

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

***** 257.628.amended THIS AMENDED SECTION IS EFFECTIVE NOVEMBER 9, 2006 *****

257.628.amended Maximum or minimum speed limits; determination; petition by township board; speed control signs, signals, or devices; public record as evidence; violation as civil infraction; absolute speed limits.

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

(2) 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 that does not wish to continue as part of the process provided by this subsection shall notify in writing the county road commission. 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.

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

(4) In the case of a county highway of not less than 1 mile with residential lots with road frontage of 300 feet or less along either side of the highway for the length of that part of the highway that is under review for a proposed change in the 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.

(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.

(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 evidence of authorization in the case of signs erected or placed temporarily for the control of speed or direction of traffic at points where construction, repairs, or maintenance of highways is in progress, or along a temporary alternate route established to avoid the construction, repair, or maintenance of a highway, if the signs are of uniform design approved by the state transportation department and the department of state police and clearly indicate a special control, when proved in court that the temporary traffic control sign was placed by the state transportation department or on the authority of the state transportation department and the department of state police or by the county road

commission or on the authority of the county road commission, at a specified location.

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

(8) Except as otherwise provided in this section, the maximum speed limit on all freeways shall be 70 miles per hour except that if the state transportation department and the department of state police jointly determine upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a freeway is greater or less than is reasonable or safe under the conditions found to exist upon a part of the freeway, the departments acting jointly may determine and declare a reasonable and safe maximum or minimum speed limit on that freeway that is not more than 70 miles per hour but not less than 55 miles per hour and that shall be effective when appropriate signs giving notice of the speed limit are erected. The minimum speed limit on all freeways is 55 miles per hour except if reduced speed is necessary for safe operation or in compliance with law or in compliance with a special permit issued by an appropriate authority.

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

(10) Except for the general speed limit described in subsection (1), speed limits established pursuant to this section shall be known as absolute speed limits.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1955, 1st Ex. Sess., Act 10, Eff. Feb. 3, 1956;—Am. 1956, Act 93, Imd. Eff. Apr. 5, 1956;—Am. 1961, Act 164, Eff. Sept. 8, 1961;—Am. 1963, Act 143, Eff. Sept. 6, 1963;—Am. 1974, Act 28, Imd. Eff. Mar. 2, 1974;—Am. 1974, Act 162, Imd. Eff. June 23, 1974;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 143, Imd. Eff. Nov. 8, 1979;—Am. 1987, Act 154, Eff. Dec. 1, 1987;—Am. 1988, Act 368, Imd. Eff. Dec. 21, 1988;—Am. 1996, Act 320, Imd. Eff. June 25, 1996;—Am. 2000, Act 167, Imd. Eff. June 20, 2000;—Am. 2003, Act 64, Imd. Eff. July 22, 2003;—Am. 2003, Act 65, Imd. Eff. July 22, 2003;—Am. 2006, Act 85, Eff. Nov. 9, 2006.

Compiler's note: In OAG 6480, issued November 23, 1987, the Attorney General stated: "It is my opinion, therefore, that 1987 PA 154, which fixes maximum speed limit on certain state highways, becomes effective November 29, 1987."