

SENATE BILL No. 795

November 3, 2011, Introduced by Senators JONES, NOFS and PROOS and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 320a, 606, 608, 609, 610, 627, 627a, 628,
629, 629c, 633, and 721 (MCL 257.320a, 257.606, 257.608, 257.609,
257.610, 257.627, 257.627a, 257.628, 257.629, 257.629c, 257.633,
and 257.721), section 320a as amended by 2011 PA 159, section 606
as amended by 1980 PA 518, sections 627, 628, 629, and 629c as
amended by 2006 PA 85, section 627a as amended by 2005 PA 88, and
section 721 as amended by 2000 PA 154, and by adding section 30a;
and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 30A. "MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL
2 DEVICES" MEANS THE MANUAL ADOPTED BY THE STATE TRANSPORTATION
3 DEPARTMENT AND THE DEPARTMENT OF STATE POLICE UNDER SECTION 608.

4 Sec. 320a. (1) Within 5 days after receipt of a properly

1 prepared abstract from a court of this state or another state,
 2 the secretary of state shall record the date of conviction, civil
 3 infraction determination, or probate court disposition, and the
 4 number of points for each, based on the following formula, except
 5 as otherwise provided in this section and section 629c:

6 (a) Manslaughter, negligent homicide, or a
 7 felony resulting from the operation of a motor
 8 vehicle, ORV, or snowmobile.....6 points

9 (b) A violation of section 601b(2) or (3),
 10 601c(1) or (2), or 653a(3) or (4) or, beginning
 11 October 31, 2010, a violation of section 601d.....6 points

12 (c) A violation of section 625(1), (4), (5),
 13 (7), or (8), section 81134 or 82127(1) of the
 14 natural resources and environmental protection act,
 15 1994 PA 451, MCL 324.81134 and 324.82127, or a law or
 16 ordinance substantially corresponding to section
 17 625(1), (4), (5), (7), or (8), or section 81134
 18 or 82127(1) of the natural resources and
 19 environmental protection act, 1994 PA 451,
 20 MCL 324.81134 and 324.82127.....6 points

21 (d) Failing to stop and disclose identity
 22 at the scene of an accident when required by law.....6 points

23 (e) Operating a motor vehicle in violation
 24 of section 626.....6 points

25 (f) Fleeing or eluding an officer.....6 points

26 (g) A violation of section ~~627(9)~~**627(6)** pertaining
 27 to speed in a work zone described in that section
 28 by exceeding the lawful maximum by more than
 29 15 miles per hour.....5 points

1 (h) A violation of any law other than the
 2 law described in subdivision (g) or ordinance
 3 pertaining to speed by exceeding the lawful
 4 maximum by more than 15 miles per hour.....4 points
 5 (i) A violation of section 625(3) or (6),
 6 section 81135 or 82127(3) of the natural
 7 resources and environmental protection act,
 8 1994 PA 451, MCL 324.81135 and 324.82127,
 9 or a law or ordinance substantially corresponding
 10 to section 625(3) or (6) or section 81135
 11 or 82127(3) of the natural resources and
 12 environmental protection act, 1994 PA 451,
 13 MCL 324.81135 and 324.82127.....4 points
 14 (j) A violation of section 626a or a law
 15 or ordinance substantially corresponding to
 16 section 626a.....4 points
 17 (k) A violation of section 653a(2).....4 points
 18 (l) A violation of section ~~627(9)~~**627(6)** pertaining
 19 to speed in a work zone described in that section
 20 by exceeding the lawful maximum by more than 10
 21 but not more than 15 miles per hour.....4 points
 22 (m) Beginning October 31, 2010, a
 23 moving violation resulting in an at-fault
 24 collision with another vehicle, a person,
 25 or any other object.....4 points
 26 (n) A violation of any law other than the
 27 law described in subdivision (l) or ordinance
 28 pertaining to speed by exceeding the lawful
 29 maximum by more than 10 but not more than 15
 30 miles per hour or careless driving in violation
 31 of section 626b or a law or ordinance substantially

- 1 corresponding to section 626b.....3 points
- 2 (o) A violation of section ~~627(9)~~**627(6)** pertaining
- 3 to speed in a work zone described in that section
- 4 by exceeding the lawful maximum by 10 miles per
- 5 hour or less.....3 points
- 6 (p) A violation of any law other than the law
- 7 described in subdivision (o) or ordinance
- 8 pertaining to speed by exceeding the lawful maximum
- 9 by 10 miles per hour or less.....2 points
- 10 (q) Disobeying a traffic signal or stop sign,
- 11 or improper passing.....3 points
- 12 (r) A violation of section 624a, 624b, or
- 13 a law or ordinance substantially corresponding to
- 14 section 624a or 624b.....2 points
- 15 (s) A violation of section 310e(4) or (6) or
- 16 a law or ordinance substantially corresponding to
- 17 section 310e(4) or (6).....2 points
- 18 (t) All other moving violations pertaining to
- 19 the operation of motor vehicles reported under
- 20 this section.....2 points
- 21 (u) A refusal by a person less than 21 years of
- 22 age to submit to a preliminary breath test required
- 23 by a peace officer under section 625a.....2 points
- 24 (2) Points shall not be entered for a violation of section
- 25 310e(14), 311, 602b(1), 625m, 658, 710d, 717, 719, 719a, or 723.
- 26 (3) Points shall not be entered for bond forfeitures.
- 27 (4) Points shall not be entered for overweight loads or for
- 28 defective equipment.
- 29 (5) If more than 1 conviction, civil infraction

determination, or probate court disposition results from the same incident, points shall be entered only for the violation that receives the highest number of points under this section.

(6) If a person has accumulated 9 points as provided in this section, the secretary of state may call the person in for an interview as to the person's driving ability and record after due notice as to time and place of the interview. If the person fails to appear as provided in this subsection, the secretary of state shall add 3 points to the person's record.

(7) If a person violates a speed restriction established by an executive order issued during a state of energy emergency as provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of state shall enter points for the violation ~~pursuant to~~ **UNDER** subsection (1).

(8) The secretary of state shall enter 6 points upon the record of a person whose license is suspended or denied ~~pursuant to~~ **UNDER** section 625f. However, if a conviction, civil infraction determination, or probate court disposition results from the same incident, additional points for that offense shall not be entered.

(9) If a Michigan driver commits a violation in another state that would be a civil infraction if committed in Michigan, and a conviction results solely because of the failure of the Michigan driver to appear in that state to contest the violation, upon receipt of the abstract of conviction by the secretary of state, the violation shall be noted on the driver's record, but no points shall be assessed against his or her driver's license.

1 Sec. 606. (1) ~~The provisions of this~~ **THIS** chapter shall ~~shall~~ **DOES**
 2 not ~~be considered to~~ prevent local authorities with respect to
 3 streets or highways under the jurisdiction of the local authority
 4 and within the reasonable exercise of the police power from **DOING**
 5 **ANY OF THE FOLLOWING:**

6 (a) Regulating the standing or parking of vehicles.

7 (b) Regulating the impoundment or immobilization of vehicles
 8 whose owner has failed to answer 6 or more parking violation
 9 notices or citations regarding illegal parking.

10 (c) Regulating traffic by means of police officers or
 11 traffic control signals.

12 (d) Regulating or prohibiting processions or assemblages on
 13 the highways or streets.

14 (e) Designating particular highways as 1-way highways and
 15 requiring that all vehicles on those highways be moved in 1
 16 specific direction.

17 (f) Regulating the speed of vehicles in public parks.

18 (g) Designating any highway as a through highway and
 19 requiring that all vehicles stop before entering or crossing the
 20 through highway; designating any intersection as a stop
 21 intersection and requiring all vehicles to stop at 1 or more
 22 entrances to ~~these intersections~~ **THE INTERSECTION**; or designating
 23 ~~intersections at which vehicular traffic shall be required~~ **ANY**
 24 **INTERSECTION AS A YIELD INTERSECTION AND REQUIRING ALL VEHICLES**
 25 to yield the right-of-way at 1 or more entrances to ~~these~~
 26 ~~intersections~~ **THE INTERSECTION**.

27 (h) Restricting the use of highways as authorized in section

1 726.

2 (i) Regulating the operation of bicycles and requiring the
3 registration and licensing of bicycles, including the requirement
4 of a registration fee.

5 (j) Regulating or prohibiting the turning of vehicles at
6 intersections.

7 (k) Increasing **OR DECREASING** the prima facie speed limits as
8 authorized in this act. **A PRIMA FACIE SPEED LIMIT SHALL BE**
9 **CONSISTENT WITH SECTION 627(2) UNLESS IT IS BASED ON AN**
10 **ENGINEERING STUDY UNDER SECTION 627(9).**

11 (l) Adopting other traffic regulations as are specifically
12 authorized by this chapter.

13 **(2) ALL TRAFFIC REGULATIONS DESCRIBED IN SUBSECTION (1)**
14 **SHALL BE BASED ON STANDARD AND ACCEPTED ENGINEERING STANDARDS AS**
15 **SPECIFIED IN THE MANUAL OF TRAFFIC CONTROL DEVICES ADOPTED UNDER**
16 **SECTION 608.**

17 **(3) ~~(2)~~**—A local authority shall not erect or maintain a stop
18 sign or traffic control device at a location so as to require the
19 traffic on any state trunk line highway to stop before entering
20 or crossing any intersecting highway unless approval in writing
21 has been first obtained from the director of the state
22 transportation department.

23 **(4) ~~(3)~~**—An ordinance or regulation enacted under subsection
24 (1)(a), (d), (e), (f), (g), (i), or (j) shall not be enforceable
25 until signs giving notice of the local traffic regulations are
26 posted upon or at the entrance to the highway or street or part
27 of the highway or street affected, as may be most appropriate,

1 and are sufficiently legible as to be seen by an ordinarily
 2 observant person. The posting of signs giving the notice shall
 3 not be required for a local ordinance ~~which~~**THAT** does not differ
 4 from the provisions of this act regulating the parking or
 5 standing of vehicles; nor to ordinances of general application
 6 throughout the jurisdiction of the municipalities enacting the
 7 ordinances ~~which~~**THAT** prohibit, limit, or restrict all night
 8 parking or parking during the early morning hours, if signs,
 9 approximately 3 feet by 4 feet ~~,~~**AND** sufficiently legible as to
 10 be seen by an ordinarily observant person, giving notice of these
 11 ordinances relating to all night parking or parking during the
 12 early morning hours, are posted on highways at the corporate
 13 limits of the municipality.

14 (5) ~~(4)~~A local authority, in providing by ordinance for the
 15 impounding of any motor vehicle parked contrary to a local
 16 ordinance, shall not require a bond or cash deposit by the owner
 17 of the motor vehicle in excess of \$500.00 in order to recover the
 18 possession of the motor vehicle pending final adjudication of the
 19 case.

20 Sec. 608. The state ~~highway commissioner~~**TRANSPORTATION**
 21 **DEPARTMENT** and ~~commissioner~~**DEPARTMENT** of state police shall
 22 adopt a manual and specifications for a uniform system of
 23 traffic-control devices consistent with the provisions of this
 24 chapter for use upon highways within this state. ~~Such uniform~~
 25 ~~system~~**THE MANUAL** shall correlate with and so far as possible
 26 conform to the ~~system~~**FEDERAL MANUAL** then current as approved by
 27 the ~~American Association of State Highway Officials~~**UNITED STATES**

1 DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, and
 2 ~~such manual~~ may be revised whenever necessary to carry out the
 3 provisions of this act. It is ~~hereby declared to be~~ the policy of
 4 ~~the~~ **THIS** state ~~of Michigan~~ to achieve, insofar as is practicable,
 5 uniformity in the design, ~~and~~ shape, and color scheme of traffic
 6 signs, signals, and guide posts erected and maintained upon the
 7 streets and highways within the state with other states.

8 DEFINITIONS AND MEANINGS FOUND IN THE MANUAL ARE SUPPLEMENTAL TO
 9 THE DEFINITIONS UNDER CHAPTER I AND APPLY TO THIS ACT UNLESS THEY
 10 ARE IN CONFLICT WITH THIS ACT.

11 Sec. 609. (1) ~~(a)~~ The state ~~highway commission~~
 12 **TRANSPORTATION DEPARTMENT** shall place or require to be placed,
 13 and maintain or require to be maintained, ~~such traffic control~~
 14 **TRAFFIC CONTROL** devices ~~, conforming to said manual and~~
 15 ~~specifications,~~ upon all state highways as it shall deem
 16 **CONSIDERS** necessary to indicate and to carry out the provisions
 17 of this chapter or to regulate, warn, or guide traffic. **THE**
 18 **TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE SPECIFICATIONS OF**
 19 **THE MANUAL OF TRAFFIC CONTROL DEVICES ADOPTED UNDER SECTION 608.**

20 (2) ~~(b)~~ No local authority shall place or maintain any
 21 ~~traffic control~~ **TRAFFIC CONTROL** device upon any trunk line
 22 highway under the jurisdiction of the state ~~highway commissioner~~
 23 **TRANSPORTATION DEPARTMENT** except by the latter's permission or
 24 upon any county road without the permission of the county road
 25 commission having jurisdiction ~~thereof~~ **OF THE ROAD**. With the
 26 approval of the **STATE TRANSPORTATION** department, ~~of state~~
 27 ~~highways,~~ the board of county road commissioners of any county ~~,~~

1 ~~at its option,~~ may install and maintain uniform ~~traffic control~~
 2 **TRAFFIC CONTROL** devices according to the standards promulgated by
 3 the **STATE TRANSPORTATION** department ~~of state highways~~ and as
 4 required by the ~~commission~~ **STATE TRANSPORTATION DEPARTMENT** on
 5 trunk line highways, if the cost would be less than that
 6 estimated by the state ~~highway commission~~ **TRANSPORTATION**
 7 **DEPARTMENT**, ~~billing~~ **AND BILL** the state ~~highway commission~~
 8 **TRANSPORTATION DEPARTMENT** for its share of the cost of
 9 installation.

10 Sec. 610. (1) ~~(a)~~ Local authorities and county road
 11 commissions in their respective jurisdictions shall place and
 12 maintain ~~such~~ **THE** traffic control devices upon highways under
 13 their jurisdiction as they ~~may deem~~ **CONSIDER** necessary to
 14 indicate and to carry out the provisions of this chapter or local
 15 traffic ordinances or to regulate, warn, or guide traffic. ~~All~~
 16 ~~such~~ **THE** traffic control devices hereafter erected shall conform
 17 to the ~~state manual and specifications~~ **ADOPTED UNDER SECTION 608.**

18 (2) ~~(b)~~ The state ~~highway commissioner~~ **TRANSPORTATION**
 19 **DEPARTMENT** shall withhold from any township, incorporated
 20 village, city, or county, ~~—failing to comply with the provisions~~
 21 ~~of sections 608, 609, 612, and 613 —the share of weight and~~
 22 gasoline tax refunds otherwise due the township, incorporated
 23 village, city, or county. Notice of ~~such~~ **A failure TO COMPLY**, and
 24 a reasonable time to comply ~~therewith~~ **AFTER NOTICE**, shall first
 25 be given.

26 (3) ~~(c)~~ A person, firm, or corporation shall not sell or
 27 offer for sale to local authorities and local authorities shall

1 not purchase or manufacture any traffic control device ~~which~~ **THAT**
 2 does not conform to the ~~Michigan manual of uniform traffic~~
 3 ~~control devices except by permission of the director of the~~
 4 ~~department of state highways~~ **SPECIFICATIONS ADOPTED UNDER SECTION**
 5 **608.**

6 Sec. 627. (1) A person operating a vehicle on a highway
 7 shall operate that vehicle at a careful and prudent speed not
 8 greater than nor less than is reasonable and proper, having due
 9 regard to the traffic, surface, and width of the highway and of
 10 any other condition ~~then existing~~ **AT THAT TIME**. A person shall
 11 not operate a vehicle upon a highway at a speed greater than that
 12 which will permit a stop within the assured, clear distance
 13 ahead.

14 (2) Except in those instances where a lower speed is
 15 specified in this chapter or the speed is unsafe ~~pursuant to~~
 16 **UNDER** subsection (1), it is prima facie lawful for the operator
 17 of a vehicle to operate that vehicle at a speed not exceeding the
 18 following, except when this speed would be unsafe:

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

21 (b) 25 miles per hour in public parks unless a ~~different~~
 22 **HIGHER** speed is ~~fixed~~ **DETERMINED TO BE APPROPRIATE** and ~~duly~~
 23 **PROPERLY** posted.

24 (c) 25 miles per hour on all highways or parts of highways
 25 within the boundaries of land platted under the land division
 26 act, 1967 PA 288, MCL 560.101 to 560.293, or the condominium act,
 27 1978 PA 59, MCL 559.101 to 559.276, unless a ~~different~~ **HIGHER**

1 speed is ~~fixed and~~ DETERMINED TO BE APPROPRIATE AND PROPERLY
2 posted. HIGHWAYS ADJACENT TO AREAS DESCRIBED IN THIS SUBDIVISION
3 OR LYING BETWEEN 2 OR MORE AREAS DESCRIBED IN THIS SUBDIVISION
4 SHALL NOT BE CONSIDERED TO BE WITHIN THE BOUNDARIES OF THOSE
5 AREAS.

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

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

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

14 (G) HIGHWAY SEGMENTS MORE THAN 1/2 MILE LONG WITH A
15 CONSISTENT DENSITY OF ACCESS POINTS EQUAL TO THE NUMBER OF ACCESS
16 POINTS DESCRIBED IN SUBDIVISION (D), (E), OR (F) SHALL BE POSTED
17 AT THE SPEED SPECIFIED IN THE COINCIDING SUBDIVISION. A SEPARATE
18 DETERMINATION SHALL BE MADE FOR EACH ADJOINING HIGHWAY SEGMENT
19 CONTAINING CHANGES IN ACCESS POINT DENSITY.

20 (H) SPEED LIMIT SIGNS SHALL NOT BE POSTED ON HIGHWAYS LESS
21 THAN 1/2 MILE LONG. THE OPERATOR OF A MOTOR VEHICLE UPON A
22 HIGHWAY UNDER THIS SUBDIVISION MAY PROCEED AT A CAREFUL AND
23 PRUDENT SPEED AS DESCRIBED IN SUBSECTION (1).

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

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

14 (5) ~~(6)~~ Except as otherwise provided in this subsection, a
15 person operating a truck with a gross weight of 10,000 pounds or
16 more, a truck-tractor, a truck-tractor with a semi-trailer or
17 trailer, or a combination of these vehicles shall not exceed a
18 speed of 55 miles per hour on highways, streets, or freeways and
19 shall not exceed a speed of 35 miles per hour during the period
20 when reduced loadings are being enforced in accordance with this
21 chapter. However, a person operating a school bus, a truck, a
22 truck-tractor, or a truck-tractor with a semi-trailer or trailer
23 described in this subsection shall not exceed a speed of 60 miles
24 per hour on a freeway if the maximum speed limit on that freeway
25 is 70 miles per hour.

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

1 ~~hour.~~

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

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

20 (7) ~~(10)~~ Subject to subsections (1) and (2)(c), speed limits
 21 established ~~pursuant to~~ **UNDER** this section are not valid unless
 22 properly posted. In the absence of a properly posted sign, the
 23 speed limit in effect shall be the general speed limit ~~pursuant~~
 24 ~~to~~ **UNDER** section 628(1).

25 (8) ~~(11)~~ Nothing in this section prevents the establishment
 26 of an absolute speed limit ~~pursuant to~~ **UNDER** section 628. Subject
 27 to subsection (1), an absolute speed limit established ~~pursuant~~

1 ~~to~~ ~~UNDER~~ section 628 supersedes a prima facie speed limit
2 established ~~pursuant to~~ ~~UNDER~~ this section.

3 (9) ~~(12)~~ Nothing in this section shall be construed as
4 justification to deny a traffic and engineering investigation. A
5 TRAFFIC CONTROL ORDER SHALL BE USED TO ESTABLISH SPEED LIMITS
6 BASED ON A TRAFFIC AND ENGINEERING STUDY.

7 (10) ~~(13)~~ As used in this section, "vehicular access point"
8 means a driveway or intersecting roadway.

9 (11) ~~(14)~~ A person who violates ~~this section~~ SUBSECTIONS (1)
10 TO (6) is responsible for a civil infraction.

11 (12) A SPEED LIMIT ESTABLISHED UNDER THIS CHAPTER SHALL BE
12 POSTED AT A MULTIPLE OF 5 MILES PER HOUR AND SHALL BE WITHIN 5
13 MILES PER HOUR OF THE EIGHTY-FIFTH PERCENTILE SPEED OF FREE-
14 FLOWING TRAFFIC ON THE FASTEST PORTION OF THAT HIGHWAY SEGMENT.
15 HOWEVER, THE SPEED LIMIT SHALL NOT BE POSTED AT LESS THAN THE
16 SEVENTY-FIFTH PERCENTILE SPEED OF FREE-FLOWING TRAFFIC ON THE
17 FASTEST PORTION OF THAT HIGHWAY SEGMENT.

18 (13) IF A HIGHWAY SEGMENT HAS A DESIGN SPEED THAT IS LOWER
19 THAN THE EIGHTY-FIFTH PERCENTILE SPEED OF FREE-FLOWING TRAFFIC ON
20 THAT HIGHWAY SEGMENT, THE ROAD AUTHORITY HAVING JURISDICTION OVER
21 THAT HIGHWAY SEGMENT MAY POST APPROPRIATE ADVISORY SPEED SIGNS,
22 OR OTHER WARNING SIGNS THAT CONFORM TO THE MICHIGAN MANUAL OF
23 UNIFORM TRAFFIC CONTROL DEVICES ON THAT HIGHWAY SEGMENT. AS USED
24 IN THIS SUBSECTION, "DESIGN SPEED" MEANS THAT TERM AS USED IN AND
25 DETERMINED UNDER "A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND
26 STREETS," FIFTH EDITION, 2004, ISSUED BY THE AMERICAN ASSOCIATION
27 OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO),

1 HEADQUARTERED AT 444 NORTH CAPITOL STREET NW, SUITE 249,
2 WASHINGTON, DC 20001.

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

4 (a) "Regularly scheduled school session" means that part of
5 a day of student instruction that is followed by a break for
6 lunch or by a final dismissal of the student body for that day.

7 (b) "School" means an educational institution **FOR NO HIGHER**
8 **THAN EIGHTH GRADE** operated by a local school district or by a
9 private, denominational, or parochial organization. School does
10 not include an educational institution that the department of
11 education determines has its entire student population in
12 residence at the institution.

13 (c) "School zone" means school property on which a school
14 building is located and the area adjacent to the school property
15 that is designated by the signs required under subsection (2).
16 Except as otherwise provided in subsection (5), the school zone
17 extends not more than 1,000 feet from the property line of the
18 school in each direction. **IF 2 OR MORE SCHOOLS OCCUPY THE SAME**
19 **PROPERTY OR ADJACENT PROPERTIES, AND AN ENGINEERING STUDY**
20 **DETERMINES THE NEED FOR A SCHOOL ZONE FOR THESE SCHOOLS, 1**
21 **COMBINED SCHOOL ZONE SHALL BE ESTABLISHED IF THE SCHOOLS' SCHOOL**
22 **DAYS BEGIN AND END AT THE SAME TIME. OVERLAPPING SCHOOL ZONES**
23 **SHALL BE ESTABLISHED IF THEIR SCHOOL DAYS BEGIN AND END AT**
24 **DIFFERENT TIMES.**

25 (2) Except as provided in subsection (4), the prima facie
26 speed limit in a school zone, which shall be in force not ~~less~~
27 **MORE** than 30 minutes ~~but not more than 1 hour~~ before the first

1 regularly scheduled school session until school commences and
2 from dismissal until not ~~less~~**MORE** than 30 minutes ~~but not more~~
3 ~~than 1 hour~~ after the last regularly scheduled school session,
4 and during a lunch period ~~when~~**ONLY IF** students are permitted to
5 leave the school, **MAY BE DECREASED BY NOT MORE THAN 15 MILES PER**
6 **hour BUT** shall be **NOT LESS THAN** 25 miles an hour, if permanent
7 signs designating the school zone and the speed limit in the
8 school zone are posted ~~at the request of the school~~
9 ~~superintendent~~**BASED ON ENGINEERING AND TRAFFIC STUDY**. The signs
10 shall conform to the ~~Michigan manual of uniform traffic control~~
11 ~~devices~~**SPECIFICATIONS ADOPTED UNDER SECTION 608. PERMANENT SIGNS**
12 **SHALL DISPLAY THE SCHOOL ZONE SPEED LIMIT AT ALL TIMES. LOUVERED**
13 **SIGNS AND DIGITAL MESSAGE SIGNS MAY BE USED TO SUPPLEMENT THE**
14 **PERMANENT SIGNS REQUIRED UNDER THIS SECTION.**

15 (3) This section does not apply to a limited access highway
16 or to that portion of a street or highway over which a pedestrian
17 overhead walkway is erected, if the walkway is adjacent to school
18 property and is designed and located so as to be used ~~, and is~~
19 ~~being used,~~ as the principal means by which students of a school
20 that has property adjacent to the walkway travel to and from the
21 school.

22 (4) Local authorities may, ~~increase or decrease~~**UNDER**
23 **SECTION 629, ESTABLISH** the prima facie speed ~~limit~~**LIMITS** within
24 a school zone under their jurisdiction ~~pursuant to section 629~~
25 **CONSISTENT WITH THIS SECTION.**

26 (5) Notwithstanding the requirements for a school zone as
27 defined in subsection (1)(c), if a school is located in an area

1 that requires school children to cross a state trunk line highway
2 or county highway that has a speed limit of 35 miles per hour or
3 more to attend that school, the school superintendent may submit
4 a request to the state transportation ~~commission~~ **DEPARTMENT**,
5 county road commission, or local authority having jurisdiction
6 over the roadway, as applicable, for a school crossing as
7 permitted under section 613a. If, based on the traffic
8 engineering studies, the road authority determines the need for a
9 lower speed limit, the road authority may designate the crossing
10 as a school zone. Before submitting a request, the school
11 superintendent shall have completed a school route plan as
12 prescribed by section 7A-1 of the Michigan manual of uniform
13 traffic control devices.

14 ~~—— (6) Notwithstanding the 25 mile per hour prima facie speed~~
15 ~~limit established by subsection (2), the prima facie speed limit~~
16 ~~for any street in a school zone that has sidewalks along at least~~
17 ~~1 side of the street, which shall be in force during the same~~
18 ~~periods that a 25 mile per hour speed limit provided by~~
19 ~~subsection (2) would otherwise be effective, shall be set at the~~
20 ~~limit requested by the superintendent of schools with~~
21 ~~jurisdiction over the school within the school zone, but this~~
22 ~~limit shall neither be more than 15 miles per hour below the~~
23 ~~regularly posted speed limit for that street nor less than 25~~
24 ~~miles per hour. Permanent signs designating the school zone and~~
25 ~~the speed limit in the school zone shall be posted. These signs~~
26 ~~shall conform to the Michigan manual of uniform traffic control~~
27 ~~devices.~~

1 (6) ~~(7)~~—If appropriate, the school superintendent may
2 request that a sign be erected in the school zone indicating that
3 a school is in session year-round. A sign erected under this
4 subsection shall be posted on the same signpost as the school
5 zone sign and immediately below the school zone sign. The sign
6 shall read "Year-Round School" and shall conform to the Michigan
7 manual of uniform traffic control devices.

8 Sec. 628. (1) If the state transportation department and the
9 department of state police jointly determine upon the basis of an
10 engineering and traffic investigation that the speed of vehicular
11 traffic on a state trunk line highway is greater or less than is
12 reasonable or safe under the conditions found to exist at an
13 intersection or other place or upon a part of the highway, the
14 departments acting jointly may determine and declare a reasonable
15 and safe maximum or minimum speed limit on that state trunk line
16 highway or intersection that shall be effective at the times
17 determined when appropriate signs giving notice of the speed
18 limit are erected at the intersection or other place or part of
19 the highway. The maximum speed limit on all highways or parts of
20 highways upon which a maximum speed limit is not otherwise fixed
21 under this act is 55 miles per hour, which shall be known and may
22 be referred to as the "general speed limit".

23 (2) If the county road commission, the township board, and
24 the department of state police unanimously determine upon the
25 basis of an engineering and traffic investigation that the speed
26 of vehicular traffic on a county highway is greater or less than
27 is reasonable or safe under the conditions found to exist upon

1 any part of the highway, ~~then acting unanimously~~ they may
2 establish a reasonable and safe maximum or minimum speed limit on
3 that county highway that is effective at the times determined
4 when appropriate signs giving notice of the speed limit are
5 erected on the highway. A township board that does not wish to
6 continue as part of the process provided by this subsection shall
7 notify ~~in writing~~ the county road commission **IN WRITING**. As used
8 in this subsection, "county road commission" means the board of
9 county road commissioners elected or appointed under section 6 of
10 chapter IV of 1909 PA 283, MCL 224.6, or, in the case of a
11 charter county with a population of 2,000,000 or more with an
12 elected county executive that does not have a board of county
13 road commissioners, the county executive.

14 ~~—— (3) If a superintendent of a school district determines that~~
15 ~~the speed of vehicular traffic on a state trunk line or county~~
16 ~~highway, which is within 1,000 feet of a school in the school~~
17 ~~district of which that person is the superintendent, is greater~~
18 ~~or less than is reasonable or safe, the officials identified in~~
19 ~~subsection (1) or (2), as appropriate, shall include the~~
20 ~~superintendent of the school district affected in acting jointly~~
21 ~~in determining and declaring a reasonable and safe maximum or~~
22 ~~minimum speed limit on that state trunk line or county highway.~~

23 ~~—— (4) In the case of a county highway of not less than 1 mile~~
24 ~~with residential lots with road frontage of 300 feet or less~~
25 ~~along either side of the highway for the length of that part of~~
26 ~~the highway that is under review for a proposed change in the~~
27 ~~speed limit, the township board may petition the county road~~

~~commission or in charter 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
a proposed change in the speed limit. The county road commission
or in charter 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 to approve the
proposed change in the speed limit without the necessity of an
engineering and traffic investigation.~~

(3) ~~(5)~~—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
the township board, or city or village officials to erect and
maintain, take down, or regulate the speed control 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.

(4) ~~(6)~~—A public record of all speed control signs, signals,
or devices authorized under this section shall be filed in the
office of the county clerk of the county in which the highway is
located, and a certified copy shall be prima facie evidence in
all courts of the issuance of the authorization. The public
record with the county clerk shall not be required as prima facie

1 evidence of authorization in the case of signs erected or placed
2 temporarily for the control of speed or direction of traffic at
3 points where construction, repairs, or maintenance of highways is
4 in progress, or along a temporary alternate route established to
5 avoid the construction, repair, or maintenance of a highway, if
6 the signs are of uniform design approved by the state
7 transportation department and the department of state police and
8 clearly indicate a special control, when proved in court that the
9 temporary traffic control sign was placed by the state
10 transportation department or on the authority of the state
11 transportation department and the department of state police or
12 by the county road commission or on the authority of the county
13 road commission, at a specified location.

14 (5) ~~(7)~~—A person who fails to observe an authorized speed or
15 traffic control sign, signal, or device is responsible for a
16 civil infraction.

17 (6) ~~(8)~~—Except as otherwise provided in this section, the
18 maximum speed limit on all freeways shall be 70 miles per hour
19 except that ~~if the state transportation department and the~~
20 ~~department of state police~~ **MAY** jointly determine upon the basis
21 of an engineering and traffic investigation ~~that the speed of~~
22 ~~vehicular traffic on a freeway is greater or less than is~~
23 ~~reasonable or safe under the conditions found to exist upon a~~
24 ~~part of the freeway, the departments acting jointly may determine~~
25 ~~and declare a reasonable and safe maximum or minimum speed limit~~
26 ~~on that freeway that is not more than 70 miles per hour but not~~
27 ~~less than 55 miles per hour and that shall be effective when~~

1 appropriate signs giving notice of the speed limit are erected.
2 The minimum speed limit on all freeways is 55 miles per hour
3 except if reduced speed is necessary for safe operation or in
4 compliance with law or in compliance with a special permit issued
5 by an appropriate authority.

6 (7) ~~(9)~~—The maximum rates of speed allowed under this
7 section are subject to the maximum rates established under
8 ~~section 629b~~, section 627(5) ~~to (7)~~ for certain vehicles and
9 vehicle combinations ~~,~~ and section 629(4).

10 (8) ~~(10)~~—Except for the general speed limit described in
11 subsection (1), speed limits established ~~pursuant to~~ **UNDER** this
12 section shall be known as absolute speed limits.

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

16 (a) A highway within a business district on which the prima
17 facie speed limit is ~~increased~~ **MORE THAN 25 MILES PER HOUR** shall
18 be designated a through highway at the entrance to which vehicles
19 shall be required to stop before entering, except that where 2 of
20 these through highways intersect, local authorities may require
21 traffic on only 1 highway to stop before entering the
22 intersection.

23 (b) The local authorities shall place and maintain, upon all
24 through highways in which the permissible speed is ~~increased~~ **MORE**
25 **THAN 25 MILES PER HOUR**, adequate signs giving notice of the
26 special regulations and shall also place and maintain upon each
27 highway intersecting a through highway, appropriate signs which

1 shall be reflectorized or illuminated at night.

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

5 **(D) LOCAL AUTHORITIES MAY ESTABLISH SPEED LIMITS BASED ON AN**
6 **ENGINEERING AND TRAFFIC STUDY UNDER SECTION 627(6). A SPEED LIMIT**
7 **ESTABLISHED AS DESCRIBED IN THIS SUBDIVISION SUPERSEDES A SPEED**
8 **LIMIT ESTABLISHED UNDER SECTION 627(2).**

9 (2) The state transportation department shall establish the
10 speed upon all trunk line highways located within cities and
11 villages as follows:

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

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

23 (3) Local authorities are authorized to decrease the prima
24 facie speed limits to not less than 15 miles per hour in public
25 parks under their jurisdiction. A decrease in the prima facie
26 speed limits is binding when adequate signs are duly posted
27 giving notice of the reduced speeds.

1 (4) Local authorities are authorized to decrease the prima
2 facie speed limits to not less than 25 miles an hour on each
3 street or highway under their jurisdiction that is adjacent to a
4 publicly owned park or playground. A decrease in the prima facie
5 speed limits is binding when adequate signs are duly posted
6 giving notice of the reduced speeds. As used in this subsection,
7 "local authority" includes the county road commission with the
8 concurrence of the township board of a township for a street or
9 highway within the boundaries of the township.

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

12 (5) ~~(6)~~ A person who exceeds a lawful speed limit
13 established under this section is responsible for a civil
14 infraction.

15 (6) ~~(7)~~ As used in this section, "local authority" means the
16 governing body of a city or village, except as provided in
17 subsection (4).

18 Sec. 629c. (1) Notwithstanding sections 320a and 907, a
19 person who is determined responsible or responsible "with
20 explanation" for a civil infraction for violating the maximum
21 speed limit on a limited access freeway or part of a limited
22 access freeway upon which the maximum speed limit is 55 miles per
23 hour or more shall be ordered by the court to pay a minimum fine
24 and shall have points entered on his or her driving record by the
25 secretary of state only according to the following schedule,
26 except as otherwise provided in subsections (2) and (3):

<u>Number of miles per hour</u>		
<u>that the vehicle exceeded the</u>		
<u>applicable speed limit at the</u>		<u>Minimum</u>
<u>time of the violation</u>	<u>Points</u>	<u>Fine</u>
1 to 5	0	\$10.00
6 to 10	1	\$20.00
11 to 15	2	\$30.00
16 to 25	3	\$40.00
26 or over	4	\$50.00

(2) Subsection (1) does not apply to a person operating a vehicle or vehicle combination for which the maximum rate of speed is established pursuant to ~~UNDER~~ section 627(5). ~~to (7).~~

(3) For a violation of a maximum speed limit on a limited access freeway by a person operating a vehicle or vehicle combination described in subsection (2), points shall be assessed under section 320a and fines shall be assessed under section 907.

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

(2) The provision of this chapter declaring speed limitations shall not be construed to relieve the plaintiff in a civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

Sec. 721. (1) Except as otherwise provided in subsection (5), a passenger vehicle or a pickup truck shall not be driven

1 upon a highway drawing or having attached to the passenger
2 vehicle or pickup truck more than 1 vehicle or trailer.

3 (2) The drawbar or other connection between 2 vehicles, 1 of
4 which is towing or drawing the other on a highway, shall not
5 exceed 15 feet in length from 1 vehicle to the other. If the
6 connection consists of a chain, rope, or cable, there shall be
7 displayed upon the connection a red flag or other signal or cloth
8 not less than 12 inches both in length and width.

9 (3) A vehicle or trailer towed or drawn by a vehicle shall
10 be attached to the vehicle with forms of coupling devices in a
11 manner so that when the combination is operated in a linear
12 alignment on a level, smooth, paved surface, the movement of the
13 towed or drawn vehicle or trailer does not deviate more than 3
14 inches to either side of the path of the towing vehicle that tows
15 or draws it. The vehicle or trailer shall also be connected to
16 the towing vehicle by suitable safety chains or devices, 1 on
17 each side of the coupling and at the extreme outer edge of the
18 vehicle or trailer. Each chain or device and connection used
19 shall be of sufficient strength to haul the vehicle or trailer
20 when loaded. In the case of an implement of husbandry with a
21 gross vehicle weight rating or gross combination weight rating of
22 10,000 pounds or less, the safety chains or devices required
23 under this subsection shall conform to the federal motor carrier
24 safety regulations requirements contained in 49 C.F.R.—**CFR**
25 393.70(d)(5).

26 (4) A pickup truck with a fifth wheel assembly shall not tow
27 a semitrailer unless the fifth wheel assembly conforms to the

standards prescribed in the motor carrier safety act of 1963,
1963 PA 181, MCL 480.11 to ~~480.22~~ **480.25**.

(5) Notwithstanding subsection (1), a pickup truck with a
towing rating equal to, or greater than, the weight being towed,
equipped with a fifth wheel assembly that conforms with the
standards prescribed in the motor carrier safety act of 1963,
1963 PA 181, MCL 480.11 to ~~480.22~~ **480.25**, towing attached with a
semitrailer designed for recreational living purposes may tow an
additional trailer or semitrailer under the following conditions:

(a) The additional trailer or semitrailer shall be attached
~~pursuant to~~ **AS DESCRIBED IN** subsection (3). The safety chains
described in subsection (3) shall be securely attached at the
extreme outer edge of the attached trailer or semitrailer with a
locking mechanism. The towing vehicle hitch shall be of
substantial material and shall be attached in a proper and
skillful manner to the frame of the towing vehicle.

(b) The total length of the pickup truck, semitrailer
designed for recreational living purposes, and additional trailer
or semitrailer, and load, shall not exceed 65 feet on any
highways in this state.

(c) The gross weight of the additional trailer or
semitrailer towed or drawn shall not exceed the empty weight of
the pickup truck or the empty weight of the semitrailer.

(6) For the purposes of this section, a pickup truck towing
a semitrailer and additional trailer shall be considered a
passenger vehicle. ~~and shall comply with the speed limit
requirements of section 627(5).~~

1 (7) A person who violates this section is responsible for a
2 civil infraction.

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