

# HOUSE BILL No. 6224

September 22, 2004, Introduced by Rep. Jamnick and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 628 (MCL 257.628), as amended by 2003 PA 65.

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

1       Sec. 628. (1) If the state transportation commission and  
2 the director of the department of state police jointly determine  
3 upon the basis of an engineering and traffic investigation that  
4 the speed of vehicular traffic on a state trunk line highway is  
5 greater or less than is reasonable or safe under the conditions  
6 found to exist at an intersection or other place or upon a part  
7 of the highway, the officials acting jointly may determine and  
8 declare a reasonable and safe maximum or minimum speed limit on  
9 that state trunk line highway or intersection that shall be  
10 effective at the times determined when appropriate signs giving  
11 notice of the speed limit are erected at the intersection or

1 other place or part of the highway.

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

22 (3) **Except as otherwise provided in this section, the maximum**  
23 **speed limit on all paved highways or parts of highways upon which**  
24 **a maximum speed limit is not otherwise fixed under this act shall**  
25 **be 55 miles per hour. The maximum speed limit on an unpaved**  
26 **state trunk line or county highway shall be 45 miles per hour**  
27 **unless a lower speed limit is fixed and posted. As used in this**

1 subsection, "paved" means a road surface with a firm, solid  
2 surface composed of concrete, macadam, asphalt, or a similar  
3 material.

4 (4) ~~-(3)-~~ If a superintendent of a school district determines  
5 that the speed of vehicular traffic on a state trunk line or  
6 county highway, which is within 1,000 feet of a school in the  
7 school district of which that person is the superintendent, is  
8 greater or less than is reasonable or safe, the officials  
9 identified in subsection (1) or (2), as appropriate, shall  
10 include the superintendent of the school district affected in  
11 acting jointly in determining and declaring a reasonable and safe  
12 maximum or minimum speed limit on that state trunk line or county  
13 highway. ~~The maximum speed limit on all highways or parts of~~  
14 ~~highways upon which a maximum speed limit is not otherwise fixed~~  
15 ~~under this act shall be 55 miles per hour.~~

16 (5) ~~-(4)-~~ In the case of a county highway of not less than 1  
17 mile with residential lots with road frontage of 300 feet or less  
18 along either side of the highway for the length of that part of  
19 the highway that is under review for a proposed change in the  
20 speed limit, the township board may petition the county road  
21 commission or in charter counties where there is no road  
22 commission, but there is a county board of commissioners, the  
23 township board may petition the county board of commissioners for  
24 a proposed change in the speed limit. The county road commission  
25 or in charter counties where there is no road commission, but  
26 there is a county board of commissioners, the township board may  
27 petition the county board of commissioners to approve the

1 proposed change in the speed limit without the necessity of an  
2 engineering and traffic investigation.

3       **(6)** ~~—(5)—~~ The speed limit on a county highway or an  
4 interconnected group of county highways of not more than 1 mile  
5 in total length that connect with the county road system by a  
6 single entrance and exit shall be 25 miles per hour unless a  
7 different speed limit is fixed and posted.

8       **(7)** ~~—(6)—~~ If upon investigation the state transportation  
9 commission or county road commission and the director of the  
10 department of state police find it in the interest of public  
11 safety, they may order the township board, or city or village  
12 officials to erect and maintain, take down, or regulate the speed  
13 control signs, signals, or devices as directed, and in default of  
14 an order the state transportation commission or county road  
15 commission may cause the designated signs, signals, and devices  
16 to be erected and maintained, taken down, regulated, or  
17 controlled, in the manner previously directed, and pay for the  
18 erecting and maintenance, removal, regulation, or control of the  
19 sign, signal, or device out of the highway fund designated.

20       **(8)** ~~—(7)—~~ A public record of all speed control signs,  
21 signals, or devices authorized under this section shall be filed  
22 in the office of the county clerk of the county in which the  
23 highway is located, and a certified copy shall be prima facie  
24 evidence in all courts of the issuance of the authorization. The  
25 public record with the county clerk shall not be required as  
26 prima facie evidence of authorization in the case of signs  
27 erected or placed temporarily for the control of speed or

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

13       (9) ~~-(8)-~~ A person who fails to observe an authorized speed  
14 or traffic control sign, signal, or device is responsible for a  
15 civil infraction.

16       (10) ~~-(9)-~~ Except as otherwise provided in this section, the  
17 maximum speed limit on all freeways shall be 70 miles per hour  
18 except that the state transportation department may designate not  
19 more than 170 miles of freeway in this state on which the speed  
20 limit may be less than 70 miles per hour. The minimum speed  
21 limit on all freeways shall be 45 miles per hour except if  
22 reduced speed is necessary for safe operation or in compliance  
23 with law or in compliance with a special permit issued by an  
24 appropriate authority.

25       (11) ~~-(10)-~~ The maximum rates of speed allowed ~~pursuant to~~  
26 **under** this section are subject to the maximum rates established  
27 under section 629b, section 627(5) to (7) for certain vehicles

1 and vehicle combinations, and section 629(4).

2       **(12)** ~~—(11)—~~ A citation or civil infraction determination for  
3 exceeding a lawful maximum speed limit of 55 miles per hour by  
4 driving 65 miles per hour or less shall not be considered by any  
5 person in establishing automobile insurance eligibility or  
6 automobile insurance rates.