

HOUSE BILL No. 6165

May 14, 2010, Introduced by Reps. Rick Jones, Bettie Scott, Schuitmaker, Durhal, Leland, Cushingberry, Slavens, Womack, Constan, Liss, Huckleberry, Polidori, Young, Geiss, Bledsoe, LeBlanc, Stanley, Robert Jones, Clemente, Bennett, Hammel, Gregory, Tlaib, Lipton, Horn, McDowell, Johnson, Dean, Meadows, Espinoza, Mayes, Agema, Marleau, Kowall, Paul Scott, Opsommer, Calley, Kurtz, DeShazor, Rocca, Stamas, Proos, Crawford, Lund, Lori, Bolger, Genetski, Knollenberg, Haines, Moore, Sheltroun and Hildenbrand and referred to the Committee on Urban Policy.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 320a, 606, 608, 609, 610, 627, 627a, 629c, and 721 (MCL 257.320a, 257.606, 257.608, 257.609, 257.610, 257.627, 257.627a, 257.629c, and 257.721), section 320a as amended by 2010 PA 58, section 606 as amended by 1980 PA 518, sections 627 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.

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.**

1 Sec. 320a. (1) The secretary of state shall record the date
2 of conviction, civil infraction determination, or probate court
3 disposition, and the number of points for each, based on the
4 following formula, except as otherwise provided in this section
5 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

30 (h) A violation of any law other than the

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

1 (o) A violation of section ~~627(9)~~**627(6)** pertaining
2 to speed in a work zone described in that section
3 by exceeding the lawful maximum by 10 miles per
4 hour or less.....3 points

5 (p) A violation of any law other than the law
6 described in subdivision (o) or ordinance
7 pertaining to speed by exceeding the lawful maximum
8 by 10 miles per hour or less.....2 points

9 (q) Disobeying a traffic signal or stop sign,
10 or improper passing.....3 points

11 (r) A violation of section 624a, 624b, or
12 a law or ordinance substantially corresponding to
13 section 624a or 624b.....2 points

14 (s) A violation of section 310e(4) or (6) or
15 a law or ordinance substantially corresponding to
16 section 310e(4) or (6).....2 points

17 (t) All other moving violations pertaining to
18 the operation of motor vehicles reported under
19 this section.....2 points

20 (u) A refusal by a person less than 21 years of
21 age to submit to a preliminary breath test required
22 by a peace officer under section 625a.....2 points

23 (2) Points shall not be entered for a violation of section
24 310e(14), 311, 602b, 625m, 658, 717, 719, 719a, or 723.

25 (3) Points shall not be entered for bond forfeitures.

26 (4) Points shall not be entered for overweight loads or for
27 defective equipment.

28 (5) If more than 1 conviction, civil infraction
29 determination, or probate court disposition results from the same

1 incident, points shall be entered only for the violation that
2 receives the highest number of points under this section.

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

9 (7) If a person violates a speed restriction established by
10 an executive order issued during a state of energy emergency as
11 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of
12 state shall enter points for the violation pursuant to subsection
13 (1).

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

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

27 Sec. 606. (1) ~~The provisions of this~~ **THIS** chapter shall ~~DOES~~

1 not ~~be considered to~~ prevent local authorities with respect to
2 streets or highways under the jurisdiction of the local authority
3 and within the reasonable exercise of the police power from **DOING**

4 **ANY OF THE FOLLOWING:**

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

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

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

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

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

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

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

26 (h) Restricting the use of highways as authorized in section
27 726.

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

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

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

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

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

16 (3) ~~(2)~~—A local authority shall not erect or maintain a stop
17 sign or traffic control device at a location so as to require the
18 traffic on any state trunk line highway to stop before entering
19 or crossing any intersecting highway unless approval in writing
20 has been first obtained from the director of the state
21 transportation department.

22 (4) ~~(3)~~—An ordinance or regulation enacted under subsection
23 (1)(a), (d), (e), (f), (g), (i), or (j) shall not be enforceable
24 until signs giving notice of the local traffic regulations are
25 posted upon or at the entrance to the highway or street or part
26 of the highway or street affected, as may be most appropriate,
27 and are sufficiently legible as to be seen by an ordinarily

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

13 (5) ~~(4)~~A local authority, in providing by ordinance for the
 14 impounding of any motor vehicle parked contrary to a local
 15 ordinance, shall not require a bond or cash deposit by the owner
 16 of the motor vehicle in excess of \$500.00 in order to recover the
 17 possession of the motor vehicle pending final adjudication of the
 18 case.

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

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

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

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

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

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

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

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

25 (3) ~~(c)~~ A person, firm, or corporation shall not sell or
 26 offer for sale to local authorities and local authorities shall
 27 not purchase or manufacture any traffic control device ~~which~~ **THAT**

1 does not conform to the ~~Michigan manual of uniform traffic~~
2 ~~control devices except by permission of the director of the~~
3 ~~department of state highways~~ **SPECIFICATIONS ADOPTED UNDER SECTION**
4 **608.**

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

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

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

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

23 (c) 25 miles per hour on all highways or parts of highways
24 within the boundaries of land platted under the land division
25 act, 1967 PA 288, MCL 560.101 to 560.293, or the condominium act,
26 1978 PA 59, MCL 559.101 to 559.276, unless a ~~different~~ **HIGHER**
27 speed is ~~fixed and~~ **DETERMINED TO BE APPROPRIATE AND PROPERLY**

1 posted. HIGHWAYS ADJACENT TO AREAS DESCRIBED IN THIS SUBDIVISION
2 OR LYING BETWEEN 2 OR MORE AREAS DESCRIBED IN THIS SUBDIVISION
3 SHALL NOT BE CONSIDERED TO BE WITHIN THE BOUNDARIES OF THOSE
4 AREAS.

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

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

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

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

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

23 (3) It is prima facie unlawful for a person to exceed the
24 speed limits prescribed in subsection (2), except as provided in
25 section 629.

26 (4) A person operating a vehicle in a mobile home park as
27 ~~defined in section 2 of the mobile home commission act, 1987 PA~~

1 96, MCL 125.2302, shall operate that vehicle at a careful and
2 prudent speed, not greater than a speed that is reasonable and
3 proper, having due regard for the traffic, surface, width of the
4 roadway, and all other conditions existing **AT THAT TIME**, and not
5 greater than a speed that permits a stop within the assured clear
6 distance ahead. It is prima facie unlawful for the operator of a
7 vehicle to operate that vehicle at a speed exceeding 15 miles an
8 hour in a mobile home park. **AS USED IN THIS SUBSECTION, "MOBILE**
9 **HOME PARK" MEANS THAT TERM** as defined in section 2 of the mobile
10 home commission act, 1987 PA 96, MCL 125.2302.

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

13 (5) ~~(6)~~ Except as otherwise provided in this subsection, a
14 person operating a truck with a gross weight of 10,000 pounds or
15 more, a truck-tractor, a truck-tractor with a semi-trailer or
16 trailer, or a combination of these vehicles shall not exceed a
17 speed of 55 miles per hour on highways, streets, or freeways and
18 shall not exceed a speed of 35 miles per hour during the period
19 when reduced loadings are being enforced in accordance with this
20 chapter. However, a person operating a school bus, a truck, a
21 truck-tractor, or a truck-tractor with a semi-trailer or trailer
22 described in this subsection shall not exceed a speed of 60 miles
23 per hour on a freeway if the maximum speed limit on that freeway
24 is 70 miles per hour.

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

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

3 (6) ~~(9)~~—A person operating a vehicle on a highway, when
4 entering and passing through a work zone described in section
5 79d(a) where a normal lane or part of the lane of traffic has
6 been closed due to highway construction, maintenance, or
7 surveying activities, shall not exceed a speed of 45 miles per
8 hour unless a different speed limit is determined for that work
9 zone by the state transportation department, a county road
10 commission, or a local authority, based on accepted engineering
11 practice. The state transportation department, a county road
12 commission, or a local authority shall post speed limit signs in
13 each work zone described in section 79d(a) that indicate the
14 speed limit in that work zone and shall identify that work zone
15 with any other traffic control devices necessary to conform to
16 the Michigan manual of uniform traffic control devices. A person
17 shall not exceed a speed limit established under this section or
18 a speed limit established under section 628 or 629.

19 (7) ~~(10)~~—Subject to subsections (1) and (2)(c), speed limits
20 established ~~pursuant to~~ **UNDER** this section are not valid unless
21 properly posted. In the absence of a properly posted sign, the
22 speed limit in effect shall be the general speed limit ~~pursuant~~
23 ~~to~~ **UNDER** section 628(1).

24 (8) ~~(11)~~—Nothing in this section prevents the establishment
25 of an absolute speed limit ~~pursuant to~~ **UNDER** section 628. Subject
26 to subsection (1), an absolute speed limit established ~~pursuant~~
27 ~~to~~ **UNDER** section 628 supersedes a prima facie speed limit

1 established pursuant to ~~UNDER~~ this section.

2 (9) ~~(12)~~ Nothing in this section shall be construed as
3 justification to deny a traffic and engineering investigation. A
4 TRAFFIC CONTROL ORDER SHALL BE USED TO ESTABLISH SPEED LIMITS
5 BASED ON A TRAFFIC AND ENGINEERING STUDY.

6 (10) ~~(13)~~ As used in this section, "vehicular access point"
7 means a driveway or intersecting roadway.

8 (11) ~~(14)~~ A person who violates this section SUBSECTIONS (1)
9 TO (6) is responsible for a civil infraction.

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

17 (13) IF A HIGHWAY SEGMENT HAS A DESIGN SPEED THAT IS LOWER
18 THAN THE EIGHTY-FIFTH PERCENTILE SPEED OF FREE-FLOWING TRAFFIC ON
19 THAT HIGHWAY SEGMENT, THE ROAD AUTHORITY HAVING JURISDICTION OVER
20 THAT HIGHWAY SEGMENT MAY POST APPROPRIATE ADVISORY SPEED SIGNS,
21 OR OTHER WARNING SIGNS THAT CONFORM TO THE MICHIGAN MANUAL OF
22 UNIFORM TRAFFIC CONTROL DEVICES ON THAT HIGHWAY SEGMENT. AS USED
23 IN THIS SUBSECTION, "DESIGN SPEED" MEANS THAT TERM AS USED IN AND
24 DETERMINED UNDER "A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND
25 STREETS," FIFTH EDITION, 2004, ISSUED BY THE AMERICAN ASSOCIATION
26 OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO),
27 HEADQUARTERED AT 444 NORTH CAPITOL STREET NW, SUITE 249,

1 WASHINGTON, DC 20001.

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

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

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

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

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

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

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

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

25 (5) Notwithstanding the requirements for a school zone as
26 defined in subsection (1)(c), if a school is located in an area
27 that requires school children to cross a state trunk line highway

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

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

27 (6) ~~(7)~~—If appropriate, the school superintendent may

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

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

16	<u>Number of miles per hour</u>		<u>Minimum</u>
17	<u>that the vehicle exceeded the</u>		
18	<u>applicable speed limit at the</u>		
19	<u>time of the violation</u>	<u>Points</u>	<u>Fine</u>
20	1 to 5	0	\$10.00
21	6 to 10	1	\$20.00
22	11 to 15	2	\$30.00
23	16 to 25	3	\$40.00
24	26 or over	4	\$50.00

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

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

5 Sec. 721. (1) Except as otherwise provided in subsection
6 (5), a passenger vehicle or a pickup truck shall not be driven
7 upon a highway drawing or having attached to the passenger
8 vehicle or pickup truck more than 1 vehicle or trailer.

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

15 (3) A vehicle or trailer towed or drawn by a vehicle shall
16 be attached to the vehicle with forms of coupling devices in a
17 manner so that when the combination is operated in a linear
18 alignment on a level, smooth, paved surface, the movement of the
19 towed or drawn vehicle or trailer does not deviate more than 3
20 inches to either side of the path of the towing vehicle that tows
21 or draws it. The vehicle or trailer shall also be connected to
22 the towing vehicle by suitable safety chains or devices, 1 on
23 each side of the coupling and at the extreme outer edge of the
24 vehicle or trailer. Each chain or device and connection used
25 shall be of sufficient strength to haul the vehicle or trailer
26 when loaded. In the case of an implement of husbandry with a
27 gross vehicle weight rating or gross combination weight rating of

1 10,000 pounds or less, the safety chains or devices required
2 under this subsection shall conform to the federal motor carrier
3 safety regulations requirements contained in 49 ~~C.F.R.~~ **CFR**
4 393.70(d)(5).

5 (4) A pickup truck with a fifth wheel assembly shall not tow
6 a semitrailer unless the fifth wheel assembly conforms to the
7 standards prescribed in the motor carrier safety act of 1963,
8 1963 PA 181, MCL 480.11 to ~~480.22~~ **480.25**.

9 (5) Notwithstanding subsection (1), a pickup truck with a
10 towing rating equal to, or greater than, the weight being towed,
11 equipped with a fifth wheel assembly that conforms with the
12 standards prescribed in the motor carrier safety act of 1963,
13 1963 PA 181, MCL 480.11 to ~~480.22~~ **480.25**, towing attached with a
14 semitrailer designed for recreational living purposes may tow an
15 additional trailer or semitrailer under the following conditions:

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

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

27 (c) The gross weight of the additional trailer or

1 semitrailer towed or drawn shall not exceed the empty weight of
2 the pickup truck or the empty weight of the semitrailer.

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

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

9 Enacting section 1. This amendatory act does not take effect
10 unless Senate Bill No. ____ or House Bill No. 6164 (request no.
11 05584'09) of the 95th Legislature is enacted into law.