

HOUSE SUBSTITUTE FOR

SENATE BILL NO. 248

(As amended, December 6, 2006)

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

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~~ **EXCEPT AS OTHERWISE PROVIDED UNDER SECTION**
6 **629(1)(D), THE** maximum speed limit on all highways or parts of
7 highways upon which a maximum speed limit is not otherwise fixed
8 under this act is 55 miles per hour, which shall be known and may
9 be referred to as the "general speed limit".

10 (2) If the county road commission, the township board, and the
11 department of state police unanimously determine upon the basis of
12 an engineering and traffic investigation that the speed of
13 vehicular traffic on a county highway is greater or less than is
14 reasonable or safe under the conditions found to exist upon any
15 part of the highway, then acting unanimously they may establish a
16 reasonable and safe maximum or minimum speed limit on that county
17 highway that is effective at the times determined when appropriate
18 signs giving notice of the speed limit are erected on the highway.
19 A township board that does not wish to continue as part of the
20 process provided by this subsection shall notify in writing the
21 county road commission. 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 superintendent of a school district determines that

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

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

22 (5) If upon investigation the state transportation department
23 or county road commission and the department of state police find
24 it in the interest of public safety, they may order the township
25 board, or city or village officials to erect and maintain, take
26 down, or regulate the speed control signs, signals, or devices as
27 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 (6) A public record of all speed control signs, signals, or
8 devices authorized under this section shall be filed in the office
9 of the county clerk of the county in which the highway is located,
10 and a certified copy shall be prima facie evidence in all courts of
11 the issuance of the authorization. The public record with the
12 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 (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 (8) Except as otherwise provided in this section, the maximum
2 speed limit on all freeways shall be 70 miles per hour except that
3 if the state transportation department and the department of state
4 police jointly determine upon the basis of an engineering and
5 traffic investigation that the speed of vehicular traffic on a
6 freeway is greater or less than is reasonable or safe under the
7 conditions found to exist upon a part of the freeway, the
8 departments acting jointly may determine and declare a reasonable
9 and safe maximum or minimum speed limit on that freeway that is not
10 more than 70 miles per hour but not less than 55 miles per hour and
11 that shall be effective when appropriate signs giving notice of the
12 speed limit are erected. The minimum speed limit on all freeways is
13 55 miles per hour except if reduced speed is necessary for safe
14 operation or in compliance with law or in compliance with a special
15 permit issued by an appropriate authority.

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

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

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

26 (a) A highway within a business district on which the prima
27 facie speed limit is increased shall be designated a through

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as amended December 6, 2006

1 highway at the entrance to which vehicles shall be required to stop
2 before entering, except that where 2 of these through highways
3 intersect, local authorities may require traffic on only 1 highway
4 to stop before entering the intersection.

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

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

14 [(D) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
15 ADDED THIS SUBDIVISION, THE PRIMA FACIE SPEED LIMIT ESTABLISHED UNDER
16 SECTION 628 APPLIES ON GRAVEL OR DIRT ROADS ONLY IF THE GRAVEL OR DIRT
17 ROAD IS NOT POSTED AS PROVIDED BY LAW. IF A GRAVEL OR DIRT ROAD WAS
18 POSTED AS PROVIDED BY LAW BEFORE NOVEMBER 9, 2006, THAT LEGALLY POSTED
19 SPEED LIMIT REMAINS IN EFFECT UNLESS THE CITY COUNCIL OF A CITY, THE
20 VILLAGE COUNCIL OF A VILLAGE, OR A TOWNSHIP BOARD OF A TOWNSHIP WITHIN
21 WHOSE LIMITS THE GRAVEL OR DIRT ROAD IS LOCATED REQUESTS THAT THE COUNTY
22 ROAD COMMISSION INCREASE THAT SPEED LIMIT AND THE COUNTY <<ROAD>>
COMMISSION DETERMINES THAT THE INCREASE IS APPROPRIATE. THIS SUBDIVISION
DOES NOT
23 APPLY AFTER JANUARY 1, 2009.]

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

27 (a) A written copy of the authorization or determination shall
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 prima facie evidence in all
3 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).