

# HOUSE BILL No. 5777

April 21, 2004, Introduced by Rep. Whitmer 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, **and the city**  
3 **council if a state trunk line highway is within the limits of the**  
4 **city,** jointly determine upon the basis of an engineering and  
5 traffic investigation that the speed of vehicular traffic on a  
6 state trunk line highway is greater or less than is reasonable or  
7 safe under the conditions found to exist at an intersection or  
8 other place or upon a part of the highway, the officials acting  
9 jointly may determine and declare a reasonable and safe maximum  
10 or minimum speed limit on that state trunk line highway or  
11 intersection that shall be effective at the times determined when

1 appropriate signs giving notice of the speed limit are erected at  
2 the intersection or other place or part of the highway.

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

23 (3) If a superintendent of a school district determines that  
24 the speed of vehicular traffic on a state trunk line or county  
25 highway, which is within 1,000 feet of a school in the school  
26 district of which that person is the superintendent, is greater  
27 or less than is reasonable or safe, the officials identified in

1 subsection (1) or (2), as appropriate, shall include the  
2 superintendent of the school district affected in acting jointly  
3 in determining and declaring a reasonable and safe maximum or  
4 minimum speed limit on that state trunk line or county highway.  
5 The maximum speed limit on all highways or parts of highways upon  
6 which a maximum speed limit is not otherwise fixed under this act  
7 shall be 55 miles per hour.

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

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

27 (6) If upon investigation the state transportation commission

1 or county road commission and the director of the department of  
2 state police find it in the interest of public safety, they may  
3 order the township board, or city or village officials to erect  
4 and maintain, take down, or regulate the speed control signs,  
5 signals, or devices as directed, and in default of an order the  
6 state transportation commission or county road commission may  
7 cause the designated signs, signals, and devices to be erected  
8 and maintained, taken down, regulated, or controlled, in the  
9 manner previously directed, and pay for the erecting and  
10 maintenance, removal, regulation, or control of the sign, signal,  
11 or device out of the highway fund designated.

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

1 state transportation commission and the director of the  
2 department of state police or by the county road commission or on  
3 the authority of the county road commission, at a specified  
4 location.

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

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

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

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