

Act No. 447
Public Acts of 2016
Approved by the Governor
January 4, 2017
Filed with the Secretary of State
January 5, 2017
EFFECTIVE DATE: January 5, 2017

**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

Introduced by Rep. Outman

ENROLLED HOUSE BILL No. 4425

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 628 (MCL 257.628), as amended by 2006 PA 85.

The People of the State of Michigan enact:

Sec. 628. (1) If the county road commission, the township board, and the department of state police unanimously determine upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a county highway is greater or less than is reasonable or safe under the conditions found to exist upon any part of the highway, then acting unanimously they may establish a reasonable and safe maximum or minimum speed limit on that county highway that is effective at the times determined when appropriate signs giving notice of the speed limit are erected on the highway. A township board may petition the county road commission or the department of state police for a proposed change in the speed limit. A township board that does not wish to continue as part of the process provided by this subsection shall notify in writing the county road commission. A public record of a traffic control order establishing a modified speed limit authorized under this subsection shall be filed at the office of the county clerk of the county in which the limited access freeway or state trunk line highway is located, and a certified copy of a traffic control order shall be evidence in every court of this state of the authority for the issuance of that traffic control order. As used in this subsection, “county road commission” means the board of county road commissioners elected or appointed under section 6 of chapter IV of 1909 PA 283, MCL 224.6, or, in the case of a charter county with a population of 2,000,000 or more with an elected county executive that does not have a board of county road commissioners, the county executive.

(2) In the case of a county highway, a township board may petition the county road commission, or in counties where there is no road commission but there is a county board of commissioners, the township board may petition the county board of commissioners for any of the following:

(a) A proposed change in the speed limit without the necessity of a speed study consistent with the methods prescribed for establishing speed limits under section 627.

(b) A proposed change in the speed limit consistent with the provisions for establishing speed limits under this section.

(c) The posting of an advisory sign or device for the purpose of drawing the attention of vehicle operators to an unexpected condition on or near the roadway that is not readily apparent to road users.

(3) The state transportation department and the department of state police shall jointly determine any modified maximum or minimum speed limits on limited access freeways or trunk line highways consistent with the requirements of this section. A public record of a traffic control order establishing a modified speed limit authorized under this subsection shall be filed at the office of the county clerk of the county in which the limited access freeway or trunk line highway is located, and a certified copy of a traffic control order shall be evidence in every court of this state of the authority for the issuance of that traffic control order.

(4) A local road authority shall determine any modified speed limits on local highways consistent with the requirements of this section. A public record of a traffic control order establishing a modified speed limit authorized under this subsection shall be filed at the office of the city or village 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.

(5) A speed limit established under this section shall be determined by an engineering and safety study and by the eighty-fifth percentile speed of free-flowing traffic under ideal conditions of a section of highway rounded to the nearest multiple of 5 miles per hour. A speed limit established under this act shall not be posted at less than the fiftieth percentile speed of free-flowing traffic under optimal conditions on the fastest portion of the highway segment for which the speed limit is being posted.

(6) If a highway segment includes 1 or more features with a design speed that is lower than the speed limit determined under subsection (5), the road authority may post advisory signs.

(7) If upon investigation the state transportation department or county road commission and the department of state police find it in the interest of public safety, they may order township, city, or village officials to erect and maintain, take down, or regulate the speed limit signs, signals, or devices as directed, and in default of an order the state transportation department or county road commission may cause the designated signs, signals, and devices to be erected and maintained, taken down, regulated, or controlled, in the manner previously directed, and pay for the erecting and maintenance, removal, regulation, or control of the sign, signal, or device out of the highway fund designated.

(8) Signs posted under this section shall conform to the Michigan manual on uniform traffic control devices.

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

(10) As used in this section:

(a) "County road commission" means any of the following:

(i) The board of county road commissioners elected or appointed under section 6 of chapter IV of 1909 PA 283, MCL 224.6.

(ii) In the case of the dissolution of the county road commission under section 6 of chapter IV of 1909 PA 283, MCL 224.6, the county board of commissioners.

(iii) In the case of a charter county with a population of 1,500,000 or more with an elected county executive that does not have a board of county road commissioners, the county executive.

(iv) In the case of a charter county with a population of more than 750,000 but less than 1,000,000 with an elected county executive that does not have a board of county road commissioners, the department of roads.

(b) "Design speed" means that term as used and determined under "A Policy on Geometric Design of Highways and Streets", sixth ed., 2011, or a subsequent edition, issued by the American Association of State Highway and Transportation Officials.

(c) "Local road authority" means the governing body of a city, village, airport, college, or university.

(d) "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.

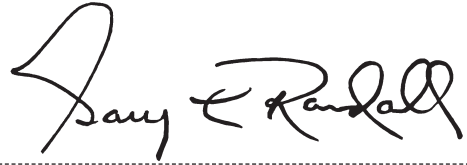
Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 98th Legislature are enacted into law:

(a) House Bill No. 4423.

(b) House Bill No. 4424.

(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