



MICHIGAN STATE POLICE LEGAL UPDATE

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CRIMINAL LAW AND PROCEDURE MANUAL

The third edition of *Michigan Criminal Law and Procedure: A Manual for Michigan Police Officers* is now available for purchase in print and eBook formats.

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STATUTES

The Michigan Vehicle Code amended to allow certain vehicles to use flashing, rotating, or oscillating green lights

Public Act 161 of 2016 amended the Michigan Vehicle Code, [MCL 257.698](#), to allow for the use of flashing, rotating, or oscillating green lights as follows:

- Flashing, rotating, or oscillating amber or green lights shall be used by a state, county, or municipal vehicle engaged in the removal of ice, snow, or other material from the highway and in other operations designed to control ice and snow, or engaged in other non-winter operations. [MCL 257.698\(5\)\(d\)](#)
- Flashing, rotating, or oscillating amber or green lights may be used by a vehicle used for the cleanup of spills or a necessary emergency response action taken pursuant to state or federal law or a vehicle operated by an employee of the department of natural resources or the department of environmental quality that responds to a spill, emergency response action, complaint, or compliance activity, however, the lights shall not be activated unless the vehicle is at the scene of a spill, emergency response action, complaint, or compliance activity. [MCL 257.698\(5\)\(e\)](#)

Officers should be aware that the only vehicles authorized to use flashing, rotating, or oscillating green lights are the vehicles listed above. Use or possession of flashing, rotating, or oscillating green lights by any other vehicle, including commercial snow removal vehicles, is prohibited by [MCL 257.698\(5\)](#). Violation of [MCL 257.698\(5\)](#) is a 90-day misdemeanor.

The Michigan Vehicle Code amended to address speed limits

Public Acts [445](#) and [447](#) of 2016 amended the Michigan Vehicle Code, [MCL 257.627](#) and [MCL 257.628](#). The amendments include moving speed limit provisions previously found in [MCL 257.628](#) to [MCL 257.627](#) and modifying a number of current speed limits listed in [MCL 257.627](#). Relevant moved or amended provisions are discussed below.

Pursuant to [MCL 257.627\(1\)](#), a person operating a vehicle on a highway shall operate that vehicle at a careful and prudent speed not greater than nor less than that is reasonable and proper, having due regard to the traffic, surface, and width of the highway and of any other condition 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. A violation of [MCL 257.627\(1\)](#) shall be referred to as a violation of the "basic speed law" or "VBSL."

Pursuant to [MCL 257.627\(2\)](#), it is lawful to operate a vehicle on the below listed highways at the listed speeds, unless doing so would result in the person being in violation of the "basic speed law" detailed in [MCL 257.627\(1\)](#):

- 15 miles per hour (mph) on a highway segment within the boundaries of a mobile home park as defined by [MCL 125.2302](#). [MCL 257.627\(2\)\(a\)](#)
- 25 mph on a highway segment within a business district. [MCL 257.627\(2\)\(b\)](#)
- 25 mph on a highway segment within the boundaries of a public park. [MCL 257.627\(2\)\(c\)](#)
- 25 mph on a highway segment within the boundaries of a residential subdivision, including a condominium subdivision, consisting of a system of interconnected highways with no through highways and a limited number of dedicated highways that serve as entrances to and exits from the subdivision. [MCL 257.627\(2\)\(d\)](#)

Officers should note that a highway segment adjacent to or lying between two or more areas described above shall not be considered to be within the boundaries of those areas. [MCL 257.627\(5\)\(a\)](#)

This update is published by the Michigan State Police, Office of the Director, Legal Resource and Education Unit and is provided for informational purposes only. Officers should contact their local prosecutor for an interpretation before applying the information contained in this update. Questions and comments may be directed to MSPLegal@michigan.gov. Past editions can be found at www.michigan.gov/msp-legal.

Pursuant to [MCL 257.627\(4\)](#), where the posted speed limit is greater than 65 mph, a person operating

- A school bus;
- A truck with a gross limit of 10,000 pounds or more;
- A truck-tractor; or
- A truck-tractor with a semi-trailer or trailer or a combination of these vehicles

shall not exceed a speed of 65 mph on a limited access freeway or a state trunk line highway. The previous speed limit of 55 mph that applied to the above persons was removed.

The following general speed limits are the maximum speed limits allowed on the below listed highways, unless a speed limit is otherwise fixed:

- 70 mph is the “limited access freeway general speed limit” on all limited access freeways. 55 mph is the minimum speed limit on all limited access freeways. [MCL 257.627\(8\)](#)
- 55 mph is the “general speed limit” on all trunk line highways and all county highways. [MCL 257.627\(9\)](#)
- 55 mph is the “general gravel road speed limit” on all county highways with a gravel or unimproved surface. [MCL 257.627\(10\)](#)

Pursuant to [MCL 257.627\(12\)](#), speed limits established under MCL 257.627 are not valid unless properly posted. In the absence of a properly posted sign, the speed limit in effect is the “basic speed law” established in MCL 257.627(1). However, the speed limits listed below are valid without posting:

- The “basic speed law.” MCL 257.627(1)
- The residential subdivision speed limit of 25 mph. MCL 257.627(2)(d).
- The “general speed limit” of 55 mph. MCL 257.627(9).

The term “absolute speed limits” previously found in MCL 257.628(10) was removed.

The 45 mph speed limit for a person operating a modified agriculture vehicle previously found in MCL 257.627(6) was removed.

The Michigan Vehicle Code amended to provide that operating a motorcycle without a motorcycle indorsement is punishable as a misdemeanor

Public Act 318 of 2016 amended the Michigan Vehicle Code, [MCL 257.312a](#), to increase the penalty for operating a motorcycle upon a public street or highway without first obtaining a motorcycle indorsement. As amended, a first violation is punishable as a 90-day

misdemeanor and a second or subsequent offense is punishable as a 1-year misdemeanor.

The Michigan Penal Code amended to add the crime of willfully and maliciously damaging, destroying, injuring, defacing, dismantling, tampering with, or removing traffic control device

Public Act 111 of 2016 added [MCL 750.377d](#) to the Michigan Penal Code and repealed [MCL 257.616](#) from the Michigan Vehicle Code which prohibited similar conduct.

Definition

For purposes of MCL 750.377d, “traffic control device” means a sign, signal, electronic traffic control sign or signal, marking, light post, railroad sign or signal, or device not inconsistent with the Michigan Vehicle Code, 1949 PA 300, [MCL 257.1 to 257.923](#), placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, maintaining highway safety, or providing information to motor vehicle operators.

Prohibited Conduct

MCL 750.377d provides that a person, who willfully and maliciously damages, destroys, injures, defaces, dismantles, tampers with, or removes a traffic control device is guilty of a crime.

Penalty

A first violation is a 93-day misdemeanor. A violation that occurs after one prior conviction is a 180-day misdemeanor. A violation that occurs after two or more prior convictions is a 1-year misdemeanor.

Officers should be aware that MCL 750.377d does not prohibit the person from being charged with, convicted of, or sentenced for any other violation of law arising out of the same transaction as the violation of MCL 750.377d in addition to being charged with, convicted of, or sentenced for the violation of MCL 750.377d.