

**SUBSTITUTE FOR
SENATE BILL NO. 123**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 628 (MCL 257.628), as amended by 2000 PA
167.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 628. (1) If the state transportation commission ~~or~~
2 ~~county road commission, with respect to highways under its~~
3 ~~jurisdiction,~~ and the director of the department of state police
4 jointly determine upon the basis of an engineering and traffic
5 investigation that the speed of vehicular traffic on a state
6 trunk line ~~or county~~ highway is greater or less than is
7 reasonable or safe under the conditions found to exist at an
8 intersection or other place or upon a part of the highway, the
9 officials acting jointly may determine and declare a reasonable
10 and safe maximum or minimum speed limit on that state trunk line

Senate Bill No. 123 as amended March 12, 2003

1 ~~county~~ highway ~~or~~ intersection that shall be effective at
 2 the times determined when appropriate signs giving notice of the
 3 speed limit are erected at the intersection or other place or
 4 part of the highway.

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

21 (3) If a superintendent of a school district determines that
 22 the speed of vehicular traffic on a state trunk line or county
 23 highway, which is within 1,000 feet of a school in the school
 24 district of which that person is the superintendent, is greater
 25 or less than is reasonable or safe, the officials **identified in**
 26 **subsection (1) or (2), as appropriate,** shall include the
 27 superintendent of the school district affected in acting jointly

1 in determining and declaring a reasonable and safe maximum or
2 minimum speed limit on that state trunk line or county highway.
3 The maximum speed limit on all highways or parts of highways upon
4 which a maximum speed limit is not otherwise fixed under this act
5 shall be 55 miles per hour.

6 (4) ~~-(2)-~~ 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
9 the highway that is under review for a proposed change in the
10 speed limit, the township board may petition the county road
11 commission or in charter counties where there is no road
12 commission, but there is a county board of commissioners, the
13 township board may petition the county board of commissioners for
14 a proposed change in the speed limit. The county road commission
15 or in charter counties where there is no road commission, but
16 there is a county board of commissioners, the township board may
17 petition the county board of commissioners to approve the
18 proposed change in the speed limit without the necessity of an
19 engineering and traffic investigation.

20 (5) ~~-(3)-~~ The speed limit on a county highway or an
21 interconnected group of county highways of not more than 1 mile
22 in total length that connect with the county road system by a
23 single entrance and exit shall be 25 miles per hour unless a
24 different speed limit is fixed and posted.

25 (6) ~~-(4)-~~ If upon investigation the state transportation
26 commission or county road commission and the director of the
27 department of state police find it in the interest of public

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

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

1 commission or on the authority of the county road commission, at
2 a specified location.

3 (8) ~~-(6)-~~ A person who fails to observe an authorized speed
4 or traffic control sign, signal, or device is responsible for a
5 civil infraction.

6 (9) ~~-(7)-~~ Except as otherwise provided in this section, the
7 maximum speed limit on all freeways shall be ~~-65-~~ 70 miles per
8 hour except that the state transportation department may
9 designate not more than 170 miles of freeway in this state on
10 which the speed limit may be less than ~~-65-~~ 70 miles per hour.

11 ~~The director of the state transportation department, in~~
12 ~~consultation with the department of state police, beginning~~
13 ~~July 31, 1996, shall establish five areas of freeway miles as~~
14 ~~test zones on which the speed limit may be increased to 70 miles~~
15 ~~per hour in order to conduct a study to determine whether any of~~
16 ~~those miles of freeway on which the speed limit is 65 miles per~~
17 ~~hour on June 25, 1996 may be increased to 70 miles per hour.~~
18 ~~Tests shall be conducted from August 1, 1996 through October 31,~~
19 ~~1996. The study shall be completed by December 15, 1996 and~~
20 ~~shall be based on traffic congestion and other traffic safety~~
21 ~~issues as determined by the director of the department of state~~
22 ~~police or his or her designee and on engineering criteria as~~
23 ~~determined by the director of the state transportation department~~
24 ~~or his or her designee. If the study indicates that certain~~
25 ~~miles of freeway are eligible for increase, the speed limit on~~
26 ~~those miles of freeway may be increased to 70 miles per hour.~~
27 The minimum speed limit on all freeways shall be 45 miles per

1 hour except if reduced speed is necessary for safe operation or
2 in compliance with law or in compliance with a special permit
3 issued by an appropriate authority.

4 **(10)** ~~-(8)-~~ The maximum rates of speed allowed pursuant to
5 this section are subject to the maximum rates established under
6 section 629b, section 627(5) to (7) for certain vehicles and
7 vehicle combinations, and section 629(4).

8 **(11)** ~~-(9)-~~ A citation or civil infraction determination for
9 exceeding a lawful maximum speed limit of 55 miles per hour by
10 driving 65 miles per hour or less shall not be considered by any
11 person in establishing automobile insurance eligibility or
12 automobile insurance rates.