

SENATE BILL NO. 375

INTRODUCED BY S. SALES

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ~~DAYTIME~~ MAXIMUM SPEED LIMITS FOR CERTAIN  
5 VEHICLES TRAVELING ON CERTAIN HIGHWAYS; REVISING FINES FOR SPEEDING VIOLATIONS;  
6 AUTHORIZING THE TRANSPORTATION COMMISSION TO ESTABLISH TEMPORARY SPEED LIMITS;  
7 AMENDING SECTIONS 61-8-303, 61-8-309, ~~61-8-312~~, 61-8-312, 61-8-725, AND 61-11-203, MCA."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 61-8-303, MCA, is amended to read:

12 **"61-8-303. Speed restrictions.** (1) Except as provided in 61-8-309, 61-8-310, and 61-8-312, the speed  
13 limit for vehicles traveling:

14 (a) on a federal-aid interstate highway outside an urbanized area of 50,000 population or more is ~~75~~ 80  
15 miles an hour at all times and the speed limit for vehicles traveling on federal-aid interstate highways within an  
16 urbanized area of 50,000 population or more is 65 miles an hour at all times;

17 (b) on any other public highway of this state is 70 miles an hour during the daytime and 65 miles an hour  
18 during the nighttime;

19 (c) in an urban district is 25 miles an hour.

20 (2) A vehicle subject to the speed limits imposed in subsection (1) traveling on a two-lane road may  
21 exceed the speed limits imposed in subsection (1) by 10 miles an hour in order to overtake and pass a vehicle  
22 and return safely to the right-hand lane.

23 (3) Subject to the maximum speed limits set forth in subsection (1), a person shall operate a vehicle in  
24 a careful and prudent manner and at a reduced rate of speed no greater than is reasonable and prudent under  
25 the conditions existing at the point of operation, taking into account the amount and character of traffic, visibility,  
26 weather, and roadway conditions.

27 (4) Except when a special hazard exists that requires lower speed for compliance with subsection (3),  
28 the limits specified in this section are the maximum lawful speeds allowed.

29 (5) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means  
30 at any other hour.

1 (6) The speed limits set forth in this section may be altered by the transportation commission or a local  
2 authority as authorized in 61-8-309, 61-8-310, 61-8-313, and 61-8-314."

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4 **Section 2.** Section 61-8-309, MCA, is amended to read:

5 **"61-8-309. Establishment of special speed zones -- engineering and traffic investigation.** (1) (a)

6 If the commission determines upon the basis of an engineering and traffic investigation that a speed limit set by  
7 61-8-303 OR 61-8-312 is greater or less than is reasonable or safe under the conditions found to exist at an  
8 intersection, curve, or dangerous location or on a segment of a highway less than 50 miles in length under its  
9 jurisdiction, the commission may set a reasonable and safe special speed limit at that location. In the case of a  
10 school zone adjacent to a state highway, the commission is not required to base its speed limit determination  
11 solely upon the results of the engineering and traffic investigation.

12 (b) If a local authority requests the department of transportation or an engineer, as provided in subsection  
13 (1)(c)(i), to conduct an engineering and traffic investigation based on the belief that a speed limit on a highway  
14 under the jurisdiction of the department of transportation is greater than is reasonable or safe, the commission  
15 may not increase the speed limit under consideration as a result of the investigation.

16 (c) (i) A local authority may request at its own expense that an engineering and traffic investigation be  
17 completed by a licensed professional engineer selected from a list compiled and approved by a committee as  
18 provided in subsection (1)(c)(ii).

19 (ii) A committee containing two department of transportation staff appointed by the director and two  
20 representatives of associations whose membership comprises cities, towns, and counties, as authorized by  
21 7-5-2141 and 7-5-4141, shall review credentials submitted by licensed professional engineers and shall determine  
22 who appears on the list of individuals authorized to conduct engineering and traffic investigations for local  
23 governments. The list must be updated every 2 years.

24 (iii) Upon completion of an engineering and traffic investigation conducted for a local government, the  
25 department of transportation shall submit a report to the commission with findings and recommendations. The  
26 commission shall decide on an appropriate speed limit based on the traffic investigation within 120 days from the  
27 date the investigation is submitted to the department of transportation.

28 (d) A local authority may request a temporary special reduced or increased speed zone for a route or  
29 route segment that is under consideration for a reduced or increased speed limit under subsection (1)(a), (1)(b),  
30 or (1)(c). If a local authority makes multiple requests for temporary special reduced or increased speed zones,

1 the local authority shall prioritize the requests. The department of transportation shall conduct a preliminary visual  
 2 and engineering review of a route or a route segment for which a temporary special speed zone is requested.  
 3 The reviewing party must include a representative of the local authority. Upon completion of the preliminary  
 4 review, if the department of transportation concurs with the local authority that a temporary special reduced or  
 5 increased speed limit is warranted, a temporary special reduced or increased speed zone may be established  
 6 upon formal approval by the commission. The temporary special reduced or increased speed limit remains in  
 7 effect until a complete traffic and engineering study has been done on the route or route segment and the  
 8 commission has made a determination on changing the speed limit.

9 ~~(2) (a) Subject to the provisions of subsection (2)(b) and pending PENDING completion of an engineering~~  
 10 ~~and traffic investigation as provided for in subsection (1), the commission may temporarily set a speed limit of not~~  
 11 ~~less than:~~

12 ~~—— (i) 75 miles an hour on a segment of the federal-aid interstate highway system that it reasonably believes~~  
 13 ~~is not suitable for the limit established in 61-8-303(1)(a); or~~

14 ~~—— (ii) 60 miles an hour during the daytime and 55 miles an hour during the nighttime, as those terms are~~  
 15 ~~defined in 61-8-303, for trucks and truck tractors of more than 1 ton manufacturer's rated capacity on a segment~~  
 16 ~~of any other highway for which the commission reasonably believes the limit established in 61-8-312 is not~~  
 17 ~~suitable.~~

18 ~~(b) The provisions of subsection (2)(a) apply only to the following segments or portions of segments of~~  
 19 ~~the federal-aid interstate highway system as follows:~~

20 ~~—— (i) interstate 90 between the Idaho-Montana border and the interchange at Reserve Street at Missoula;~~

21 ~~—— (ii) interstate 90 from the interchange at U.S. highway 287 west of Three Forks to the interchange with~~  
 22 ~~interstate 15 east of Butte;~~

23 ~~—— (iii) interstate 90 from the Belgrade interchange with Montana highway 85 to the interchange with Shiloh~~  
 24 ~~Road west of Billings;~~

25 ~~—— (iv) interstate 15 from the interstate 90 interchange east of Butte to the Craig exit in Lewis and Clark~~  
 26 ~~County; and~~

27 ~~—— (v) interstate 94 from the interchange at Custer in Yellowstone County to the interchange at Hlysham in~~  
 28 ~~Treasure County;~~

29 ~~(2)(3)~~ The department of transportation shall erect and maintain appropriate signs giving notice of special  
 30 limits. If the special limits apply to a school zone, the department shall consider the use of electronic signs in lieu

1 of or in addition to other appropriate signs. When the signs are erected, the limits are effective for those zones  
 2 at all times or at other times that the commission sets.

3 ~~(3)~~(4) The authority of the commission under this section includes the authority to set reduced nighttime  
 4 speed limits on curves and other dangerous locations.

5 ~~(4)~~(5) This section does not authorize the commission to set a statewide speed limit.

6 ~~(5)~~(6) (a) The violation of a speed limit established under this section, except subsection (2), is a  
 7 misdemeanor offense and is punishable as provided in 61-8-711.

8 (b) The violation of a speed limit established under subsection (2) is punishable as provided in 61-8-725."  
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10 ~~Section 3. Section 61-8-312, MCA, is amended to read:~~

11 ~~"61-8-312. Special speed limitations on trucks, truck tractors, and motor-driven cycles. (1) Except~~  
 12 ~~as provided in 61-8-303, 61-8-309, 61-8-310, and subsection (2) of this section, the speed limit for a truck or truck~~  
 13 ~~tractor of more than 1 ton "manufacturer's rated capacity" traveling on:~~

14 ~~—— (a) a federal-aid interstate highway is 65 70 miles an hour; and~~

15 ~~—— (b) any other public highway is 60 70 miles an hour during the daytime and 55 60 miles an hour during~~  
 16 ~~the nighttime as those terms are defined in 61-8-303.~~

17 ~~—— (2) Except as provided in 61-8-303, 61-8-309, and 61-8-310, the speed limit for a vehicle subject to a~~  
 18 ~~term permit under 61-10-124(2)(d) or a truck-trailer-trailer or truck tractor-semitrailer-trailer-trailer combination~~  
 19 ~~of vehicles subject to special permits under 61-10-124(4) is the same as the speed limit provided in subsection~~  
 20 ~~(1)(a) if the vehicle is operating on a federal-aid interstate highway and 55 miles an hour on all other highways;~~  
 21 ~~unless otherwise stated in the permit.~~

22 ~~—— (3) A person may not operate a motor-driven cycle at any time mentioned in 61-9-201 at a speed greater~~  
 23 ~~than 35 miles an hour unless the motor-driven cycle is equipped with a headlamp or lamps that are adequate to~~  
 24 ~~reveal a person or vehicle at a distance of 300 feet ahead."~~

25

26 SECTION 3. SECTION 61-8-312, MCA, IS AMENDED TO READ:

27 "61-8-312. Special speed limitations on trucks, truck tractors, and motor-driven cycles. (1) Except  
 28 as provided in 61-8-303, 61-8-309, 61-8-310, and subsection (2) of this section, the speed limit for a truck or truck  
 29 tractor of more than 1 ton "manufacturer's rated capacity" traveling on:

30 (a) a federal-aid interstate highway is 65 miles an hour; and

1 (b) any other public highway is 60 miles an hour during the daytime and 55 miles an hour during the  
 2 nighttime as those terms are defined in 61-8-303.

3 (2) Except as provided in 61-8-303, 61-8-309, and 61-8-310, the speed limit for a vehicle subject to a  
 4 term permit under 61-10-124(2)(d) or a truck-trailer-trailer or truck tractor-semitrailer-trailer-trailer combination  
 5 of vehicles subject to special permits under 61-10-124(4) is ~~55~~ 65 miles an hour unless otherwise stated in the  
 6 permit.

7 (3) A person may not operate a motor-driven cycle at any time mentioned in 61-9-201 at a speed greater  
 8 than 35 miles an hour unless the motor-driven cycle is equipped with a headlamp or lamps that are adequate to  
 9 reveal a person or vehicle at a distance of 300 feet ahead."

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11 **Section 4.** Section 61-8-725, MCA, is amended to read:

12 **"61-8-725. Penalty for violation of speed limits -- no record for certain violations.** (1) A person  
 13 ~~violating the speed limit imposed pursuant to 61-8-303~~ shall be fined for violating the maximum speed limit in  
 14 accordance with the following ~~schedule~~ schedules:

15 (a) for a violation of 61-8-303(1)(a):

<u>Amount of Fine</u>	<u>MPH in Excess of Speed Limit</u>
16 <del>\$20</del> <u>\$40</u>	<u>1 - 5 10 (daytime)</u>
17 <u>20 40</u>	<u>1 - 5 10 (nighttime)</u>
18 <u>70</u>	<u><del>6-15</del> 11 - 20</u>
19 <u>120</u>	<u><del>16-25</del> 21 - 30</u>
20 <u>200</u>	<u><del>26+</del> 31+</u>

21 (b) for a violation of 61-8-303(1)(b), 61-8-309, or 61-8-312:

<u>Amount of Fine</u>	<u>MPH in Excess of Speed Limit</u>
22 \$ 20	1 - 10 (daytime)
23 20	1 - 10 (nighttime)
24 <del>40</del> <u>70</u>	11 - 20
25 <del>70</del> <u>120</u>	21 - 30
26 <del>100</del> <u>200</u>	31+

27 (2) (a) A violation of a speed limit imposed pursuant to 61-8-303 is not a criminal offense within the  
 28 meaning of 3-1-317, 45-2-101, 46-18-236, 61-8-104, and 61-8-711 and, except as provided in subsection (2)(b)  
 29

1 or (4), may not be recorded or charged against a driver's record, and an insurance company may not hold a  
 2 violation of a speed limit against the insured or increase premiums because of the violation if the speed limit is  
 3 exceeded by no more than:

4 ~~(a)~~(i) 10 miles an hour during the daytime; or

5 ~~(b)~~(ii) 5 miles an hour during the nighttime.

6 (b) If a driver is guilty of exceeding 85 90 miles per hour in violation of 61-8-303(1)(a), the violation may  
 7 be recorded or charged against a driver's record and an insurance company may hold the violation against an  
 8 insured driver's premium.

9 (3) The surcharge provided for in 3-1-317 may not be imposed for a violation of 61-8-303.

10 (4) The recordkeeping restrictions provided in subsection (2) with respect to a person's driving record  
 11 do not apply to a speed limit violation or conviction that was committed by:

12 (a) a Montana resident in another state whose violation or conviction was reported to the department  
 13 by a court or the licensing authority in the state in which the violation occurred; or

14 (b) a person who holds a commercial driver's license regardless of whether or not the violation occurred  
 15 while the person was operating a commercial motor vehicle.

16 (5) This section does not apply to the violation of a special speed zone established under 61-8-309 or  
 17 61-8-310."

18

19 **Section 5.** Section 61-11-203, MCA, is amended to read:

20 **"61-11-203. Definitions -- habitual traffic offenders -- point schedule.** (1) As used in this part, the  
 21 following definitions apply:

22 (a) "Conviction" has the meaning provided in 61-5-213.

23 (b) "Habitual traffic offender" means any person who within a 3-year period accumulates 30 or more  
 24 conviction points according to the schedule specified in subsection (2).

25 (c) "License" means any type of license or permit to operate a motor vehicle.

26 (d) "Moving violation" means a violation of a traffic regulation of this state or another jurisdiction by a  
 27 person while operating a motor vehicle or in actual physical control of a motor vehicle upon a highway.

28 (e) "Traffic regulation" includes any provision governing motor vehicle operation, equipment, safety, or  
 29 driver licensing. A traffic regulation does not include provisions governing vehicle registration or local parking.

30 (2) Subject to subsection (3), the point schedule used to determine whether an individual is a habitual

1 traffic offender is as follows:

2 (a) deliberate homicide resulting from the operation of a motor vehicle, 15 points;

3 (b) mitigated deliberate homicide, negligent homicide resulting from operation of a motor vehicle, or  
4 negligent vehicular assault, 12 points;

5 (c) any offense punishable as a felony under the motor vehicle laws of Montana or any felony in the  
6 commission of which a motor vehicle is used, 12 points;

7 (d) driving while under the influence of intoxicating liquor or narcotics or drugs of any kind or operation  
8 of a motor vehicle by a person with alcohol concentration of 0.08 or more, 10 points;

9 (e) operating a motor vehicle while the license to do so has been suspended or revoked, 6 points;

10 (f) failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person  
11 to stop at the scene of the accident and give the required information and assistance, as described in 61-7-105,  
12 8 points;

13 (g) willful failure of the driver involved in an accident resulting in property damage of \$250 to stop at the  
14 scene of the accident and give the required information or failure to otherwise report an accident in violation of  
15 the law, 4 points;

16 (h) reckless driving, 5 points;

17 (i) illegal drag racing or engaging in a speed contest in violation of the law, 5 points;

18 (j) any of the mandatory motor vehicle liability protection offenses under 61-6-301 and 61-6-302, 5 points;

19 (k) operating a motor vehicle without a license to do so, 2 points. However, this subsection (2)(k) does  
20 not apply to operating a motor vehicle within a period of 180 days from the date the license expired.

21 (l) speeding, except as provided in 61-8-725(2)(a), 3 points;

22 (m) all other moving violations, 2 points.

23 (3) There may not be multiple application of cumulative points when two or more charges are filed  
24 involving a single occurrence. If there are two or more convictions involving a single occurrence, only the number  
25 of points for the specific conviction carrying the highest points is chargeable against that defendant."

26 - END -