



HOUSE BILL No. 5847

May 1, 1996, Introduced by Reps. Whyman, Anthony, Wetters, Jellema, Lowe and Dalman and referred to the Committee on Transportation.

A bill to amend section 628 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

as amended by Act No. 368 of the Public Acts of 1988, being section 257.628 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 628 of Act No. 300 of the Public Acts of
2 1949, as amended by Act No. 368 of the Public Acts of 1988, being
3 section 257.628 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 628. (1) If the state transportation commission or
6 county road commission, with respect to highways under its juris-
7 diction, and the director of the department of state police
8 jointly determine upon the basis of an engineering and traffic
9 investigation that the speed of vehicular traffic on a state

1 trunk line or county highway is greater or less than is
2 reasonable or safe under the conditions found to exist at an
3 intersection or other place or upon a part of the highway, the
4 officials acting jointly may determine and declare a reasonable
5 and safe maximum or minimum speed limit on that state trunk line,
6 county highway, or intersection which shall be effective at the
7 times determined when appropriate signs giving notice of the
8 speed limit are erected at the intersection or other place or
9 part of the highway. If a superintendent of a school district OR
10 THE PRINCIPAL OR ADMINISTRATOR OF A PUBLIC SCHOOL ACADEMY OR A
11 PRIVATE SCHOOL determines that the speed of vehicular traffic on
12 a state trunk line or county highway ~~, which is~~ within ~~1,000~~
13 ~~feet of a school in~~ the school district of which that person is
14 the superintendent ~~,~~ OR THE PRINCIPAL OR ADMINISTRATOR is
15 greater or less than is reasonable or safe, the officials shall
16 include the superintendent of the school district OR PRINCIPAL OR
17 ADMINISTRATOR affected in acting jointly in determining and
18 declaring a reasonable and safe maximum or minimum speed limit on
19 that state trunk line or county highway. IF THE SUPERINTENDENT
20 OR THE SCHOOL BOARD OF A SCHOOL DISTRICT OR THE PRINCIPAL OR
21 ADMINISTRATOR OF A PUBLIC SCHOOL ACADEMY OR A PRIVATE SCHOOL
22 DETERMINES THAT THE SPEED OF VEHICULAR TRAFFIC ON A STATE TRUNK
23 LINE OR COUNTY HIGHWAY IN THAT SCHOOL DISTRICT IS GREATER OR LESS
24 THAN IS REASONABLE OR SAFE, THE SUPERINTENDENT OR SCHOOL BOARD OR
25 PRINCIPAL OR ADMINISTRATOR MAY REQUEST IN WRITING THAT THE STATE
26 TRANSPORTATION COMMISSION OR COUNTY ROAD COMMISSION AND THE
27 DIRECTOR OF THE DEPARTMENT OF STATE POLICE REVIEW IN THE MANNER

1 PROVIDED IN THIS SUBSECTION THE QUESTION OF WHETHER AN
2 ALTERNATIVE SPEED LIMIT SHOULD BE CONSIDERED. The maximum speed
3 limit on all highways or parts of highways upon which a maximum
4 speed limit is not otherwise fixed pursuant to this act shall be
5 55 miles per hour. ~~However, on all highways or parts of high-~~
6 ~~ways upon which a maximum speed limit of 65 miles per hour is~~
7 ~~permitted by federal law, the maximum speed limit shall be 65~~
8 ~~miles per hour.~~

9 (2) If upon investigation the state transportation commis-
10 sion or county road commission and the director of the department
11 of state police find it in the interest of public safety, they
12 may order the township board, or city or village officials to
13 erect and maintain, take down, or regulate the speed control
14 signs, signals, or devices as directed, and in default of an
15 order the state transportation commission or county road commis-
16 sion may cause the designated signs, signals, and devices to be
17 erected and maintained, taken down, regulated, or controlled, in
18 the manner previously directed, and pay for the erecting and
19 maintenance, removal, regulation, or control of the sign, signal,
20 or device out of the highway fund designated.

21 (3) A public record of all speed control signs, signals, or
22 devices authorized under this section shall be filed in the
23 office of the county clerk of the county in which the highway is
24 located, and a certified copy shall be prima facie evidence in
25 all courts of the issuance of the authorization. The public
26 record with the county clerk shall not be required as prima facie
27 evidence of authorization in the case of signs erected or placed

1 temporarily for the control of speed or direction of traffic at
2 points where construction, repairs, or maintenance of highways is
3 in progress, or along a temporary alternate route established to
4 avoid the construction, repair, or maintenance of a highway, if
5 the signs are of uniform design approved by the state transporta-
6 tion commission and the director of the department of state
7 police and clearly indicate a special control, when proved in
8 court that the temporary traffic-control sign was placed by the
9 state transportation commission or on the authority of the state
10 transportation commission and the director of the department of
11 state police or by the county road commission or on the authority
12 of the county road commission, at a specified location.

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

16 (5) The minimum speed limit on all freeways shall be 45
17 miles per hour except if reduced speed is necessary for safe
18 operation or in compliance with law or in compliance with a spe-
19 cial permit issued by an appropriate authority.

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

24 (7) A citation or civil infraction determination for exceed-
25 ing a lawful maximum speed limit of 55 miles per hour by driving
26 65 miles per hour or less shall not be considered by any person

1 in establishing automobile insurance eligibility or automobile
2 insurance rates.