

HOUSE BILL No. 5965

November 13, 2014, Introduced by Rep. Jacobsen and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 627a and 633 (MCL 257.627a and 257.633), section 627a as amended by 2005 PA 88.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 627a. (1) As used in this section: ~~and section 629.~~

2 (a) "Regularly scheduled school session" means that part of a
3 day ~~of student instruction that is followed by a break for lunch or~~
4 ~~by a~~ **SCHEDULED FOR STUDENT INSTRUCTION UNTIL** final dismissal of the
5 student body for that day.

6 (b) "School" means an educational institution operated by a
7 local school district or by a private, denominational, or parochial
8 organization. School does not include ~~an~~ **EITHER OF THE FOLLOWING:**

9 (i) **AN** educational institution that the department of education

1 determines has its entire student population in residence at the
2 institution.

3 **(ii) AN EDUCATIONAL INSTITUTION TO WHICH ALL STUDENTS ARE**
4 **TRANSPORTED IN MOTOR VEHICLES.**

5 (c) "School zone" means school property on which a school
6 building is located and the ~~area adjacent to the school property.~~
7 ~~that is designated by the signs required under subsection (2).~~
8 ~~Except as otherwise provided in subsection (5), the school zone~~
9 ~~extends not more than 1,000 feet from the property line of the~~
10 ~~school in each direction.~~ **A SCHOOL ZONE EXTENDS NOT MORE THAN 1,000**
11 **FEET FROM THE SCHOOL PROPERTY LINE IN ANY DIRECTION. IF 2 OR MORE**
12 **SCHOOLS OCCUPY THE SAME PROPERTY OR ADJACENT PROPERTIES, 1 OF THE**
13 **FOLLOWING APPLIES, AS APPLICABLE:**

14 **(i) IF THE HOURS OF INSTRUCTION AT THE SCHOOLS ARE THE SAME,**
15 **THEN A SINGLE COMBINED SCHOOL ZONE SHALL BE ESTABLISHED.**

16 **(ii) IF THE HOURS OF INSTRUCTION AT THE SCHOOLS ARE DIFFERENT,**
17 **OVERLAPPING SCHOOL ZONES SHALL BE ESTABLISHED.**

18 ~~(2) Except as provided in subsection (4), the prima facie~~
19 ~~speed limit~~ **A SCHOOL ZONE SPEED LIMIT ON A HIGHWAY SEGMENT** in a
20 school zone, which shall be in force not ~~less~~ **MORE** than 30 minutes
21 ~~but not more than 1 hour~~ before the first regularly scheduled
22 school session, **ROUNDED TO THE NEAREST MULTIPLE OF 5 MINUTES**, until
23 school commences, and from dismissal until not ~~less~~ **MORE** than 30
24 minutes ~~but not more than 1 hour~~ after the last regularly scheduled
25 school session, and ~~during a lunch period when students are~~
26 ~~permitted to leave the school,~~ **ROUNDED TO THE NEAREST MULTIPLE OF 5**
27 **MINUTES, MAY BE DECREASED BY NOT MORE THAN 15 MILES PER HOUR LESS**

1 **THAN THE SPEED LIMIT NORMALLY POSTED BUT** shall be **NOT LESS THAN** 25
2 miles an ~~PER~~ hour. ~~, if permanent signs designating the school zone~~
3 ~~and the speed limit in the school zone are posted at the request of~~
4 ~~the school superintendent. The signs shall conform to the Michigan~~
5 ~~manual of uniform traffic control devices.~~

6 (3) ~~This section does~~ **SCHOOL ZONE SPEED LIMITS SHALL** not apply
7 to a limited access highway ~~or to that portion of a street or~~
8 ~~highway~~ **OR A HIGHWAY SEGMENT** over which a pedestrian overhead
9 walkway is erected, if the walkway is adjacent to school property.
10 ~~and is designed and located so as to be used, and is being used, as~~
11 ~~the principal means by which students of a school that has property~~
12 ~~adjacent to the walkway travel to and from the school.~~

13 ~~—— (4) Local authorities may increase or decrease the prima facie~~
14 ~~speed limit within a school zone under their jurisdiction pursuant~~
15 ~~to section 629.~~

16 ~~—— (5) Notwithstanding the requirements for a school zone as~~
17 ~~defined in subsection (1) (c), if a school is located in an area~~
18 ~~that requires school children to cross a state trunk line highway~~
19 ~~or county highway that has a speed limit of 35 miles per hour or~~
20 ~~more to attend that school, the school superintendent may submit a~~
21 ~~request to the state transportation commission, county road~~
22 ~~commission, or local authority having jurisdiction over the~~
23 ~~roadway, as applicable, for a school crossing as permitted under~~
24 ~~section 613a. If, based on the traffic engineering studies, the~~
25 ~~road authority determines the need for a lower speed limit, the~~
26 ~~road authority may designate the crossing as a school zone. Before~~
27 ~~submitting a request, the school superintendent shall have~~

1 ~~completed a school route plan as prescribed by section 7A-1 of the~~
2 ~~Michigan manual of uniform traffic control devices.~~

3 ~~—— (6) Notwithstanding the 25 mile per hour prima facie speed~~
4 ~~limit established by subsection (2), the prima facie speed limit~~
5 ~~for any street in a school zone that has sidewalks along at least 1~~
6 ~~side of the street, which shall be in force during the same periods~~
7 ~~that a 25 mile per hour speed limit provided by subsection (2)~~
8 ~~would otherwise be effective, shall be set at the limit requested~~
9 ~~by the superintendent of schools with jurisdiction over the school~~
10 ~~within the school zone, but this limit shall neither be more than~~
11 ~~15 miles per hour below the regularly posted speed limit for that~~
12 ~~street nor less than 25 miles per hour. Permanent signs designating~~
13 ~~the school zone and the speed limit in the school zone shall be~~
14 ~~posted. These signs shall conform to the Michigan manual of uniform~~
15 ~~traffic control devices.~~

16 (4) ~~(7) If appropriate, the school superintendent may request~~
17 ~~that a sign be erected in the school zone indicating that IF a~~
18 ~~school is in session year-round, .A-A sign erected under this~~
19 ~~subsection READING "ALL YEAR SCHOOL" shall be posted on the same~~
20 ~~signpost as the school zone sign and immediately below the school~~
21 ~~zone sign. The sign shall read "Year Round School" and shall~~
22 ~~conform to the Michigan manual of uniform traffic control devices.~~

23 (5) LOUVERED SIGNS, DIGITAL MESSAGE SIGNS, AND FLASHING LIGHTS
24 MAY BE INSTALLED TO SUPPLEMENT PERMANENT SIGNS REQUIRED UNDER THIS
25 SECTION. SIGNS ERECTED AND MAINTAINED AS REQUIRED UNDER THIS
26 SECTION SHALL CONFORM TO THE MICHIGAN MANUAL ON UNIFORM TRAFFIC
27 CONTROL DEVICES.

1 (6) A PERSON WHO VIOLATES A SPEED LIMIT ESTABLISHED UNDER THIS
2 SECTION IS RESPONSIBLE FOR A CIVIL INFRACTION.

3 Sec. 633. (1) In every charge of a violation of a speed
4 ~~regulation-LIMIT~~ in this chapter, the complaint or citation and the
5 summons or notice to appear ~~—~~shall specify the speed at which the
6 ~~defendant-RESPONDENT~~ is alleged to have driven and the speed **LIMIT**
7 applicable ~~within the district or~~ at the location.

8 (2) The ~~provision-PROVISIONS~~ of this chapter ~~declaring~~
9 **ESTABLISHING** speed limitations ~~LIMITS~~ shall not be construed to
10 relieve the plaintiff in a civil action from the burden of proving
11 negligence on the part of the defendant as the proximate cause of
12 ~~an accident.~~ **A TRAFFIC CRASH.**

13 Enacting section 1. This amendatory act does not take effect
14 unless all of the following bills of the 97th Legislature are
15 enacted into law:

16 (a) Senate Bill No. ____ or House Bill No. 5966 (request no.
17 03527'13).

18 (b) Senate Bill No. ____ or House Bill No. 5964 (request no.
19 03658'13 *).

20 (c) Senate Bill No. ____ or House Bill No. 5962 (request no.
21 04480'13 *).

22 (d) Senate Bill No. ____ or House Bill No. 5963 (request no.
23 04595'13).