



AN ACT REVISING THE MAXIMUM SPEED LIMITS FOR CERTAIN VEHICLES TRAVELING ON CERTAIN HIGHWAYS; REVISING FINES FOR SPEEDING VIOLATIONS; AUTHORIZING THE TRANSPORTATION COMMISSION TO ESTABLISH TEMPORARY SPEED LIMITS; AMENDING SECTIONS 61-8-303, 61-8-309, 61-8-312, 61-8-725, AND 61-11-203, MCA.

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

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

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

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

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

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

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

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

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

(5) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means

at any other hour.

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

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

**"61-8-309. Establishment of special speed zones -- engineering and traffic investigation.** (1) (a) If the commission determines upon the basis of an engineering and traffic investigation that a speed limit set by 61-8-303 or 61-8-312 is greater or less than is reasonable or safe under the conditions found to exist at an intersection, curve, or dangerous location or on a segment of a highway less than 50 miles in length under its jurisdiction, the commission may set a reasonable and safe special speed limit at that location. In the case of a school zone adjacent to a state highway, the commission is not required to base its speed limit determination solely upon the results of the engineering and traffic investigation.

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

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

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

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

(d) A local authority may request a temporary special reduced or increased speed zone for a route or

route segment that is under consideration for a reduced or increased speed limit under subsection (1)(a), (1)(b), or (1)(c). If a local authority makes multiple requests for temporary special reduced or increased speed zones, the local authority shall prioritize the requests. The department of transportation shall conduct a preliminary visual and engineering review of a route or a route segment for which a temporary special speed zone is requested. The reviewing party must include a representative of the local authority. Upon completion of the preliminary review, if the department of transportation concurs with the local authority that a temporary special reduced or increased speed limit is warranted, a temporary special reduced or increased speed zone may be established upon formal approval by the commission. The temporary special reduced or increased speed limit remains in effect until a complete traffic and engineering study has been done on the route or route segment and the commission has made a determination on changing the speed limit.

(2) Pending completion of an engineering and traffic investigation as provided for in subsection (1), the commission may temporarily set a speed limit of not less than 75 miles an hour on a segment of the federal-aid interstate highway system that it reasonably believes is not suitable for the limit established in 61-8-303(1)(a).

~~(2)~~(3) The department of transportation shall erect and maintain appropriate signs giving notice of special limits. If the special limits apply to a school zone, the department shall consider the use of electronic signs in lieu of or in addition to other appropriate signs. When the signs are erected, the limits are effective for those zones at all times or at other times that the commission sets.

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

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

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

(b) The violation of a speed limit established under subsection (2) is punishable as provided in 61-8-725."

**Section 3.** Section 61-8-312, MCA, is amended to read:

**"61-8-312. Special speed limitations on trucks, truck tractors, and motor-driven cycles.** (1) Except 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 tractor of more than 1 ton "manufacturer's rated capacity" traveling on:

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

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

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

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

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

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

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

| <u>Amount of Fine</u> | <u>MPH in Excess of Speed Limit</u> |
|-----------------------|-------------------------------------|
| <u>\$40</u>           | <u>1 - 10 (daytime)</u>             |
| <u>40</u>             | <u>1 - 10 (nighttime)</u>           |
| <u>70</u>             | <u>11 - 20</u>                      |
| <u>120</u>            | <u>21 - 30</u>                      |
| <u>200</u>            | <u>31+</u>                          |

(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> |
|---------------------------|-------------------------------------|
| <u>\$ 20</u>              | <u>1 - 10 (daytime)</u>             |
| <u>20</u>                 | <u>1 - 10 (nighttime)</u>           |
| <del>40</del> <u>70</u>   | <u>11 - 20</u>                      |
| <del>70</del> <u>120</u>  | <u>21 - 30</u>                      |
| <del>100</del> <u>200</u> | <u>31+</u>                          |

(2) (a) A violation of a speed limit imposed pursuant to 61-8-303 is not a criminal offense within the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) "Traffic regulation" includes any provision governing motor vehicle operation, equipment, safety, or

driver licensing. A traffic regulation does not include provisions governing vehicle registration or local parking.

(2) Subject to subsection (3), the point schedule used to determine whether an individual is a habitual traffic offender is as follows:

- (a) deliberate homicide resulting from the operation of a motor vehicle, 15 points;
- (b) mitigated deliberate homicide, negligent homicide resulting from operation of a motor vehicle, or negligent vehicular assault, 12 points;
- (c) any offense punishable as a felony under the motor vehicle laws of Montana or any felony in the commission of which a motor vehicle is used, 12 points;
- (d) driving while under the influence of intoxicating liquor or narcotics or drugs of any kind or operation of a motor vehicle by a person with alcohol concentration of 0.08 or more, 10 points;
- (e) operating a motor vehicle while the license to do so has been suspended or revoked, 6 points;
- (f) failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance, as described in 61-7-105, 8 points;
- (g) willful failure of the driver involved in an accident resulting in property damage of \$250 to stop at the scene of the accident and give the required information or failure to otherwise report an accident in violation of the law, 4 points;
- (h) reckless driving, 5 points;
- (i) illegal drag racing or engaging in a speed contest in violation of the law, 5 points;
- (j) any of the mandatory motor vehicle liability protection offenses under 61-6-301 and 61-6-302, 5 points;
- (k) operating a motor vehicle without a license to do so, 2 points. However, this subsection (2)(k) does not apply to operating a motor vehicle within a period of 180 days from the date the license expired.
- (l) speeding, except as provided in 61-8-725(2)(a), 3 points;
- (m) all other moving violations, 2 points.

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

- END -

I hereby certify that the within bill,  
SB 0375, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2015.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2015.

SENATE BILL NO. 375  
INTRODUCED BY S. SALES

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