

Act No. 320
Public Acts of 1996
Approved by the Governor
June 25, 1996
Filed with the Secretary of State
June 25, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Rep. Gnodtke

Reps. Brackenridge, Bryant, Bush, Byl, DeMars, Dobb, Jellema, Kaza, Kelly, Kukuk, LaForge, Leland, London, McNutt, Owen, Perricone, Ryan, Vaughn and Weeks named co-sponsors

ENROLLED HOUSE BILL No. 5123

AN ACT to amend sections 628 and 629c of Act No. 300 of the Public Acts of 1949, entitled as amended "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," section 628 as amended by Act No. 368 of the Public Acts of 1988 and section 629c as added by Act No. 154 of the Public Acts of 1987, being sections 257.628 and 257.629c of the Michigan Compiled Laws; and to add section 601b.

The People of the State of Michigan enact:

Section 1. Sections 628 and 629c of Act No. 300 of the Public Acts of 1949, section 628 as amended by Act No. 368 of the Public Acts of 1988 and section 629c as added by Act No. 154 of the Public Acts of 1987, being sections 257.628 and 257.629c of the Michigan Compiled Laws, are amended and section 601b is added to read as follows:

Sec. 601b. (1) Notwithstanding any other provision of this act, a person responsible for a moving violation in a construction zone, at an emergency scene, or in a school zone during the period beginning 30 minutes before school in the morning and through 30 minutes after school in the afternoon is subject to a fine that is double the fine otherwise prescribed for that moving violation.

(2) Whenever practical, signs designed in compliance with the uniform manual of traffic control devices shall be appropriately placed at the construction zone by the state transportation department or road authority having jurisdiction over the construction zone notifying operators of vehicles that for the protection and safety of construction workers the fine for a moving violation in this work area is double the fine otherwise prescribed for that moving violation.

(3) As used in this section:

(a) "Construction zone" means a designated work area described in section 627.

(b) "Emergency scene" means a traffic accident, a serious incident caused by weather conditions, or another occurrence along a highway or street for which a police officer, fire fighter, or emergency medical personnel are summoned to aid an injured victim.

(c) "Moving violation" means an act or omission prohibited under this act or a local ordinance substantially corresponding to this act that occurs while a person is operating a motor vehicle, and for which the person is subject to a fine.

(d) "School zone" means that term as defined in section 627a.

Sec. 628. (1) If the state transportation commission or county road commission, with respect to highways under its jurisdiction, and the director of the department of state police jointly determine upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a state trunk line or county highway is greater or less than is reasonable or safe under the conditions found to exist at an intersection or other place or upon a part of the highway, the officials acting jointly may determine and declare a reasonable and safe maximum or minimum speed limit on that state trunk line, county highway, or intersection which shall be effective at the times determined when appropriate signs giving notice of the speed limit are erected at the intersection or other place or part of the highway. 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 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. The maximum speed limit on all highways or parts of highways upon which a maximum speed limit is not otherwise fixed pursuant to this act shall be 55 miles per hour.

(2) If upon investigation the state transportation commission or county road commission and the director of 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 commission or county road commission may cause the designated signs, signals, and devices to be erected and maintained, taken down, regulated, or controlled, in the manner previously directed, and pay for the erecting and maintenance, removal, regulation, or control of the sign, signal, or device out of the highway fund designated.

(3) A public record of all speed control signs, signals, or devices authorized under this section shall be filed in the office of the county clerk of the county in which the highway is located, and a certified copy shall be prima facie evidence in all courts of the issuance of the authorization. The public record with the county clerk shall not be required as prima facie evidence of authorization in the case of signs erected or placed temporarily for the control of speed or direction of traffic at points where construction, repairs, or maintenance of highways is in progress, or along a temporary alternate route established to avoid the construction, repair, or maintenance of a highway, if the signs are of uniform design approved by the state transportation commission and the director of the department of state police and clearly indicate a special control, when proved in court that the temporary traffic-control sign was placed by the state transportation commission or on the authority of the state transportation commission and the director of the department of state police or by the county road commission or on the authority of the county road commission, at a specified location.

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

(5) Except as otherwise provided in this section, the maximum speed limit on all freeways shall be 65 miles per hour except that the state transportation department may designate not more than 170 miles of freeway in this state on which the speed limit may be less than 65 miles per hour. The director of the state transportation department, in consultation with the department of state police, beginning July 31, 1996, shall establish five areas of freeway miles as test zones on which the speed limit may be increased to 70 miles per hour in order to conduct a study to determine whether any of those miles of freeway on which the speed limit is 65 miles per hour on the effective date of the 1996 amendatory act that amended this section may be increased to 70 miles per hour. Tests shall be conducted from August 1, 1996 through October 31, 1996. The study shall be completed by December 15, 1996 and shall be based on traffic congestion and other traffic safety issues as determined by the director of the department of state police or his or her designee and on engineering criteria as determined by the director of the state transportation department or his or her designee. If the study indicates that certain miles of freeway are eligible for increase, the speed limit on those miles of freeway may be increased to 70 miles per hour. The minimum speed limit on all freeways shall be 45 miles per hour except if reduced speed is necessary for safe operation or in compliance with law or in compliance with a special permit issued by an appropriate authority.

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

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

Sec. 629c. (1) Notwithstanding sections 320a and 907, a person who is determined responsible or responsible "with explanation" for a civil infraction for violating the maximum speed limit on a limited access freeway or part of a limited access freeway upon which the maximum speed limit is 55 miles per hour or more shall be ordered by the court to pay a minimum fine and shall have points entered on his or her driving record by the secretary of state only according to the following schedule, except as otherwise provided in subsections (2) and (3):

<u>Number of miles per hour that the vehicle exceeded the applicable speed limit at the time of the violation</u>	<u>Points</u>	<u>Minimum Fine</u>
1 to 5	0	\$10.00
6 to 10	1	\$20.00
11 to 15	2	\$30.00
16 to 25	3	\$40.00
26 or over	4	\$50.00

(2) Subsection (1) does not apply to a person operating a vehicle or vehicle combination for which the maximum rate of speed is established pursuant to section 627(5) to (7).

(3) For a violation of a maximum speed limit on a limited access freeway by a person operating a vehicle or vehicle combination described in subsection (2), points shall be assessed under section 320a and fines shall be assessed under section 907.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.