

Legislative Analysis



SPEED LIMITS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bills 4423 & 4424 as introduced
Sponsor: Rep. Bradford C. Jacobsen

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4425 as introduced
Sponsor: Rep. Rick Outman

House Bill 4426 as introduced
Sponsor: Rep. John Kivela

House Bill 4427 as introduced
Sponsor: Rep. Charles Smiley

Committee: Transportation and Infrastructure
Complete to 9-29-15

PRELIMINARY SUMMARY:

This bill package of bills, taken together, would amend the Michigan Vehicle Code (MCL 257.627 et al.) address speed limits.

House Bill 4423 would modify a number of current speed limits.

House Bill 4424 addresses school zone speed limits.

House Bill 4425 would revise the provisions that describe how state and local road authorities and the State Police are to jointly determine any modified speed limits. However, the bill requires that speed limits be at the eighty-fifth percentile (85th) speed of free-flowing traffic under ideal conditions on the fastest portion of a highway segment, rounded to the nearest multiple of five miles per hour. In no event could a speed limit be lower than the seventy-fifth (75th) percentile.

House Bill 4426 would amend sections of the Michigan Vehicle Code that addresses the number of points assessed on a driver's license for various offenses.

House Bill 4427 would make corresponding amendments to a section of the Insurance Code that applies to "insurance eligibility points." A driver who accumulates more than six eligibility points over a three-year period is no longer classified as an "eligible person" for the purpose of no-fault automobile insurance, which means the driver may have to seek coverage through alternative market mechanisms. The amendments deal with points assigned for speeding.

House Bills 4423-4426 are tie-barred to one another, meaning none can take effect unless all are enacted. A more detailed explanation of the bills follows.

House Bill 4423

Generally speaking, under the Vehicle Code, a person operating a vehicle on a highway must 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 then 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. The bill would specify that a violation of this subsection would be known and may be referred to as a violation of the basic speed law or "VBSL."

House Bill 4423 would also specify the following speed limits:

- 80 miles per hour on all rural limited access freeways upon which a speed limit is not otherwise fixed. This would be known as the "rural freeway general speed limit." The minimum speed limit would be 55 mph.
- 70 miles per hour on all urban limited access freeways upon which a speed limit is not otherwise fixed. This would be known as the "urban freeway general speed limit." The minimum speed limit would be 55 mph, if not otherwise fixed.
- 70 miles per hour on any limited access freeway for person operating a school bus, bus, a truck with a gross weight of 10,000 or more, a truck-tractor, or a truck-tractor with a semi-trailer or trailer or a combination of these vehicles.

[No later than one year after the bill's effective date, the state Department of Transportation and the Department of State Police would be required to designate all limited access freeways within this state as urban or rural limited access freeways.]

- 65 miles per hour on all trunk line highways on which a speed limit is not fixed. This would be known as the "trunk line general speed limit."
- 60 miles per hour on all county highways on which a speed limit is not fixed. This would be known as the "general speed limit."
- 55 miles per hour on all county highways with a gravel or unimproved surface on which a speed limit is not fixed. This would be known as the "general gravel road speed limit."
- 45 miles per hour a county highway with a gravel or unimproved surface in a county with a population of one million or more.
- 15 miles per hour on a highway segment within the boundaries of a mobile home park (as is the case now).
- 25 miles per hour on a highway segment within a business district (as now).
- 25 miles per hour on a segment within the boundaries of a public park. A local authority could decrease the speed limit to not less than 15 mph in a public park under its jurisdiction.
- 25 miles per hour on a highway segment within the boundaries of a residential subdivision, including a condo subdivision, consisting of a system of interconnected highways with no through highways and a limited number of dedicated highways as entrances to and exits from the subdivision. (This is similar to current law.)

Speed limits when there are vehicular access points

The bill would modify speed limits that are based on the number of vehicular access points (such as a driveway or intersecting roadway).

The new speed limits would be as follows:

- 25 mph on a highway segment with 60 or more vehicular access points with one-half mile. (This is not changed from current law.)
- 30 mph on a highway segment with not less than 50 but not more than 59 vehicular access points within one-half mile.
- 35 mph on a highway segment with not less than 45 but not more than 49 vehicular access points within one-half mile.
- 40 mph on a highway segment with not less than 40 but not more than 44 vehicular access points within one-half mile.
- 45 mph on a highway segment with not less than 30 but not more than 39 vehicular access points within one-half mile.

Currently, the access point-based speed limits are as follows:

- 25 mph on a highway segment with 60 or more vehicular access points with one-half mile. (No change in the bill.)
- 35 mph on a highway segment with not less than 45 nor more than 59 vehicular access points within one-half mile.
- 45 mph on a highway segment with not less than 30 nor more than 44 vehicular access points within one-half mile.

The following would apply to the speed limits described above:

**A highway segment adjacent to or lying between two or more areas (mobile home park, business district, public park, or residential subdivision) could not be considered to be within the boundaries of those areas.

**A highway segment of more than one-half mile in length with a consistent density of vehicular access points equal to the numbers cited above must be posted at the speed limit specified in the adjoining segment. A separate determination would have to be made for each adjoining highway segment where vehicular access point density is different.

**A speed limit could be posted on highways less than one-half mile in length by prorating in one-tenth of a mile segments the vehicular access point densities.

Reductions in Speed Limits

- Under the bill, the speed limit on a highway where a normal lane or part of the lane of traffic has been closed due to construction, maintenance, or surveying activities could be decreased by not more than 10 mph less than the speed limit normally posted for that highway segment, but could not be decreased to less than 30 mph.
- The speed limit on a limited access freeway where a lane or part of a lane of traffic has been closed due to construction, maintenance, or surveying activities may be decreased to 60 miles per hour if only a single lane of traffic remains open for highway traffic.

- If road construction workers are located in close proximity to a barrel line or cone line and are not protected by a barrier wall or guardrail, the speed limit could be decreased to 45 mph if a sign is posted noting the presence of workers, but this lower speed limit only applies to the immediate area where workers are located within one vehicle width of the barrel line or cone line that separates the work area from the open travel lane.

Traffic Control Orders for Speed Limits

Certain speed limits would become valid when posted, but others would not become valid unless a traffic control order was filed. This applies to business districts, and highway segments where the speed limit is based on the number of vehicular access points.

A public record of all traffic control orders establishing statutory speed limits would 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 at the administrative office of an airport, college, or university, in which the local highway is located, and a certified copy of the traffic control order would 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 an airport, college, or university would 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 are in progress.

Signs

All signs erected or placed would need to conform to the Michigan Manual on Uniform Traffic Control Devices. If, upon investigation, MDOT or a county road commission and the State Police determine that it is in the interest of public safety, they could 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, MDOT or county road commission could 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.

Repealers

Sections 629 and 629c of the Michigan Vehicle Code would be repealed. Section 629 contains the current provisions on prima facie speed limits; it allows local units of government to establish or increase the prima facie speed limits on highways under their jurisdiction, subject to certain conditions. Section 629c deals with points and minimum fines for violating maximum speed limits on limited access freeways where the speed limit is 55 miles per hour.

House Bill 4424

House Bill 4424 makes a number of amendments to provisions in the Michigan Vehicle Code addressing speed limits in school zones. The changes include the following:

****** Currently under the Michigan Vehicle Code, the speed limit in a school zone is in force not less than 30 minutes but not more than one hour before the first regularly scheduled school session until school begins, and from dismissal until not less than 30 minutes but

not more than one hour after the last regularly scheduled school session, as well as during the lunch period when students are permitted to leave the school. The prima facie speed limit in a school zone is 25 miles per hour.

House Bill 4424 would, instead, specify that "a school zone speed limit on a highway segment in a school zone" would be in force for not more than 30 minutes before the first regularly scheduled school session ("rounded to the nearest multiple of five minutes") until school begins, and from dismissal until not more than 30 minutes after the last regularly scheduled school session. References to lunch periods would be deleted. Under the bill, the school zone speed limit could be decreased by not more than 15 miles per hour less than the speed limit normally posted but could not be lower than 25 miles per hour.

** The bill deletes language that allows local authorities to increase or decrease the prima facie speed limit within a school zone under their jurisdiction.

** The bill also deletes a provision that currently allows a superintendent of school to request a school crossing in cases where a school is located in an area where children must cross a state trunk line highway or county highway with a speed limit of 35 miles per hour or more.

** Another provision is deleted that allows a superintendent of schools to establish a speed limit for any street in a school zone that has sidewalks across at least one side of the street.

** The definition of "school" would be amended so that it would not apply to an educational institution to which all students are transported in motor vehicles.

** When two or more schools occupy the same property or adjacent properties: (1) if the hours of instruction at the school are the same, then a single combined school zone would be established; and (2) if the hours are different, then overlapping school zones would be established.

** Under the bill, a person who violates a school zone speed limit would be responsible for a civil infraction.

** If a school is in year-round session, a sign reading "All Year School" will be posted. The code currently allows a superintendent to request such a sign.

** Louvered signs, digital message signs, and flashing lights could be installed to supplement permanent signs under the code. Signs erected and maintained would have to conform to the Michigan Manual on Uniform Traffic Control Devices.

House Bill 4425

The bill amend the Michigan Vehicle Code to revise the provisions that describe how road authorities and the State Police would jointly determine any modified speed limits.

** A speed limit established under the Vehicle Code would need to be at the eighty-fifth percentile (85th) speed of free-flowing traffic under ideal conditions on the fastest portion of a highway segment, rounded to the nearest multiple of five miles per hour. In no event

could a speed limit be lower than the seventy-fifth (75th) percentile of the speed of free-flowing traffic under ideal conditions on the fastest portion of a highway segment. If the rounding of the speed limit to the nearest multiple of five miles per hour results in a speed limit of less than the seventy-fifth percentile of the speed of free-flowing traffic under those conditions, the next higher multiple of five miles per hour would be designated as the speed limit.

** If a highway segment includes one or more features with a design speed lower than the eighty-fifth (85th) percentile of the speed of free-flowing traffic under ideal conditions on the fastest portion of that highway segment, the road authority may post advisory signs.

** MDOT and the State Police would jointly determine any modified maximum or minimum speed limits on limited access freeways or trunk line highways consistent with the requirements of the code.

** The county road commission and the State Police could jointly determine any modified speed limits on county highways consistent with the requirements under the code.

** A local road authority could determine any modified speed limits on local highways consistent with the requirements under the code.

House Bill 4426

House Bill 4426 would amend sections of the Michigan Vehicle Code that addresses the number of points assessed on a driver's license for various offenses.

Under the code, within five days after receiving an order from a court in this or another state, the Secretary of State is required to record the conviction, civil infraction determination, or probate court disposition, and the number of points based on a formula specified in the code. House Bill 4426 would amend the code to do all of the following:

- Remove three references that assign extra points for speed violations in a work zone; one that assigns 5 points for exceeding the lawful maximum by more than 15 miles per hour (a 4-point offense otherwise); a second that assigns 4 points for exceeding the lawful maximum by more than 10 mph but not more than 15 mph; and a third that assigns 3 points for 10 mph or less. (The section referred to in these struck provisions would be amended by HB 4423 so that it would no longer deal with work zones.)
- Careless driving in violation of Section 626b or a law or ordinance corresponding to Section 626b would be 3 points. That section, generally, refers to areas open to the general public, including parking areas. (This is not a change from current law.)
- A violation involving exceeding the lawful maximum by more than 10 mph, but not more than 15 mph, would be 3 points, as is the case now.
- A violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 5 mph but not more than 10 mph would be 2 points.

(Currently this 2-point provision applies to 10 mph or less but does not refer to "more than 5 mph.")

Local Authorities

Under the bill, local authorities could not regulate the speed of vehicles in public parks and could not increase prima facie speed limits. (These matters are addressed in HB 4425.) All local traffic regulations would have to be based on standard and accepted engineering practices specified in the Michigan Manual on Uniform Traffic Control Devices.

Manual on Uniform Traffic Control Devices

Traffic control devices placed by MDOT and local authorities would have to conform to the most current Michigan Manual on Uniform Traffic Control Devices.

House Bill 4427

As noted earlier, House Bill 4427 would make corresponding amendments to a section of the Insurance Code that applies to "insurance eligibility points." A driver who accumulates more than six eligibility points over a three-year period is no longer classified as an "eligible person" for the purpose of no-fault automobile insurance, which means the driver may have to seek coverage through alternative market mechanisms. The amendments deal with points assigned for speeding. Michigan's No-Fault system is a "modified take all comers system." Insurers must provide coverage to an "eligible person" (although they can determine at what rate), but need not provide coverage if someone does not meet the definition of "eligible person." Eligibility points are one element in determining if a driver is an eligible person.

FISCAL IMPACT:

House Bill 4426 would have a minimal fiscal impact for the Department of State in updating the points structure. However, this cost would be absorbed by current funding levels.

A fiscal analysis of other bills is in process.

Legislative Analyst: E. Best
Fiscal Analyst: Perry Zielak

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.