

# HOUSE BILL NO. 5988

April 12, 2022, Introduced by Reps. Anthony, Sneller, Brenda Carter, Hope, Sowerby, Brabec, Kupa, Weiss, Steckloff, Hood, Haadsma, LaGrand, Manoogian and Breen and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 627 and 628 (MCL 257.627 and 257.628), section 627 as amended by 2019 PA 31 and section 628 as amended by 2016 PA 447.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 627. (1) ~~A person~~**An individual** operating a vehicle on a  
2 highway shall operate that vehicle at a careful and prudent speed  
3 not greater than nor less than is reasonable and proper, having due

1 regard to the traffic, surface, and width of the highway and of any  
2 other condition existing at the time. ~~A person~~ **An individual** shall  
3 not operate a vehicle upon a highway at a speed greater than that  
4 which will permit a stop within the assured, clear distance ahead.  
5 A violation of this subsection shall be known and may be referred  
6 to as a violation of the basic speed law or "VBSL".

7 (2) Except as provided in subsection (1), it is lawful for the  
8 operator of a vehicle to operate that vehicle on a highway at a  
9 speed not exceeding the following:

10 (a) 15 miles per hour on a highway segment within the  
11 boundaries of a mobile home park, as that term is defined in  
12 section 2 of the mobile home commission act, 1987 PA 96, MCL  
13 125.2302.

14 (b) 25 miles per hour on a highway segment within a business  
15 district.

16 (c) 25 miles per hour on a highway segment within the  
17 boundaries of a public park. A local authority may decrease the  
18 speed limit to not less than 15 miles per hour in a public park  
19 under its jurisdiction.

20 (d) 25 miles per hour on a highway segment within the  
21 boundaries of a residential subdivision, including a condominium  
22 subdivision, consisting of a system of interconnected highways with  
23 no through highways and a limited number of dedicated highways that  
24 serve as entrances to and exits from the subdivision.

25 (e) Until January 1, 2024, 25 miles per hour on a highway  
26 segment that is part of the local street system as designated by a  
27 local jurisdiction and approved by the state transportation  
28 commission under 1951 PA 51, MCL 247.651 to 247.675, and that is  
29 within land that is zoned for residential use by the governing body

1 of an incorporated city or village under the Michigan zoning  
2 enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, unless another  
3 speed is fixed and posted. The department of state police shall  
4 perform a speed study on a random sample of local streets set under  
5 this subdivision. No later than January 1, 2023, the department of  
6 state police shall submit a report on the speed study required  
7 under this subdivision to the senate majority leader, the speaker  
8 of the house of representatives, and the governor.

9 (f) 25 miles per hour on a highway segment with 60 or more  
10 vehicular access points within 1/2 mile.

11 (g) 30 miles per hour on a highway segment with not less than  
12 50 vehicular access points but no more than 59 vehicular access  
13 points within 1/2 mile.

14 (h) 35 miles per hour on a highway segment with not less than  
15 45 vehicular access points but no more than 49 vehicular access  
16 points within 1/2 mile.

17 (i) 40 miles per hour on a highway segment with not less than  
18 40 vehicular access points but no more than 44 vehicular access  
19 points within 1/2 mile.

20 (j) 45 miles per hour on a highway segment with not less than  
21 30 vehicular access points but no more than 39 vehicular access  
22 points within 1/2 mile.

23 (3) ~~A person~~ **An individual** operating a truck with a gross  
24 weight of 10,000 pounds or more, a truck-tractor, a truck-tractor  
25 with a semi-trailer or trailer, or a combination of these vehicles  
26 shall not exceed a speed of 35 miles per hour during the period  
27 when reduced loadings are being enforced in accordance with this  
28 chapter.

29 (4) Where the posted speed limit is greater than 65 miles per

1 hour, ~~a person~~ **an individual** operating a school bus, a truck with a  
 2 gross weight of 10,000 pounds or more, a truck-tractor, or a truck-  
 3 tractor with a semi-trailer or trailer or a combination of these  
 4 vehicles shall not exceed a speed of 65 miles per hour on a limited  
 5 access freeway or a state trunk line highway.

6 (5) All of the following apply to the speed limits described  
 7 in subsection (2):

8 (a) A highway segment adjacent to or lying between 2 or more  
 9 areas described in subsection (2)(a), (b), (c), or (d) ~~shall~~ **is** not  
 10 ~~be~~ considered to be within the boundaries of those areas.

11 (b) A highway segment of more than 1/2 mile in length with a  
 12 consistent density of vehicular access points equal to the number  
 13 of vehicular access points described in subsection (2)(f), (g),  
 14 (h), (i), or (j) ~~shall~~ **must** be posted at the speed limit specified  
 15 in the adjoining segment. A separate determination ~~shall~~ **must** be  
 16 made for each adjoining highway segment where vehicular access  
 17 point density is different.

18 (c) A speed limit may be posted on highways less than 1/2 mile  
 19 in length by prorating in 1/10 mile segments the vehicular access  
 20 point density described in subsection (2)(f), (g), (h), (i), or  
 21 (j).

22 (6) ~~A person~~ **An individual** operating a vehicle on a highway,  
 23 when entering and passing through a work zone described in section  
 24 79d(a) where a normal lane or part of the lane of traffic has been  
 25 closed due to highway construction, maintenance, or surveying  
 26 activities, shall not exceed a speed of 45 miles per hour unless a  
 27 different speed limit is determined for that work zone by the state  
 28 transportation department, a county road commission, or a local  
 29 authority, based on accepted engineering practice. The state

1 transportation department, a county road commission, or a local  
2 authority shall post speed limit signs in each work zone described  
3 in section 79d(a) that indicate the speed limit in that work zone  
4 and shall identify that work zone with any other traffic control  
5 devices necessary to conform to the Michigan manual ~~of-on~~ uniform  
6 traffic control devices. ~~A person~~ **An individual** shall not exceed a  
7 speed limit established under this section or a speed limit  
8 established under section 628.

9 (7) The state transportation department, a county road  
10 commission, or a local authority shall decrease the speed limit in  
11 a hospital highway zone by up to 10 miles per hour upon request of  
12 a hospital located within that hospital highway zone. The state  
13 transportation department, county road commission, or local  
14 authority may decrease the speed limit in a hospital highway zone  
15 by more than 10 miles per hour if the decrease is supported by an  
16 engineering and safety study. The state transportation department,  
17 county road commission, or local authority shall post speed limit  
18 signs in a hospital highway zone that indicate the speed limit in  
19 that hospital highway zone and shall identify that hospital highway  
20 zone with any other traffic control devices necessary to conform to  
21 the Michigan manual ~~of-on~~ uniform traffic control devices. If a  
22 change in a sign, signal, or device, is necessitated by a speed  
23 limit decrease described in this subsection, the hospital  
24 requesting the decrease shall pay the cost of doing so. As used in  
25 this subsection, "hospital highway zone" means a portion of state  
26 trunk line highway maintained by the state transportation  
27 department that has a posted speed limit of at least 50 miles per  
28 hour and has 2 or fewer lanes for travel in the same direction,  
29 traverses along property owned by a hospital, contains an ingress

1 and egress point from hospital property, and extends not more than  
2 1,000 feet beyond the boundary lines of hospital property in both  
3 directions in a municipality.

4 (8) Subject to subsection (17), the maximum speed limit on all  
5 limited access freeways upon which a speed limit is not otherwise  
6 fixed under this act is 70 miles per hour, which shall be known as  
7 the "limited access freeway general speed limit". The minimum speed  
8 limit on all limited access freeways upon which a minimum speed  
9 limit is not otherwise fixed under this act is 55 miles per hour.

10 (9) Subject to subsection (17), the speed limit on all trunk  
11 line highways and all county highways upon which a speed limit is  
12 not otherwise fixed under this act is 55 miles per hour, which  
13 shall be known as the "general speed limit".

14 (10) Except as otherwise provided in this subsection, the  
15 speed limit on all county highways with a gravel or unimproved  
16 surface upon which a speed limit is not otherwise fixed under this  
17 act is 55 miles per hour, which shall be known as the "general  
18 gravel road speed limit". Upon request of a municipality located  
19 within a county with a population of 1,000,000 or more, the county  
20 road commission, in conjunction with the requesting municipality,  
21 may lower the speed limit to 45 miles per hour on the requested  
22 road segment and if a sign, signal, or device is erected or  
23 maintained, taken down, or regulated as a result of a request by a  
24 municipality for a speed limit of 45 miles per hour, the  
25 municipality shall pay the costs of doing so. If a municipality  
26 located within a county with a population of 1,000,000 or more  
27 requests a speed different than the speed described in this  
28 subsection, the county road commission, in conjunction with the  
29 department of state police and the requesting municipality, may

1 conduct a speed study of free-flow traffic on the fastest portion  
2 of the road segment in question for the purpose of establishing a  
3 modified speed limit. A speed study conducted under this subsection  
4 ~~shall-must~~ be completed between 3 and 14 days after a full gravel  
5 road maintenance protocol has been performed on the road segment. A  
6 full gravel road maintenance protocol described in this subsection  
7 ~~shall-must~~ include road grading and the application of a dust  
8 abatement chemical treatment. Following a speed study conducted  
9 under this subsection, the speed limit for the road segment ~~shall~~  
10 **must** be established at the nearest multiple of 5 miles per hour to  
11 the eighty-fifth percentile of speed of free-flow traffic under  
12 ideal conditions for vehicular traffic, and ~~shall-must~~ not be set  
13 below the fiftieth percentile speed of free-flow traffic under  
14 ideal conditions for vehicular traffic. A speed study conducted  
15 under this subsection ~~shall-be-is~~ the responsibility of the  
16 department of state police, and if a sign, signal, or device is  
17 erected or maintained, taken down, or regulated as a result of a  
18 request by a municipality under this subsection, the municipality  
19 shall pay the costs of doing so.

20 (11) A public record of all traffic control orders  
21 establishing statutory speed limits authorized under this section  
22 ~~shall-must~~ be filed with the office of the clerk of the county in  
23 which the county highway is located or at the office of the city or  
24 village clerk or administrative office of the airport, college, or  
25 university in which the local highway is located, and a certified  
26 copy of the traffic control order ~~shall-be-is~~ evidence in every  
27 court of this state of the authority for the issuance of that  
28 traffic control order. The public record filed with the county,  
29 city, or village clerk or administrative office of the airport,

1 college, or university ~~shall~~**must** not be required as evidence of  
2 authority for issuing a traffic control order in the case of signs  
3 temporarily erected or placed at points where construction,  
4 maintenance, or surveying activities is in progress. A traffic and  
5 engineering investigation is not required for a traffic control  
6 order for a speed limit established under subsection (2). A traffic  
7 control order ~~shall~~**must**, at a minimum, contain all of the  
8 following information:

9 (a) The name of the road.

10 (b) The boundaries of the segment of the road on which the  
11 speed limit is in effect.

12 (c) The basis upon which the speed limit is in effect.

13 (d) The section of law, including a reference to the  
14 subsection, under which the speed limit is established.

15 (12) Except for speed limits described in subsections (1),  
16 (2) (d), (2) (e), and (9), speed limits established under this  
17 section are not valid unless properly posted. In the absence of a  
18 properly posted sign, the speed limit in effect is the basic speed  
19 law described in subsection (1). Speed limits established under  
20 subsection (2) (b), (f), (g), (h), (i), and (j) are not valid unless  
21 a traffic control order is filed as described in subsection (11).

22 (13) Nothing in this section prevents the establishment of a  
23 modified speed limit ~~after a speed study as described in~~**under**  
24 section 628. A modified speed limit established under section 628  
25 supersedes a speed limit established under this section.

26 (14) All signs erected or placed under this section ~~shall~~**must**  
27 conform to the Michigan manual on uniform traffic control devices.

28 (15) If upon investigation the state transportation department  
29 or county road commission and the department of state police



1 determine that it is in the interest of public safety, they may  
2 order city, village, airport, college, university, and township  
3 officials to erect and maintain, take down, or regulate speed limit  
4 signs, signals, and devices as directed. In default of an order,  
5 the state transportation department or county road commission may  
6 cause designated signs, signals, and devices to be erected and  
7 maintained, removed, or regulated in the manner previously directed  
8 and pay the costs for doing so out of the designated highway fund.  
9 An investigation, including a speed study, conducted under this  
10 subsection ~~shall be~~ **is** the responsibility of the department of  
11 state police.

12 (16) ~~A person~~ **An individual** who violates a speed limit  
13 established under this section is responsible for a civil  
14 infraction.

15 (17) No later than January 5, 2018, the state transportation  
16 department and the department of state police shall increase the  
17 speed limits on at least 600 miles of limited access freeway to 75  
18 miles per hour if an engineering and safety study and the eighty-  
19 fifth percentile speed of free-flowing traffic under ideal  
20 conditions of that section contain findings that the speed limit  
21 may be raised to that speed, and the department shall increase the  
22 speed limit of 900 miles of trunk line highway to 65 miles per hour  
23 if an engineering and safety study and the eighty-fifth percentile  
24 speed of free-flowing traffic under ideal conditions of that  
25 section contain findings that the speed limit may be raised to that  
26 speed.

27 (18) As used in this section:

28 (a) "Traffic control order" means a document filed with the  
29 proper authority that establishes the legal and enforceable speed

1 limit for the highway segment described in the document.

2 (b) "Vehicular access point" means a driveway or intersecting  
3 roadway.

4 Sec. 628. (1) If the county road commission, the township  
5 board, and the department of state police unanimously determine  
6 upon the basis of an engineering and traffic investigation that the  
7 speed of vehicular traffic on a county highway is greater or less  
8 than is reasonable or safe under the conditions found to exist upon  
9 any part of the highway, then acting unanimously they may establish  
10 a reasonable and safe maximum or minimum speed limit on that county  
11 highway that is effective at the times determined when appropriate  
12 signs giving notice of the speed limit are erected on the highway.  
13 A township board may petition the county road commission or the  
14 department of state police for a proposed change in the speed  
15 limit. A township board that does not wish to continue as part of  
16 the process provided by this subsection shall notify in writing the  
17 county road commission. A public record of a traffic control order  
18 establishing a modified speed limit authorized under this  
19 subsection ~~shall~~**must** be filed at the office of the county clerk of  
20 the county in which the limited access freeway or state trunk line  
21 highway is located, and a certified copy of a traffic control order  
22 ~~shall be~~**is** evidence in every court of this state of the authority  
23 for the issuance of that traffic control order. As used in this  
24 subsection, "county road commission" means the board of county road  
25 commissioners elected or appointed under section 6 of chapter IV of  
26 1909 PA 283, MCL 224.6, or, in the case of a charter county with a  
27 population of ~~2,000,000~~**1,500,000** or more with an elected county  
28 executive that does not have a board of county road commissioners,  
29 the county executive.

1           (2) In the case of a county highway, a township board may  
2 petition the county road commission, or in counties where there is  
3 no road commission but there is a county board of commissioners,  
4 the township board may petition the county board of commissioners  
5 for any of the following:

6           (a) A proposed change in the speed limit without the necessity  
7 of a speed study consistent with the methods prescribed for  
8 establishing speed limits under section 627.

9           (b) A proposed change in the speed limit consistent with the  
10 provisions for establishing speed limits under this section.

11           (c) The posting of an advisory sign or device for the purpose  
12 of drawing the attention of vehicle operators to an unexpected  
13 condition on or near the roadway that is not readily apparent to  
14 road users.

15           (3) ~~The~~ **Except as provided in subsection (6),** the state  
16 transportation department and the department of state police shall  
17 jointly determine any modified maximum or minimum speed limits on  
18 limited access freeways or trunk line highways consistent with the  
19 requirements of this section. A public record of a traffic control  
20 order establishing a modified speed limit authorized under this  
21 subsection ~~shall~~ **or subsection (6) must** be filed at the office of  
22 the county clerk of the county in which the limited access freeway  
23 or trunk line highway is located, and a certified copy of a traffic  
24 control order ~~shall be~~ **is** evidence in every court of this state of  
25 the authority for the issuance of that traffic control order.

26           (4) A local road authority shall determine any modified speed  
27 limits on local highways consistent with the requirements of this  
28 section. A public record of a traffic control order establishing a  
29 modified speed limit authorized under this subsection ~~shall~~ **or**

1 **subsection (6) must** be filed at the office of the city or village  
2 or administrative office of the airport, college, or university in  
3 which the local highway is located, and a certified copy of the  
4 traffic control order ~~shall be~~**is** evidence in every court of this  
5 state of the authority for the issuance of that traffic control  
6 order.

7 (5) ~~A~~**Except as otherwise provided in subsection (6),** a speed  
8 limit established under this section ~~shall~~**must** be determined by an  
9 engineering and safety study and by the eighty-fifth percentile  
10 speed of free-flowing traffic under ideal conditions of a section  
11 of highway rounded to the nearest multiple of 5 miles per hour. A  
12 speed limit established under this act ~~shall~~**must** not be posted at  
13 less than the fiftieth percentile speed of free-flowing traffic  
14 under optimal conditions on the fastest portion of the highway  
15 segment for which the speed limit is being posted.

16 (6) **A local road authority that is the governing body of a**  
17 **city or village shall determine any modified speed limits on local**  
18 **highways, and may request that the state transportation department**  
19 **and the department of state police determine a modified speed limit**  
20 **on a limited access freeway or trunk line highway within the city**  
21 **or village, consistent with the requirements of this subsection. A**  
22 **modified speed limit shall not be established under this subsection**  
23 **until after the local road authority gives public notice of the**  
24 **proposed modified speed limit and provides at least 45 days for**  
25 **public comment on the proposed modified speed limit. A modified**  
26 **speed limit established under this subsection must be determined in**  
27 **compliance with both of the following for the segment of the local**  
28 **highway, limited access freeway, or trunk line highway:**

29 (a) **Both of the following factors may be considered:**

1 (i) An engineering and safety study.

2 (ii) The eighty-fifth percentile speed of free-flowing traffic  
3 under ideal conditions of a section of highway rounded to the  
4 nearest multiple of 5 miles per hour.

5 (b) The number of all of the following for the year before the  
6 modified speed limit is determined must be considered:

7 (i) Speeding tickets issued.

8 (ii) Accidents with speed or reckless driving as a factor.

9 (iii) Accidents involving a pedestrian.

10 (iv) Complaints or reports of speeding made to law enforcement  
11 or the city or village.

12 (7) ~~(6)~~—If a highway segment includes 1 or more features with  
13 a design speed that is lower than the speed limit determined under  
14 subsection (5), the road authority may post advisory signs.

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

27 (9) ~~(8)~~—Signs posted under this section ~~shall~~**must** conform to  
28 the Michigan manual on uniform traffic control devices.

29 (10) ~~(9)~~ A person ~~An individual~~ who violates a speed limit

1 established under this section is responsible for a civil  
2 infraction.

3 (11) ~~(10)~~As used in this section:

4 (a) "County road commission" means any of the following:

5 (i) The board of county road commissioners elected or appointed  
6 under section 6 of chapter IV of 1909 PA 283, MCL 224.6.

7 (ii) In the case of the dissolution of the county road  
8 commission under section 6 of chapter IV of 1909 PA 283, MCL 224.6,  
9 the county board of commissioners.

10 (iii) In the case of a charter county with a population of  
11 1,500,000 or more with an elected county executive that does not  
12 have a board of county road commissioners, the county executive.

13 (iv) In the case of a charter county with a population of more  
14 than 750,000 but less than 1,000,000 with an elected county  
15 executive that does not have a board of county road commissioners,  
16 the department of roads.

17 (b) "Design speed" means that term as used and determined  
18 under "A Policy on Geometric Design of Highways and Streets", ~~sixth~~  
19 **seventh** ed., 2011, ~~or a subsequent edition, 2018~~, issued by the  
20 American Association of State Highway and Transportation Officials.

21 (c) "Local road authority" means the governing body of a city,  
22 village, airport, college, or university.

23 (d) "Traffic control order" means a document filed with the  
24 proper authority that establishes the legal and enforceable speed  
25 limit for the highway segment described in the document.