

Act No. 445
Public Acts of 2016
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**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

Introduced by Rep. Jacobsen

ENROLLED HOUSE BILL No. 4423

AN ACT to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 627 (MCL 257.627), as amended by 2012 PA 252; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 627. (1) A person operating a vehicle on a highway shall operate that vehicle at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the highway and of any other condition existing at the time. A person shall not operate a vehicle upon a highway at a speed greater than that which will permit a stop within the assured, clear distance ahead. A violation of this subsection shall be known and may be referred to as a violation of the basic speed law or “VBSL”.

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

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

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

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

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

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

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

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

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

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

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

(4) Where the posted speed limit is greater than 65 miles per hour, a person operating a school bus, a truck with a gross weight of 10,000 pounds or more, a truck-tractor, or a truck-tractor with a semi-trailer or trailer or a combination of these vehicles shall not exceed a speed of 65 miles per hour on a limited access freeway or a state trunk line highway.

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

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

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

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

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

(7) The state transportation department, a county road commission, or a local authority shall decrease the speed limit in a hospital highway zone by up to 10 miles per hour upon request of a hospital located within that hospital highway zone. The state transportation department, county road commission, or local authority may decrease the speed limit in a hospital highway zone by more than 10 miles per hour if the decrease is supported by an engineering and safety study. The state transportation department, county road commission, or local authority shall post speed limit signs in a hospital highway zone that indicate the speed limit in that hospital highway zone and shall identify that hospital highway zone with any other traffic control devices necessary to conform to the Michigan manual of uniform traffic control devices. If a change in a sign, signal, or device, is necessitated by a speed limit decrease described in this subsection, the hospital requesting the decrease shall pay the cost of doing so. As used in this subsection, "hospital highway zone" means a portion of state trunk line highway maintained by the state transportation department that has a posted speed limit of at least 50 miles per hour and has 2 or fewer lanes for travel in the same direction, traverses along property owned by a hospital, contains an ingress and egress point from hospital property, and extends not more than 1,000 feet beyond the boundary lines of hospital property in both directions in a municipality.

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

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

(10) Except as otherwise provided in this subsection, the speed limit on all county highways with a gravel or unimproved surface upon which a speed limit is not otherwise fixed under this act is 55 miles per hour, which shall be known as the "general gravel road speed limit". Upon request of a municipality located within a county with a population of 1,000,000 or more, the county road commission in conjunction with the requesting municipality may lower the speed limit to 45 miles per hour on the requested road segment and if a sign, signal, or device is erected or maintained, taken

down, or regulated as a result of a request by a municipality for a speed limit of 45 miles per hour, the municipality shall pay the costs of doing so. If a municipality located within a county with a population of 1,000,000 or more requests a speed different than the speed described in this subsection, the county road commission in conjunction with the department of state police and the requesting municipality may conduct a speed study of free-flow traffic on the fastest portion of the road segment in question for the purpose of establishing a modified speed limit. A speed study conducted under this subsection shall be completed between 3 and 14 days after a full gravel road maintenance protocol has been performed on the road segment. A full gravel road maintenance protocol described in this subsection shall include road grading and the application of a dust abatement chemical treatment. Following a speed study conducted under this subsection, the speed limit for the road segment shall be established at the nearest multiple of 5 miles per hour to the eighty-fifth percentile of speed of free-flow traffic under ideal conditions for vehicular traffic, and shall not be set below the fiftieth percentile speed of free-flow traffic under ideal conditions for vehicular traffic. A speed study conducted under this subsection shall be the responsibility of the department of state police, and if a sign, signal, or device is erected or maintained, taken down, or regulated as a result of a request by a municipality under this subsection, the municipality shall pay the costs of doing so.

(11) A public record of all traffic control orders establishing statutory speed limits authorized under this section shall be filed with the office of the clerk of the county in which the county highway is located or at the office of the city or village clerk or administrative office of the airport, college, or university in which the local highway is located, and a certified copy of the traffic control order shall be evidence in every court of this state of the authority for the issuance of that traffic control order. The public record filed with the county, city, or village clerk or administrative office of the airport, college, or university shall not be required as evidence of authority for issuing a traffic control order in the case of signs temporarily erected or placed at points where construction, maintenance, or surveying activities is in progress. A traffic and engineering investigation is not required for a traffic control order for a speed limit established under subsection (2). A traffic control order shall, at a minimum, contain all of the following information:

- (a) The name of the road.
- (b) The boundaries of the segment of the road on which the speed limit is in effect.
- (c) The basis upon which the speed limit is in effect.
- (d) The section of law, including a reference to the subsection, under which the speed limit is established.

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

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

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

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

(16) A person who violates a speed limit established under this section is responsible for a civil infraction.

(17) No later than 1 year after the effective date of the amendatory act that added this subsection, the state transportation department and the department of state police shall increase the speed limits on at least 600 miles of limited access freeway to 75 miles per hour if an engineering and safety study and the eighty-fifth percentile speed of free-flowing traffic under ideal conditions of that section contain findings that the speed limit may be raised to that speed, and the department shall increase the speed limit of 900 miles of trunk line highway to 65 miles per hour if an engineering and safety study and the eighty-fifth percentile speed of free-flowing traffic under ideal conditions of that section contain findings that the speed limit may be raised to that speed.

(18) As used in this section:

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

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

Enacting section 1. Section 629 of the Michigan vehicle code, 1949 PA 300, MCL 257.629, is repealed.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 98th Legislature are enacted into law:

- (a) House Bill No. 4424.
- (b) House Bill No. 4425.
- (c) House Bill No. 4426.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor