

# HOUSE BILL No. 6732

November 19, 2008, Introduced by Rep. Meadows and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 627, 628, and 629 (MCL 257.627, 257.628, and 257.629), as amended by 2006 PA 85.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 627. (1) A person operating a vehicle on a highway shall  
2 operate that vehicle at a careful and prudent speed not greater  
3 than nor less than is reasonable and proper, having due regard to  
4 the traffic, surface, and width of the highway and of any other  
5 condition then existing. A person shall not operate a vehicle upon  
6 a highway at a speed greater than that which will permit a stop  
7 within the assured, clear distance ahead.

8           (2) Except in those instances where a lower speed is ~~specified~~

1 ~~in this chapter~~ **REQUIRED UNDER SECTION 628 OR PERMITTED UNDER**  
2 **SECTION 629**, or the speed is unsafe ~~pursuant to~~ **UNDER** subsection  
3 (1), it is prima facie lawful for the operator of a vehicle to  
4 operate that vehicle at a speed not exceeding the following, except  
5 when this speed would be unsafe:

6 (a) 25 miles per hour on all highways in a business district  
7 as that term is defined in section 5.

8 (b) 25 miles per hour in public parks unless a different speed  
9 is fixed and duly posted.

10 (c) 25 miles per hour on all highways or parts of highways  
11 within the boundaries of land platted under the land division act,  
12 1967 PA 288, MCL 560.101 to 560.293, or the condominium act, 1978  
13 PA 59, MCL 559.101 to 559.276, unless a different speed is fixed  
14 and posted.

15 (d) 25 miles per hour on a highway segment with 60 or more  
16 vehicular access points within 1/2 mile.

17 (e) 35 miles per hour on a highway segment with not less than  
18 45 vehicular access points but no more than 59 vehicular access  
19 points within 1/2 mile.

20 (f) ~~45-55~~ miles per hour on a highway segment with not less  
21 than 30 vehicular access points but no more than 44 vehicular  
22 access points within 1/2 mile.

23 (3) It is prima facie unlawful for a person to exceed the  
24 speed limits prescribed in subsection (2), except as provided in  
25 section 629.

26 (4) A person operating a vehicle in a mobile home park as  
27 defined in section 2 of the mobile home commission act, 1987 PA 96,

1 MCL 125.2302, shall operate that vehicle at a careful and prudent  
2 speed, not greater than a speed that is reasonable and proper,  
3 having due regard for the traffic, surface, width of the roadway,  
4 and all other conditions existing, and not greater than a speed  
5 that permits a stop within the assured clear distance ahead. It is  
6 prima facie unlawful for the operator of a vehicle to operate that  
7 vehicle at a speed exceeding 15 miles an hour in a mobile home park  
8 as defined in section 2 of the mobile home commission act, 1987 PA  
9 96, MCL 125.2302.

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

12 (6) Except as otherwise provided in this subsection, a person  
13 operating a truck with a gross weight of 10,000 pounds or more, a  
14 truck-tractor, a truck-tractor with a semi-trailer or trailer, or a  
15 combination of these vehicles shall not exceed a speed of 55 miles  
16 per hour on highways, streets, or freeways and shall not exceed a  
17 speed of 35 miles per hour during the period when reduced loadings  
18 are being enforced in accordance with this chapter. However, a  
19 person operating a school bus, a truck, a truck-tractor, or a  
20 truck-tractor with a semi-trailer or trailer described in this  
21 subsection shall not exceed a speed of 60 miles per hour on a  
22 freeway if the maximum speed limit on that freeway is 70 miles per  
23 hour.

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

27 (8) The maximum rates of speeds allowed under this section are

1 subject to the maximum rate established under section 629b.

2 (9) A person operating a vehicle on a highway, when entering  
3 and passing through a work zone described in section 79d(a) where a  
4 normal lane or part of the lane of traffic has been closed due to  
5 highway construction, maintenance, or surveying activities, shall  
6 not exceed a speed of 45 miles per hour unless a different speed  
7 limit is determined for that work zone by the state transportation  
8 department, a county road commission, or a local authority, based  
9 on accepted engineering practice. The state transportation  
10 department, a county road commission, or a local authority shall  
11 post speed limit signs in each work zone described in section  
12 79d(a) that indicate the speed limit in that work zone and shall  
13 identify that work zone with any other traffic control devices  
14 necessary to conform to the Michigan manual of uniform traffic  
15 control devices. A person shall not exceed a speed limit  
16 established under this section or a speed limit established under  
17 section 628 or 629.

18 (10) Subject to subsections (1) and (2)(c), speed limits  
19 established pursuant to this section are not valid unless properly  
20 posted. In the absence of a properly posted sign, the speed limit  
21 in effect shall be the general speed limit pursuant to section  
22 628(1).

23 (11) Nothing in this section prevents the establishment of an  
24 absolute speed limit pursuant to section 628. Subject to subsection  
25 (1), an absolute speed limit established pursuant to section 628  
26 supersedes a prima facie speed limit established pursuant to this  
27 section.

1 (12) Nothing in this section shall be construed as  
2 justification to deny a traffic and engineering investigation.

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

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

7 Sec. 628. (1) If the state transportation department and the  
8 department of state police ~~jointly~~**UNANIMOUSLY** determine upon the  
9 basis of an engineering and traffic investigation **STUDY SHOWING**  
10 **THAT TRAFFIC SAFETY STATISTICS INDICATE** that the speed of vehicular  
11 traffic on a state trunk line highway ~~is~~**SHOULD BE** greater or less  
12 than ~~is reasonable or safe under the conditions found to exist at~~  
13 ~~an intersection or other place or upon a part of the highway~~  
14 **CURRENTLY POSTED**, the departments ~~acting jointly may~~**SHALL, IN**  
15 **ACCORDANCE WITH THIS SECTION**, determine, ~~and declare,~~ **AND ESTABLISH**  
16 a reasonable and safe maximum or minimum speed limit on that state  
17 trunk line highway or intersection that shall be effective at the  
18 times determined when appropriate signs giving notice of the speed  
19 limit are erected at the intersection or other place or part of the  
20 highway. ~~The maximum speed limit on all highways or parts of~~  
21 ~~highways upon which a maximum speed limit is not otherwise fixed~~  
22 ~~under this act is 55 miles per hour, which shall be known and may~~  
23 ~~be referred to as the "general speed limit".~~

24 (2) **FOR A STATE TRUNK LINE LYING WITHIN THE BOUNDARIES OF A**  
25 **CITY OR VILLAGE, THE UNANIMOUS DETERMINATION WHETHER CURRENTLY**  
26 **POSTED SPEED LIMITS SHOULD BE GREATER OR LESS THAN CURRENTLY POSTED**  
27 **WITHIN THE BOUNDARIES OF THE CITY OR VILLAGE SHALL INCLUDE THE**

1 MAYOR OR VILLAGE PRESIDENT, OR HIS OR HER DESIGNEE, IN DETERMINING,  
 2 DECLARING, AND ESTABLISHING A REASONABLE AND SAFE MAXIMUM OR  
 3 MINIMUM SPEED LIMIT ON THAT PORTION OF A STATE TRUNK LINE LYING  
 4 WITHIN THE BOUNDARIES OF A CITY OR VILLAGE.

5 (3) ~~(2)~~—If ~~the~~ A county road commission, ~~the~~ A township board,  
 6 and the department of state police unanimously determine upon the  
 7 basis of an engineering and traffic investigation that the speed of  
 8 vehicular traffic on a county highway is greater or less than is  
 9 reasonable or safe under the conditions found to exist upon any  
 10 part of the highway, then acting unanimously they may establish a  
 11 reasonable and safe maximum or minimum speed limit on that county  
 12 highway that is effective at the times determined when appropriate  
 13 signs giving notice of the speed limit are erected on the highway.  
 14 A township board that does not wish to continue as part of the  
 15 process provided by this subsection shall notify in writing the  
 16 county road commission. As used in this subsection, "county road  
 17 commission" means the board of county road commissioners elected or  
 18 appointed under section 6 of chapter IV of 1909 PA 283, MCL 224.6,  
 19 or, in the case of a charter county with a population of 2,000,000  
 20 or more with an elected county executive that does not have a board  
 21 of county road commissioners, the county executive.

22 (4) ~~(3)~~—If a ~~superintendent of a school district determines~~  
 23 ~~that the speed of vehicular traffic on a state trunk line or county~~  
 24 ~~highway, which is~~ LIES within 1,000 feet of a **PUBLIC OR PRIVATE**  
 25 ~~school, in the school district of which that person is the~~  
 26 ~~superintendent,~~ **THE UNANIMOUS DETERMINATION OF WHETHER A CURRENTLY**  
 27 **POSTED SPEED LIMIT** is greater or less than is reasonable or safe ,

1 ~~the officials identified in subsection (1) or (2), as appropriate,~~  
2 shall include the superintendent of the **PUBLIC** school district  
3 ~~affected in acting jointly in determining, and declaring, AND~~  
4 **ESTABLISHING** a reasonable and safe maximum or minimum speed limit  
5 on that state trunk line or county highway.

6 (5) ~~(4)~~—In the case of a county highway ~~of~~ not less than 1  
7 mile **LONG** with residential lots with road frontage of 300 feet or  
8 less along either side of the highway for the length of that part  
9 of 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 a  
14 proposed change in the speed limit. The county road commission or  
15 in charter counties where there is no road commission, but there is  
16 a county board of commissioners, the township board may petition  
17 the county board of commissioners to approve the proposed change in  
18 the speed limit without the necessity of an engineering and traffic  
19 investigation.

20 (6) **SPEED LIMITS ESTABLISHED BY THE PROCEDURES SET FORTH IN**  
21 **THIS SECTION SHALL BE EFFECTIVE AND A CERTIFIED COPY OF THE**  
22 **AUTHORIZATION OR DETERMINATION SHALL BE PRIMA FACIE EVIDENCE IN ALL**  
23 **COURTS OF THE ISSUANCE OF THE AUTHORIZATION OR DETERMINATION WHEN**  
24 **BOTH OF THE FOLLOWING OCCUR:**

25 (A) **A WRITTEN COPY OF THE DETERMINATION IS FILED IN THE OFFICE**  
26 **OF THE COUNTY CLERK OF THE COUNTY OR COUNTIES WHERE THE HIGHWAY IS**  
27 **LOCATED.**

1           (B) THE STATE TRANSPORTATION DEPARTMENT OR A LOCAL UNIT OF  
2 GOVERNMENT ERECTS UPON THE AFFECTED HIGHWAY ADEQUATE SIGNS GIVING  
3 NOTICE OF THE PERMISSIBLE SPEED.

4           (7) ~~(5) If, upon investigation the state transportation~~  
5 ~~department or county road commission and the department of state~~  
6 ~~police find it~~ **AFTER COMPLYING WITH THE PROCEDURES SET FORTH IN**  
7 **THIS SECTION, IT IS FOUND THAT,** in the interest of public safety,  
8 ~~they may order the township board, or city or village officials~~  
9 **THERE IS A NEED** to erect and maintain, take down, or regulate ~~the~~  
10 speed control signs, signals, or devices as directed, and in  
11 ~~default~~ **LIEU** of an order, the state transportation department or  
12 county road commission may cause the designated signs, signals, and  
13 devices to be erected and maintained, taken down, regulated, or  
14 controlled, in the manner previously directed, and pay for the  
15 erecting and maintenance, removal, regulation, or control of the  
16 sign, signal, or device out of the highway fund designated.

17           (8) ~~(6)~~ A public record of all speed control signs, signals,  
18 or devices authorized under this section shall be filed in the  
19 office of the county clerk of the county in which the highway is  
20 located, and a certified copy shall be prima facie evidence in all  
21 courts of the issuance of the authorization. The public record with  
22 the county clerk shall not be required as prima facie evidence of  
23 authorization in the case of signs erected or placed temporarily  
24 for the control of speed or direction of traffic at points where  
25 construction, repairs, or maintenance of highways is in progress,  
26 or along a temporary alternate route established to avoid the  
27 construction, repair, or maintenance of a highway, if the signs are

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

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

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

26 (11) ~~(9)~~—The maximum rates of speed allowed under this section  
27 are subject to the maximum rates established under section 629b,

1 section 627(5) to (7) for certain vehicles and vehicle  
2 combinations, and section 629(4).

3 ~~(12) (10) Except for the general speed limit described in~~  
4 ~~subsection (1), speed~~ **SPEED** limits established pursuant to this  
5 section shall be known as absolute speed limits.

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

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

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

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

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~~

1 ~~be filed in the office of the county clerk of the county or~~  
2 ~~counties where the highway is located and a certified copy of the~~  
3 ~~authorization or determination shall be prima facie evidence in all~~  
4 ~~courts of the issuance of the authorization or determination.~~

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

10 (2) ~~(3)~~—Local authorities are authorized to decrease the prima  
11 facie speed limits to not less than 15 miles per hour in public  
12 parks under their jurisdiction. A decrease in the prima facie speed  
13 limits is binding when adequate signs are duly posted giving notice  
14 of the reduced speeds.

15 (3) ~~(4)~~—Local authorities are authorized to decrease the prima  
16 facie speed limits to not less than 25 miles an hour on each street  
17 or highway under their jurisdiction that is adjacent to a publicly  
18 owned park or playground. A decrease in the prima facie speed  
19 limits is binding when adequate signs are duly posted giving notice  
20 of the reduced speeds. As used in this subsection, "local  
21 authority" includes the county road commission with the concurrence  
22 of the township board of a township for a street or highway within  
23 the boundaries of the township.

24 (4) ~~(5)~~—The maximum rates of speed allowed under this section  
25 are subject to the maximum rate established under section 629b.

26 (5) ~~(6)~~—A person who exceeds a lawful speed limit established  
27 under this section is responsible for a civil infraction.

1           (6) ~~(7)~~—As used in this section, "local authority" means the  
2 governing body of a city or village, except as provided in  
3 subsection ~~(4)~~—(3).