

SENATE BILL No. 977

November 5, 2009, Introduced by Senators CASSIS, BISHOP and CHERRY and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 627 (MCL 257.627), 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
9 in this chapter or the speed is unsafe ~~pursuant to~~ **UNDER** subsection
10 (1), it is prima facie lawful for the operator of a vehicle to
11 operate that vehicle at a speed not exceeding the following, except

1 when this speed would be unsafe:

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

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

6 (c) 25 miles per hour on all highways or parts of highways
7 within the boundaries of land platted under the land division act,
8 1967 PA 288, MCL 560.101 to 560.293, or the condominium act, 1978
9 PA 59, MCL 559.101 to 559.276, unless a different speed is fixed
10 and posted.

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

13 (e) 35 miles per hour on a highway segment with not less than
14 45 vehicular access points but no more than 59 vehicular access
15 points within 1/2 mile.

16 (f) 45 miles per hour on a highway segment with not less than
17 30 vehicular access points but no more than 44 vehicular access
18 points within 1/2 mile.

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

22 (4) A person operating a vehicle in a mobile home park as
23 defined in section 2 of the mobile home commission act, 1987 PA 96,
24 MCL 125.2302, shall operate that vehicle at a careful and prudent
25 speed, not greater than a speed that is reasonable and proper,
26 having due regard for the traffic, surface, width of the roadway,
27 and all other conditions existing, and not greater than a speed

1 that permits a stop within the assured clear distance ahead. It is
2 prima facie unlawful for the operator of a vehicle to operate that
3 vehicle at a speed exceeding 15 miles an hour in a mobile home park
4 as defined in section 2 of the mobile home commission act, 1987 PA
5 96, MCL 125.2302.

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

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

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

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

25 (9) A person operating a vehicle on a highway, when entering
26 and passing through a work zone described in section 79d(a) where a
27 normal lane or part of the lane of traffic has been closed due to

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

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

19 **(11) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT**
20 **THAT ADDED THIS SUBSECTION AND NOTWITHSTANDING ANYTHING ELSE TO THE**
21 **CONTRARY IN THIS SECTION, A SPEED LIMIT THAT WAS POSTED AS OF**
22 **NOVEMBER 9, 2006 IN A RESIDENCE DISTRICT ON A DIRT OR GRAVEL ROAD**
23 **LOCATED IN A CITY, VILLAGE, OR TOWNSHIP IS EFFECTIVE UNLESS THE**
24 **CITY OR VILLAGE COUNCIL OR TOWNSHIP BOARD REQUESTS THE COUNTY ROAD**
25 **COMMISSION TO CHANGE THE SPEED LIMIT WITHIN THAT POSTED AREA AND**
26 **THE SPEED LIMIT IS REESTABLISHED AS PROVIDED IN THIS ACT. AS USED**
27 **IN THIS SUBSECTION, "RESIDENCE DISTRICT" MEANS THAT TERM AS DEFINED**

1 **IN FORMER SECTION 51.**

2 (12) ~~(11)~~ Nothing in this section prevents the establishment
3 of an absolute speed limit ~~pursuant to~~ **UNDER** section 628. Subject
4 to subsection (1), an absolute speed limit established ~~pursuant to~~
5 **UNDER** section 628 supersedes a prima facie speed limit established
6 ~~pursuant to~~ **UNDER** this section.

7 (13) ~~(12)~~ Nothing in this section shall be construed as
8 justification to deny a traffic and engineering investigation.

9 (14) ~~(13)~~ As used in this section, "vehicular access point"
10 means a driveway or intersecting roadway.

11 (15) ~~(14)~~ A person who violates this section is responsible
12 for a civil infraction.