

# HOUSE BILL No. 6531

September 29, 2010, Introduced by Reps. Roberts, Young, Miller, Donigan and Meadows  
and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 627, 628, and 629 (MCL 257.627, 257.628, and  
257.629), as amended by 2006 PA 85.

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

1           Sec. 627. (1) A person operating a vehicle on a highway shall  
2           operate that vehicle at a careful and prudent speed not greater  
3           than nor less than is reasonable and proper, having due regard to  
4           the traffic, surface, and width of the highway and of any other  
5           condition then existing. A person shall not operate a vehicle upon  
6           a highway at a speed greater than that which will permit a stop  
7           within the assured, clear distance ahead.

8           (2) Except in those instances where a lower speed is specified

1 in this chapter, **INCLUDING AS REQUIRED UNDER SECTION 628 OR**  
2 **PERMITTED UNDER SECTION 629**, or the speed is unsafe pursuant to  
3 **UNDER** subsection (1), it is prima facie lawful for the operator of  
4 a vehicle to operate that vehicle at a speed not exceeding the  
5 following, except when this speed ~~would~~ **IS DETERMINED TO** be unsafe  
6 **PURSUANT TO AN ENGINEERING AND TRAFFIC STUDY:**

7 (a) 25 miles per hour on all highways in a business district.  
8 ~~as that term is defined in section 5.~~

9 (b) 25 miles per hour in public parks unless a different speed  
10 is fixed and duly posted.

11 (c) 25 miles per hour on all highways or parts of highways  
12 within the boundaries of land platted under the land division act,  
13 1967 PA 288, MCL 560.101 to 560.293, or the condominium act, 1978  
14 PA 59, MCL 559.101 to 559.276, unless a different speed is fixed  
15 and posted.

16 (d) 25 miles per hour on a highway segment with 60 or more  
17 vehicular access points within 1/2 mile.

18 (e) 35 miles per hour on a highway segment with not less than  
19 45 vehicular access points but no more than 59 vehicular access  
20 points within 1/2 mile.

21 (f) 45 miles per hour on a highway segment with not less than  
22 30 vehicular access points but no more than 44 vehicular access  
23 points within 1/2 mile.

24 (3) It is prima facie unlawful for a person to exceed the  
25 speed limits prescribed in subsection (2), except as provided in  
26 section 629.

27 (4) A person operating a vehicle in a mobile home park as

1 defined in section 2 of the mobile home commission act, 1987 PA 96,  
2 MCL 125.2302, shall operate that vehicle at a careful and prudent  
3 speed, not greater than a speed that is reasonable and proper,  
4 having due regard for the traffic, surface, width of the roadway,  
5 and all other conditions existing, and not greater than a speed  
6 that permits a stop within the assured clear distance ahead. It is  
7 prima facie unlawful for the operator of a vehicle to operate that  
8 vehicle at a speed exceeding 15 miles an hour in a mobile home park  
9 as defined in section 2 of the mobile home commission act, 1987 PA  
10 96, MCL 125.2302.

11 (5) A person operating a passenger vehicle drawing another  
12 vehicle or trailer shall not exceed the posted speed limit.

13 (6) Except as otherwise provided in this subsection, a person  
14 operating a truck with a gross weight of 10,000 pounds or more, a  
15 truck-tractor, a truck-tractor with a semi-trailer or trailer, or a  
16 combination of these vehicles shall not exceed a speed of 55 miles  
17 per hour on highways, streets, or freeways and shall not exceed a  
18 speed of 35 miles per hour during the period when reduced loadings  
19 are being enforced in accordance with this chapter. However, a  
20 person operating a school bus, a truck, a truck-tractor, or a  
21 truck-tractor with a semi-trailer or trailer described in this  
22 subsection shall not exceed a speed of 60 miles per hour on a  
23 freeway if the maximum speed limit on that freeway is 70 miles per  
24 hour.

25 (7) Except as otherwise provided in subsection (6), a person  
26 operating a school bus shall not exceed the speed of 55 miles per  
27 hour.

1 (8) The maximum rates of speeds allowed under this section are  
2 subject to the maximum rate established under section 629b.

3 (9) A person operating a vehicle on a highway, when entering  
4 and passing through a work zone described in section 79d(a) where a  
5 normal lane or part of the lane of traffic has been closed due to  
6 highway construction, maintenance, or surveying activities, shall  
7 not exceed a speed of 45 miles per hour unless a different speed  
8 limit is determined for that work zone by the state transportation  
9 department, a county road commission, or a local authority, based  
10 on accepted engineering practice. The state transportation  
11 department, a county road commission, or a local authority shall  
12 post speed limit signs in each work zone described in section  
13 79d(a) that indicate the speed limit in that work zone and shall  
14 identify that work zone with any other traffic control devices  
15 necessary to conform to the Michigan manual of uniform traffic  
16 control devices. A person shall not exceed a speed limit  
17 established under this section or a speed limit established under  
18 section 628 or 629.

19 (10) Subject to subsections (1) and (2)(c), speed limits  
20 established ~~pursuant to~~ **UNDER** this section are not valid unless  
21 properly posted. In the absence of a properly posted sign, the  
22 speed limit in effect shall be the general speed limit ~~pursuant to~~  
23 **UNDER** section 628(1).

24 (11) Nothing in this section prevents the establishment of an  
25 absolute speed limit ~~pursuant to~~ **UNDER** section 628. Subject to  
26 subsection (1), an absolute speed limit established ~~pursuant to~~  
27 **UNDER** section 628 supersedes a prima facie speed limit established

1 ~~pursuant to~~ **UNDER** this section.

2 (12) Nothing in this section shall be construed as  
3 justification to deny a traffic and engineering investigation.

4 (13) As used in this section, "vehicular access point" means a  
5 driveway or intersecting roadway. **HOWEVER, FOR A ROADWAY LEADING**  
6 **INTO A SUBDIVISION, THE NUMBER OF VEHICULAR ACCESS POINTS FOR THAT**  
7 **SINGLE ROADWAY IS DETERMINED BY CALCULATING THE NUMBER OF**  
8 **RESIDENCES OF THE SUBDIVISION AND DIVIDING THAT NUMBER BY 4, AND**  
9 **THEN ADDING 1 TO THAT SUM.**

10 (14) A person who violates this section is responsible for a  
11 civil infraction.

12 Sec. 628. (1) ~~If~~ **FOR A STATE TRUNK LINE HIGHWAY LYING OUTSIDE**  
13 **THE BORDERS OF A CITY OR VILLAGE, IF** the state transportation  
14 department and the ~~department of state police jointly~~ **LOCAL UNIT OF**  
15 **GOVERNMENT IN WHICH THE TRUNK LINE LIES UNANIMOUSLY** determine upon  
16 the basis of an engineering and traffic ~~investigation~~ **STUDY**  
17 **DEMONSTRATING THAT TRAFFIC SAFETY STATISTICS INDICATE** that the  
18 speed of vehicular traffic on a state trunk line highway ~~is~~ **SHOULD**  
19 **BE** greater or less than is reasonable or safe under the conditions  
20 found to exist at an intersection or other place or upon a part of  
21 the highway, the ~~departments acting jointly may~~ **ENTITIES SHALL, IN**  
22 **ACCORDANCE WITH THIS SECTION, JOINTLY** determine, ~~and declare,~~ **AND**  
23 **ESTABLISH** a reasonable and safe maximum or minimum speed limit on  
24 that state trunk line highway or intersection that shall be  
25 effective at the times determined when appropriate signs giving  
26 notice of the speed limit are erected at the intersection or other  
27 place or part of the highway. ~~The maximum speed limit on all~~

1 ~~highways or parts of highways upon which a maximum speed limit is~~  
2 ~~not otherwise fixed under this act is 55 miles per hour, which~~  
3 ~~shall be known and may be referred to as the "general speed limit".~~

4 (2) FOR A STATE TRUNK LINE HIGHWAY LYING WITHIN THE BOUNDARIES  
5 OF A CITY OR VILLAGE, THE DETERMINATION OF WHETHER CURRENTLY POSTED  
6 SPEED LIMITS SHOULD BE GREATER OR LESS THAN CURRENTLY POSTED WITHIN  
7 THE BOUNDARIES OF THE CITY OR VILLAGE SHALL REQUIRE A UNANIMOUS  
8 DECISION OF THE DEPARTMENT OF TRANSPORTATION, AND THE CITY OR  
9 VILLAGE COUNCIL.

10 (3) ~~(2)~~ If ~~the~~ A county road commission, ~~the~~ A township board,  
11 and the ~~department of state police~~ COUNTY SHERIFF unanimously  
12 determine **BASED** upon the ~~basis of~~ **FINDINGS PRESENTED IN** an  
13 engineering and traffic ~~investigation~~ **STUDY** that the speed of  
14 vehicular traffic on a county highway is greater or less than is  
15 reasonable or safe under the conditions found to exist upon ~~any~~  
16 **THAT** part of the highway **UPON WHICH THE STUDY WAS CONDUCTED**, then  
17 acting unanimously they may establish a reasonable and safe maximum  
18 or minimum speed limit on that county highway that is effective at  
19 the times determined when appropriate signs giving notice of the  
20 speed limit are erected on the highway. A township board that does  
21 not wish to continue as part of the process provided by this  
22 subsection shall notify in writing the county road commission. As  
23 used in this subsection, "county road commission" means the board  
24 of county road commissioners elected or appointed under section 6  
25 of chapter IV of 1909 PA 283, MCL 224.6, or, in the case of a  
26 charter county with a population of 2,000,000 or more with an  
27 elected county executive that does not have a board of county road

1 commissioners, the county executive.

2       (4) ~~(3)~~ If a ~~superintendent of a school district determines~~  
3 ~~that the speed of vehicular traffic on a state trunk line or county~~  
4 ~~highway, which is LIES~~ within 1,000 feet of a **PUBLIC** school, ~~in~~  
5 ~~the school district of which that person is the superintendent, THE~~  
6 **UNANIMOUS DETERMINATION OF WHETHER A CURRENTLY POSTED SPEED LIMIT**  
7 is greater or less than is reasonable or safe, ~~the officials~~  
8 ~~identified in subsection (1) or (2), as appropriate,~~ shall include  
9 the superintendent of the **PUBLIC** school district ~~affected in acting~~  
10 ~~jointly in determining, and declaring, AND ESTABLISHING~~ a  
11 reasonable and safe maximum or minimum speed limit on that state  
12 trunk line or county highway.

13       (5) ~~(4)~~ In the case of a county highway ~~of~~ not less than 1  
14 mile **LONG** with residential lots with road frontage of 300 feet or  
15 less along either side of the highway **OR SCHOOLS WITH FRONTAGE ON**  
16 **THE HIGHWAY** for the length of that part of the highway that is  
17 under review for a proposed change in the speed limit, **AND FOR A**  
18 **DISTANCE OF UP TO 1/2 MILE ON EITHER SIDE OF THE RESIDENTIAL**  
19 **PROPERTY OR SCHOOL PROPERTY OR BOTH**, the township board may  
20 petition the county road commission or in charter counties where  
21 there is no road commission, but there is a county board of  
22 commissioners, the township board may petition the county board of  
23 commissioners for a proposed change in the speed limit. The county  
24 road commission or in charter counties where there is no road  
25 commission, but there is a county board of commissioners, the  
26 township board may petition the county board of commissioners to  
27 approve the proposed change in the speed limit without the

1 necessity of an engineering and traffic investigation.

2 (6) SPEED LIMITS ESTABLISHED BY THE PROCEDURES SET FORTH IN  
3 THIS SECTION SHALL BE EFFECTIVE, AND A CERTIFIED COPY OF THE  
4 AUTHORIZATION OR DETERMINATION SHALL BE PRIMA FACIE EVIDENCE IN ALL  
5 COURTS OF THE ISSUANCE OF THE AUTHORIZATION OR DETERMINATION, WHEN  
6 BOTH OF THE FOLLOWING OCCUR:

7 (A) A WRITTEN COPY OF THE DETERMINATION IS FILED IN THE OFFICE  
8 OF THE COUNTY CLERK OF THE COUNTY OR COUNTIES WHERE THE HIGHWAY IS  
9 LOCATED.

10 (B) THE STATE TRANSPORTATION DEPARTMENT OR A LOCAL UNIT OF  
11 GOVERNMENT ERECTS UPON THE AFFECTED HIGHWAY ADEQUATE SIGNS GIVING  
12 NOTICE OF THE PERMISSIBLE SPEED.

13 (7) ~~(5) If, upon investigation the state transportation~~  
14 ~~department or county road commission and the department of state~~  
15 ~~police find it~~ AFTER COMPLYING WITH THE PROCEDURES SET FORTH IN  
16 THIS SECTION, IT IS FOUND THAT, in the interest of public safety,  
17 ~~they may order the township board, or city or village officials~~  
18 THERE IS A NEED to erect and maintain, take down, or regulate ~~the~~  
19 speed control signs, signals, or devices as directed, ~~and in~~  
20 ~~default~~ LIEU of an order, the state transportation department or  
21 county road commission may cause the designated signs, signals, and  
22 devices to be erected and maintained, taken down, regulated, or  
23 controlled, in the manner previously directed, and pay for the  
24 erecting and maintenance, removal, regulation, or control of the  
25 sign, signal, or device out of the highway fund designated.

26 (8) ~~(6)~~ A public record of all speed control signs, signals,  
27 or devices authorized under this section shall be filed in the



1 office of the county clerk of the county in which the highway is  
2 located, and a certified copy shall be prima facie evidence in all  
3 courts of the issuance of the authorization. The public record with  
4 the county clerk shall not be required as prima facie evidence of  
5 authorization in the case of signs erected or placed temporarily  
6 for the control of speed or direction of traffic at points where  
7 construction, repairs, or maintenance of highways is in progress,  
8 or along a temporary alternate route established to avoid the  
9 construction, repair, or maintenance of a highway, if the signs are  
10 of uniform design approved by the state transportation department  
11 and the department of state police and clearly indicate a special  
12 control, when proved in court that the temporary traffic control  
13 sign was placed by the state transportation department or on the  
14 authority of the state transportation department and the department  
15 of state police or by the county road commission or on the  
16 authority of the county road commission, at a specified location.

17 (9) ~~(7)~~—A person who fails to observe an authorized speed or  
18 traffic control sign, signal, or device is responsible for a civil  
19 infraction.

20 (10) ~~(8)~~—Except as otherwise provided in this section, the  
21 maximum speed limit on all freeways shall be 70 miles per hour  
22 except that if the state transportation department and the  
23 department of state police jointly determine upon the basis of an  
24 engineering and traffic investigation that the speed of vehicular  
25 traffic on a freeway is greater or less than is reasonable or safe  
26 under the conditions found to exist upon a part of the freeway, the  
27 departments acting jointly may determine and declare a reasonable

1 and safe maximum or minimum speed limit on that freeway that is not  
 2 more than 70 miles per hour but not less than 55 miles per hour and  
 3 that shall be effective when appropriate signs giving notice of the  
 4 speed limit are erected. The minimum speed limit on all freeways is  
 5 55 miles per hour except if reduced speed is necessary for safe  
 6 operation or in compliance with law or in compliance with a special  
 7 permit issued by an appropriate authority.

8 (11) ~~(9)~~—The maximum rates of speed allowed under this section  
 9 are subject to the maximum rates established under ~~section 629b,~~  
 10 section 627(5) to (7) for certain vehicles and vehicle  
 11 combinations, ~~and section 629(4).~~ **629(3) AND SECTION 629B.**

12 (12) ~~(10) Except for the general speed limit described in~~  
 13 ~~subsection (1),~~ speed **SPEED** limits established pursuant to this  
 14 section shall be known as absolute speed limits.

15 Sec. 629. (1) Local authorities may establish or increase the  
 16 prima facie speed limits on highways under their jurisdiction  
 17 subject to the following limitations:

18 (a) A highway within a business district ~~on which~~ **WHERE** the  
 19 prima facie speed limit is increased shall be designated a through  
 20 highway at the entrance to which vehicles shall be required to stop  
 21 before entering, except that where 2 of these through highways  
 22 intersect, local authorities may require traffic on only 1 highway  
 23 to stop before entering the intersection.

24 (b) ~~The~~ **A** local authorities ~~AUTHORITY~~ shall place and  
 25 maintain, upon all through highways **WITHIN ITS JURISDICTION** in  
 26 which the permissible speed is increased, adequate signs giving  
 27 notice of the special regulations and shall also place and maintain

1 upon each highway intersecting a through highway, appropriate signs  
2 which shall be reflectorized or illuminated at night.

3 (c) Local authorities may establish prima facie lawful speed  
4 limits on highways outside of business districts that are  
5 consistent with the limits established in section 627(2).

6 ~~—— (2) The state transportation department shall establish the  
7 speed upon all trunk line highways located within cities and  
8 villages as follows:~~

9 ~~—— (a) A written copy of the authorization or determination shall  
10 be filed in the office of the county clerk of the county or  
11 counties where the highway is located and a certified copy of the  
12 authorization or determination shall be prima facie evidence in all  
13 courts of the issuance of the authorization or determination.~~

14 ~~—— (b) When the state transportation department increases the  
15 speed upon a trunk line highway as provided in this act, subject to  
16 section 627a, the state transportation department shall place and  
17 maintain upon these highways adequate signs giving notice of the  
18 permissible speed fixed by the state transportation commission.~~

19 (2) ~~(3)~~ Local authorities are authorized to **MAY** decrease the  
20 prima facie speed limits to not less than 15 miles per hour in  
21 public parks under their jurisdiction. A decrease in the prima  
22 facie speed limits is binding when adequate signs are duly posted  
23 giving notice of the reduced speeds.

24 (3) ~~(4)~~ Local authorities are authorized to decrease the prima  
25 facie speed limits to not less than 25 miles an hour on each street  
26 or highway under their jurisdiction that is adjacent to a publicly  
27 owned park or playground. A decrease in the prima facie speed

1 limits is binding when adequate signs are duly posted giving notice  
2 of the reduced speeds. As used in this subsection, "local  
3 authority" includes the county road commission with the concurrence  
4 of the township board of a township for a street or highway within  
5 the boundaries of the township.

6 (4) ~~(5)~~—The maximum rates of speed allowed under this section  
7 are subject to the maximum rate established under section 629b.

8 (5) ~~(6)~~—A person who exceeds a lawful speed limit established  
9 under this section is responsible for a civil infraction.

10 (6) ~~(7)~~—As used in this section, "local authority" means the  
11 governing body of a city or village, except as provided in  
12 subsection ~~(4)~~—(3).