022, Introduced by Reps. LaFave, Bezotte, Borton, Markkanen, Berman and Outman
and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 627, 628, and 638 (MCL 257.627, 257.628, and
257.638), section 627 as amended by 2022 PA 52 and section 628 as
amended by 2016 PA 447.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 627. (1) An individual operating a vehicle on a highway
2 shall operate that vehicle at a careful and prudent speed not
3 greater than nor less than is reasonable and proper, having due

1 regard to the traffic, surface, and width of the highway and of any
2 other condition existing at the time. An individual shall not
3 operate a vehicle upon a highway at a speed greater than that which
4 will permit a stop within the assured, clear distance ahead. A
5 violation of this subsection shall be known and may be referred to
6 as a violation of the basic speed law or "VBSL".

7 (2) Except as provided in subsection (1), it is lawful for the
8 operator of a vehicle to operate that vehicle on a highway at a
9 speed not exceeding the following:

10 (a) 15 miles per hour on a highway segment within the
11 boundaries of a mobile home park, as that term is defined in
12 section 2 of the mobile home commission act, 1987 PA 96, MCL
13 125.2302.

14 (b) 25 miles per hour on a highway segment within a business
15 district.

16 (c) 25 miles per hour on a highway segment within the
17 boundaries of a public park. A local authority may decrease the
18 speed limit to not less than 15 miles per hour in a public park
19 under its jurisdiction.

20 (d) 25 miles per hour on a highway segment within the
21 boundaries of a residential subdivision, including a condominium
22 subdivision, consisting of a system of interconnected highways with
23 no through highways and a limited number of dedicated highways that
24 serve as entrances to and exits from the subdivision.

25 (e) Until January 1, 2024, 25 miles per hour on a highway
26 segment that is part of the local street system as designated by a
27 local jurisdiction and approved by the state transportation
28 commission under 1951 PA 51, MCL 247.651 to 247.675, and that is
29 within land that is zoned for residential use by the governing body

1 of an incorporated city or village under the Michigan zoning
2 enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, unless another
3 speed is fixed and posted. The department of state police shall
4 perform a speed study on a random sample of local streets set under
5 this subdivision. No later than January 1, 2023, the department of
6 state police shall submit a report on the speed study required
7 under this subdivision to the senate majority leader, the speaker
8 of the house of representatives, and the governor.

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

11 (g) 30 miles per hour on a highway segment with not less than
12 50 vehicular access points but no more than 59 vehicular access
13 points within 1/2 mile.

14 (h) 35 miles per hour on a highway segment with not less than
15 45 vehicular access points but no more than 49 vehicular access
16 points within 1/2 mile.

17 (i) 40 miles per hour on a highway segment with not less than
18 40 vehicular access points but no more than 44 vehicular access
19 points within 1/2 mile.

20 (j) 45 miles per hour on a highway segment with not less than
21 30 vehicular access points but no more than 39 vehicular access
22 points within 1/2 mile.

23 (3) An individual operating a truck with a gross weight of
24 10,000 pounds or more, a truck-tractor, a truck-tractor with a
25 semi-trailer or trailer, or a combination of these vehicles shall
26 not exceed a speed of 35 miles per hour during the period when
27 reduced loadings are being enforced in accordance with this
28 chapter.

29 (4) Where the posted speed limit is greater than 65 miles per

hour, an individual operating a school bus, a truck with a gross weight of 10,000 pounds or more, a truck-tractor, or a truck-tractor with a semi-trailer or trailer or a combination of these vehicles shall not exceed a speed of 65 miles per hour on a limited access freeway or a state trunk line highway.

(5) All of the following apply to the speed limits described in subsection (2):

(a) A highway segment adjacent to or lying between 2 or more areas described in subsection (2)(a), (b), (c), or (d) is not considered to be within the boundaries of those areas.

(b) A highway segment of more than 1/2 mile in length with a consistent density of vehicular access points equal to the number of vehicular access points described in subsection (2)(f), (g), (h), (i), or (j) must be posted at the speed limit specified in the adjoining segment. A separate determination must be made for each adjoining highway segment where vehicular access point density is different.

(c) A speed limit may be posted on highways less than 1/2 mile in length by prorating in 1/10 mile segments the vehicular access point density described in subsection (2)(f), (g), (h), (i), or (j).

(6) An individual operating a vehicle on a highway, when entering and passing through a work zone described in section 79d(a) where a normal lane or part of the lane of traffic has been closed due to highway construction, maintenance, or surveying activities, shall not exceed a speed of 45 miles per hour unless a different speed limit is determined for that work zone by the state transportation department, a county road commission, or a local authority, based on accepted engineering practice. The state

1 transportation department, a county road commission, or a local
2 authority shall post speed limit signs in each work zone described
3 in section 79d(a) that indicate the speed limit in that work zone
4 and shall identify that work zone with any other traffic control
5 devices necessary to conform to the Michigan manual on uniform
6 traffic control devices. An individual operating a vehicle shall
7 not exceed a speed limit established under this section or a speed
8 limit established under section 628. For a work zone that has a
9 speed limit in effect only where workers are present, the state
10 transportation department, a county road commission, or a local
11 authority is authorized to include 1 or more flashing lights and an
12 illuminated changeable digital message displaying the speed limit
13 on the speed limit sign required under this subsection. As used in
14 this subsection:

15 (a) "Illuminated changeable digital message" means an
16 electronic message that displays the speed limit in a numerical
17 format.

18 (b) "Present" means located in proximity to a roadway that is
19 not protected by a guardrail or barrier.

20 (c) "Speed limit sign" includes, but is not limited to, a sign
21 that displays illuminated changeable digital messages.

22 (7) The state transportation department, a county road
23 commission, or a local authority shall decrease the speed limit in
24 a hospital highway zone by up to 10 miles per hour upon request of
25 a hospital located within that hospital highway zone. The state
26 transportation department, county road commission, or local
27 authority may decrease the speed limit in a hospital highway zone
28 by more than 10 miles per hour if the decrease is supported by an
29 engineering and safety study. The state transportation department,

1 county road commission, or local authority shall post speed limit
2 signs in a hospital highway zone that indicate the speed limit in
3 that hospital highway zone and shall identify that hospital highway
4 zone with any other traffic control devices necessary to conform to
5 the Michigan manual on uniform traffic control devices. If a change
6 in a sign, signal, or device, is necessitated by a speed limit
7 decrease described in this subsection, the hospital requesting the
8 decrease shall pay the cost of doing so. As used in this
9 subsection, "hospital highway zone" means a portion of state trunk
10 line highway maintained by the state transportation department that
11 has a posted speed limit of at least 50 miles per hour and has 2 or
12 fewer lanes for travel in the same direction, traverses along
13 property owned by a hospital, contains an ingress and egress point
14 from hospital property, and extends not more than 1,000 feet beyond
15 the boundary lines of hospital property in both directions in a
16 municipality.

17 (8) Subject to subsection (17), the maximum speed limit on all
18 limited access freeways upon which a speed limit is not otherwise
19 fixed under this act is 70 miles per hour, which shall be known as
20 the "limited access freeway general speed limit". The minimum speed
21 limit on all limited access freeways upon which a minimum speed
22 limit is not otherwise fixed under this act is 55 miles per hour.

23 (9) Subject to subsection (17), the speed limit on all trunk
24 line highways and all county highways upon which a speed limit is
25 not otherwise fixed under this act is 55 miles per hour, which
26 shall be known as the "general speed limit".

27 (10) Except as otherwise provided in this subsection, the
28 speed limit on all county highways with a gravel or unimproved
29 surface upon which a speed limit is not otherwise fixed under this

1 act is 55 miles per hour, which shall be known as the "general
2 gravel road speed limit". Upon request of a municipality located
3 within a county with a population of 1,000,000 or more, the county
4 road commission, in conjunction with the requesting municipality,
5 may lower the speed limit to 45 miles per hour on the requested
6 road segment and if a sign, signal, or device is erected or
7 maintained, taken down, or regulated as a result of a request by a
8 municipality for a speed limit of 45 miles per hour, the
9 municipality shall pay the costs of doing so. If a municipality
10 located within a county with a population of 1,000,000 or more
11 requests a speed different than the speed described in this
12 subsection, the county road commission, in conjunction with the
13 department of state police and the requesting municipality, may
14 conduct a speed study of free-flow traffic on the fastest portion
15 of the road segment in question for the purpose of establishing a
16 modified speed limit. A speed study conducted under this subsection
17 must be completed between 3 and 14 days after a full gravel road
18 maintenance protocol has been performed on the road segment. A full
19 gravel road maintenance protocol described in this subsection must
20 include road grading and the application of a dust abatement
21 chemical treatment. Following a speed study conducted under this
22 subsection, the speed limit for the road segment must be
23 established at the nearest multiple of 5 miles per hour to the
24 eighty-fifth percentile of speed of free-flow traffic under ideal
25 conditions for vehicular traffic, and must not be set below the
26 fiftieth percentile speed of free-flow traffic under ideal
27 conditions for vehicular traffic. A speed study conducted under
28 this subsection is the responsibility of the department of state
29 police, and if a sign, signal, or device is erected or maintained,

1 taken down, or regulated as a result of a request by a municipality
2 under this subsection, the municipality shall pay the costs of
3 doing so.

4 (11) A public record of all traffic control orders
5 establishing statutory speed limits authorized under this section
6 must be filed with the office of the clerk of the county in which
7 the county highway is located or at the office of the city or
8 village clerk or administrative office of the airport, college, or
9 university in which the local highway is located, and a certified
10 copy of the traffic control order is evidence in every court of
11 this state of the authority for the issuance of that traffic
12 control order. The public record filed with the county, city, or
13 village clerk or administrative office of the airport, college, or
14 university must not be required as evidence of authority for
15 issuing a traffic control order in the case of signs temporarily
16 erected or placed at points where construction, maintenance, or
17 surveying activities is in progress. A traffic and engineering
18 investigation is not required for a traffic control order for a
19 speed limit established under subsection (2). A traffic control
20 order must, at a minimum, contain all of the following information:

21 (a) The name of the road.

22 (b) The boundaries of the segment of the road on which the
23 speed limit is in effect.

24 (c) The basis upon which the speed limit is in effect.

25 (d) The section of law, including a reference to the
26 subsection, under which the speed limit is established.

27 (12) Except for speed limits described in subsections (1),
28 (2)(d), (2)(e), and (9), speed limits established under this
29 section are not valid unless properly posted. In the absence of a

1 properly posted sign, the speed limit in effect is the basic speed
2 law described in subsection (1). Speed limits established under
3 subsection (2)(b), (f), (g), (h), (i), and (j) are not valid unless
4 a traffic control order is filed as described in subsection (11).

5 (13) Nothing in this section prevents the establishment of a
6 modified speed limit after a speed study as described in section
7 628. A modified speed limit established under section 628
8 supersedes a speed limit established under this section.

9 (14) All signs erected or placed under this section must
10 conform to the Michigan manual on uniform traffic control devices.

11 (15) If upon investigation the state transportation department
12 or county road commission and the department of state police
13 determine that it is in the interest of public safety, they may
14 order city, village, airport, college, university, and township
15 officials to erect and maintain, take down, or regulate speed limit
16 signs, signals, and devices as directed. In default of an order,
17 the state transportation department or county road commission may
18 cause designated signs, signals, and devices to be erected and
19 maintained, removed, or regulated in the manner previously directed
20 and pay the costs for doing so out of the designated highway fund.
21 An investigation, including a speed study, conducted under this
22 subsection is the responsibility of the department of state police.

23 (16) ~~An~~ **Except as provided in section 638, an** individual who
24 violates a speed limit established under this section is
25 responsible for a civil infraction.

26 (17) No later than January 5, 2018, the state transportation
27 department and the department of state police shall increase the
28 speed limits on at least 600 miles of limited access freeway to 75
29 miles per hour if an engineering and safety study and the eighty-

1 fifth percentile speed of free-flowing traffic under ideal
2 conditions of that section contain findings that the speed limit
3 may be raised to that speed, and the department shall increase the
4 speed limit of 900 miles of trunk line highway to 65 miles per hour
5 if an engineering and safety study and the eighty-fifth percentile
6 speed of free-flowing traffic under ideal conditions of that
7 section contain findings that the speed limit may be raised to that
8 speed.

9 (18) As used in this section:

10 (a) "Traffic control order" means a document filed with the
11 proper authority that establishes the legal and enforceable speed
12 limit for the highway segment described in the document.

13 (b) "Vehicular access point" means a driveway or intersecting
14 roadway.

15 Sec. 628. (1) If the county road commission, the township
16 board, and the department of state police unanimously determine
17 upon the basis of an engineering and traffic investigation that the
18 speed of vehicular traffic on a county highway is greater or less
19 than is reasonable or safe under the conditions found to exist upon
20 any part of the highway, then acting unanimously they may establish
21 a reasonable and safe maximum or minimum speed limit on that county
22 highway that is effective at the times determined when appropriate
23 signs giving notice of the speed limit are erected on the highway.
24 A township board may petition the county road commission or the
25 department of state police for a proposed change in the speed
26 limit. A township board that does not wish to continue as part of
27 the process provided by this subsection shall notify in writing the
28 county road commission. A public record of a traffic control order
29 establishing a modified speed limit authorized under this

1 subsection ~~shall~~**must** be filed at the office of the county clerk of
2 the county in which the limited access freeway or state trunk line
3 highway is located, and a certified copy of a traffic control order
4 ~~shall be~~**is** evidence in every court of this state of the authority
5 for the issuance of that traffic control order. As used in this
6 subsection, "county road commission" means the board of county road
7 commissioners elected or appointed under section 6 of chapter IV of
8 1909 PA 283, MCL 224.6, or, in the case of a charter county with a
9 population of ~~2,000,000~~**1,500,000** or more with an elected county
10 executive that does not have a board of county road commissioners,
11 the county executive.

12 (2) In the case of a county highway, a township board may
13 petition the county road commission, or in counties where there is
14 no road commission but there is a county board of commissioners,
15 the township board may petition the county board of commissioners
16 for any of the following:

17 (a) A proposed change in the speed limit without the necessity
18 of a speed study consistent with the methods prescribed for
19 establishing speed limits under section 627.

20 (b) A proposed change in the speed limit consistent with the
21 provisions for establishing speed limits under this section.

22 (c) The posting of an advisory sign or device for the purpose
23 of drawing the attention of vehicle operators to an unexpected
24 condition on or near the roadway that is not readily apparent to
25 road users.

26 (3) The state transportation department and the department of
27 state police shall jointly determine any modified maximum or
28 minimum speed limits on limited access freeways or trunk line
29 highways consistent with the requirements of this section. A public

1 record of a traffic control order establishing a modified speed
2 limit authorized under this subsection ~~shall~~**must** be filed at the
3 office of the county clerk of the county in which the limited
4 access freeway or trunk line highway is located, and a certified
5 copy of a traffic control order ~~shall be~~**is** evidence in every court
6 of this state of the authority for the issuance of that traffic
7 control order.

8 (4) A local road authority shall determine any modified speed
9 limits on local highways consistent with the requirements of this
10 section. A public record of a traffic control order establishing a
11 modified speed limit authorized under this subsection ~~shall~~**must** be
12 filed at the office of the city or village or administrative office
13 of the airport, college, or university in which the local highway
14 is located, and a certified copy of the traffic control order ~~shall~~
15 ~~be~~**is** evidence in every court of this state of the authority for
16 the issuance of that traffic control order.

17 (5) A speed limit established under this section ~~shall~~**must** be
18 determined by an engineering and safety study and by the eighty-
19 fifth percentile speed of free-flowing traffic under ideal
20 conditions of a section of highway rounded to the nearest multiple
21 of 5 miles per hour. A speed limit established under this act ~~shall~~
22 **must** not be posted at less than the fiftieth percentile speed of
23 free-flowing traffic under optimal conditions on the fastest
24 portion of the highway segment for which the speed limit is being
25 posted.

26 (6) If a highway segment includes 1 or more features with a
27 design speed that is lower than the speed limit determined under
28 subsection (5), the road authority may post advisory signs.

29 (7) If upon investigation the state transportation department

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

11 (8) Signs posted under this section ~~shall~~**must** conform to the
12 Michigan manual on uniform traffic control devices.

13 (9) ~~A person~~**Except as provided in section 638, an individual**
14 who violates a speed limit established under this section is
15 responsible for a civil infraction.

16 (10) As used in this section:

17 (a) "County road commission" means any of the following:

18 (i) The board of county road commissioners elected or appointed
19 under section 6 of chapter IV of 1909 PA 283, MCL 224.6.

20 (ii) In the case of the dissolution of the county road
21 commission under section 6 of chapter IV of 1909 PA 283, MCL 224.6,
22 the county board of commissioners.

23 (iii) In the case of a charter county with a population of
24 1,500,000 or more with an elected county executive that does not
25 have a board of county road commissioners, the county executive.

26 (iv) In the case of a charter county with a population of more
27 than 750,000 but less than 1,000,000 with an elected county
28 executive that does not have a board of county road commissioners,
29 the department of roads.

1 (b) "Design speed" means that term as used and determined
2 under "A Policy on Geometric Design of Highways and Streets", ~~sixth~~
3 **seventh** ed., 2011, ~~or a subsequent edition, 2018~~, issued by the
4 American Association of State Highway and Transportation Officials.

5 (c) "Local road authority" means the governing body of a city,
6 village, airport, college, or university.

7 (d) "Traffic control order" means a document filed with the
8 proper authority that establishes the legal and enforceable speed
9 limit for the highway segment described in the document.

10 Sec. 638. (1) A **driver of a** vehicle shall not ~~be driven to~~
11 **drive on** the left side of the center of a 2-lane highway or in the
12 center lane of a 3-lane highway in overtaking and passing another
13 vehicle proceeding in the same direction unless the left side or
14 center lane is clearly visible and is free of oncoming traffic for
15 a sufficient distance ahead to permit the overtaking and passing to
16 be completely made without interfering with the safe operation of a
17 vehicle approaching from the opposite direction or the vehicle
18 overtaken.

19 (2) **Except as otherwise provided in subsection (3), the driver**
20 **of a vehicle that is overtaking and passing another vehicle**
21 **proceeding in the same direction in the manner described in**
22 **subsection (1) may exceed the applicable speed limit for the**
23 **portion of highway upon which that vehicle is traveling subject to**
24 **both of the following:**

25 (a) **The driver of the vehicle may exceed the speed limit by**
26 **not more than 10 miles per hour.**

27 (b) **The driver of the vehicle may only exceed the speed limit**
28 **while overtaking and passing another vehicle as described in**
29 **subsection (1) and for no longer than 10 seconds after he or she**

1 has safely overtaken and passed the vehicle.

2 (3) Subsection (2) does not apply to the driver of a vehicle
3 traveling on a portion of a highway that is within the limits of a
4 city or village or within a school zone as that term is defined in
5 section 627a.

6 (4) ~~(2) A person~~ **An individual** who violates this section is
7 responsible for a civil infraction.

8 Enacting section 1. This amendatory act takes effect 90 days
9 after the date it is enacted into law.