

HOUSE BILL NO. 306

INTRODUCED BY BARNETT, SPRING

IN THE HOUSE

JANUARY 21, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON HIGHWAYS & TRANSPORTATION.

JANUARY 22, 1991                   FIRST READING.

FEBRUARY 13, 1991                  COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 14, 1991                  PRINTING REPORT.

FEBRUARY 16, 1991                  SECOND READING, DO PASS AS AMENDED.

FEBRUARY 18, 1991                  ENGROSSING REPORT.

FEBRUARY 19, 1991                  THIRD READING, PASSED.  
AYES, 93; NOES, 6.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 20, 1991                  INTRODUCED AND REFERRED TO COMMITTEE  
ON HIGHWAYS & TRANSPORTATION.

FIRST READING.

MARCH 28, 1991                    COMMITTEE RECOMMEND BILL BE  
CONCURRED IN AS AMENDED. REPORT  
ADOPTED.

APRIL 3, 1991                    SECOND READING, CONCURRED IN.

APRIL 4, 1991                    THIRD READING, CONCURRED IN.  
AYES, 50; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 8, 1991                    RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS NOT  
CONCURRED IN.

APRIL 9, 1991                    ON MOTION, CONFERENCE COMMITTEE

REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 16, 1991

ON MOTION, CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 18, 1991

CONFERENCE COMMITTEE REPORTED.

APRIL 19, 1991

SECOND READING, CONFERENCE COMMITTEE  
REPORT ADOPTED.

THIRD READING, CONFERENCE COMMITTEE  
REPORT ADOPTED.

IN THE SENATE

APRIL 20, 1991

CONFERENCE COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 22, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

*House* BILL NO. *306*

INTRODUCED BY *Harriet Sprung*

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING WHEN A LOCAL AUTHORITY MAY ALTER SPEED LIMITS; ELIMINATING THE NECESSITY OF AN ENGINEERING AND TRAFFIC INVESTIGATION BEFORE A LOCAL AUTHORITY CAN ESTABLISH A SPEED LIMIT; ELIMINATING THE HIGHWAY COMMISSION'S EXCLUSIVE JURISDICTION TO SET SPECIAL SPEED LIMITS ON FEDERAL-AID HIGHWAYS OR EXTENSIONS IN MUNICIPALITIES OR URBAN AREAS; AMENDING SECTIONS 61-8-303 AND 61-8-310, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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 -- basic rule. (1) A person operating or driving a vehicle of any character on a public highway of this state shall drive it in a careful and prudent manner, and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of traffic, condition of brakes, weight of vehicle, grade and width of highway, condition of surface, and freedom of obstruction to view ahead, and he shall drive it so as not to unduly or unreasonably endanger the life,

limb, property, or other rights of a person entitled to the use of the street or highway.

(2) Where no special hazard exists that requires lower speed for compliance with subsection (1) of this section, the speed of a vehicle not in excess of the limits specified in this section or established as authorized in 61-8-309, 61-8-310, 61-8-311, and 61-8-313 is lawful, but a speed in excess of those limits is unlawful:

(a) 25 miles per hour in an urban district;

(b) 35 miles per hour on a highway under construction or repair or on a highway being surveyed;

(c) 55 miles per hour in other locations during the nighttime, except that the nighttime speed limit on completed sections of interstate highways is 65 miles per hour.

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

(4) The speed limits set forth in this section may be altered by the highway commission as authorized in 61-8-309, 61-8-310, and 61-8-313.

(5) The driver of a vehicle shall, consistent with subsection (1), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when

1 approaching a hill crest, when traveling upon a narrow or  
2 winding roadway, and when a special hazard exists with  
3 respect to pedestrians or other traffic or by reason of  
4 weather or highway condition."

5 **Section 2.** Section 61-8-310, MCA, is amended to read:

6 "61-8-310. When local authorities may and shall alter  
7 limits. (1) If a local authority in its jurisdiction  
8 determines ~~on--the--basis--of--an--engineering--and--traffic~~  
9 ~~investigation~~ that the speed permitted under 61-8-303 and  
10 61-8-309 through 61-8-313 is greater or less than is  
11 reasonable and safe under the conditions found to exist upon  
12 a highway or part of a highway, the local authority may set  
13 a reasonable and safe limit thereon which:

14 (a) decreases the limit at an intersection;

15 (b) increases the limit within an urban district, but  
16 not to more than 55 miles per hour during the nighttime; or

17 (c) decreases the limit outside an urban district, but  
18 not to less than 15 miles per hour.

19 (2) A board of county commissioners may set limits as  
20 provided in subsection (1)(c) without an engineering and  
21 traffic investigation on a county road, as defined in  
22 60-1-103.

23 (3) A local authority in its jurisdiction ~~shall~~ may  
24 determine ~~by--an--engineering--and--traffic--investigation~~ the  
25 proper speed for all arterial streets and shall set a

1 reasonable and safe limit thereon which may be greater or  
2 less than the speed permitted under 61-8-303 for an urban  
3 district.

4 (4) An altered limit established as authorized under  
5 this section is effective at all times or at other times  
6 determined by the authority when appropriate signs giving  
7 notice of the altered limit are erected upon the highway.

8 ~~(5) The commission has exclusive jurisdiction to set~~  
9 ~~special speed limits on all federal aid highways or~~  
10 ~~extensions thereof in all municipalities or urban areas. The~~  
11 ~~commission shall set these limits in accordance with~~  
12 ~~61-8-309."~~

13 NEW SECTION. **Section 3.** Effective date. [This act] is  
14 effective on passage and approval.

-End-

APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION

HOUSE BILL NO. 306

INTRODUCED BY BARNETT, SPRING

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING WHEN A LOCAL AUTHORITY MAY ALTER SPEED LIMITS IN AREAS NEAR SCHOOLS; ELIMINATING THE NECESSITY OF AN ENGINEERING AND TRAFFIC INVESTIGATION BEFORE A LOCAL AUTHORITY CAN ESTABLISH A SPEED LIMIT; ELIMINATING THE HIGHWAY COMMISSION'S EXCLUSIVE JURISDICTION TO SET SPECIAL SPEED LIMITS ON FEDERAL AID HIGHWAYS OR EXTENSIONS IN MUNICIPALITIES OR URBAN AREAS; AMENDING SECTIONS 61-8-303 AND SECTION 61-8-310, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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) A person operating or driving a vehicle of any character on a public highway of this state shall drive it in a careful and prudent manner, and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of traffic, condition of brakes, weight of vehicle, grade and width of highway, condition of surface and freedom of obstruction to view ahead, and he shall drive it so as not to unduly or unreasonably endanger the life,

limb, property, or other rights of a person entitled to the use of the street or highway:

(2) Where no special hazard exists that requires lower speed for compliance with subsection (1) of this section, the speed of a vehicle not in excess of the limits specified in this section or established as authorized in 61-8-309, 61-8-310, 61-8-311, and 61-8-313 is lawful, but a speed in excess of those limits is unlawful:

(a) 25 miles per hour in an urban district;

(b) 35 miles per hour on a highway under construction or repair or on a highway being surveyed;

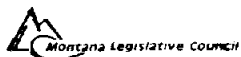
(c) 55 miles per hour in other locations during the nighttime, except that the nighttime speed limit on completed sections of interstate highways is 65 miles per hour;

(3) "Daytime" means from one-half hour before sunrise to one-half hour after sunset; "Nighttime" means at any other hour;

(4) The speed limits set forth in this section may be altered by the highway commission as authorized in 61-8-309, 61-8-310, and 61-8-313;

(5) The driver of a vehicle shall, consistent with subsection (1), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when

SECOND READING



1 approaching--a--hill--crest,when-traveling-upon-a-narrow-or  
2 winding-roadway,--and--when--a--special--hazard--exists--with  
3 respect--to--pedestrians--or--other--traffic--or--by--reason--of  
4 weather--or--highway--condition--"

5 Section 1. Section 61-8-310, MCA, is amended to read:

6 "61-8-310. When local authorities may and shall alter  
7 limits. (1) If a local authority in its jurisdiction  
8 determines on--the--basis--of--an--engineering--and--traffic  
9 investigation ON THE BASIS OF AN ENGINEERING AND TRAFFIC  
10 INVESTIGATION that the speed permitted under 61-8-303 and  
11 61-8-309 through 61-8-313 is greater or less than is  
12 reasonable and safe under the conditions found to exist upon  
13 a highway or part of a highway, the local authority may set  
14 a reasonable and safe limit thereon which:

- 15 (a) decreases the limit at an intersection;
- 16 (b) increases the limit within an urban district, but  
17 not to more than 55 miles per hour during the nighttime; or
- 18 (c) decreases the limit outside an urban district, but  
19 not to less than 15 miles per hour; OR

20 (D) DECREASES THE LIMIT IN AN AREA NEAR A SCHOOL TO NOT  
21 LESS THAN 80% OF THE SPEED LIMIT THAT WOULD BE SET ON THE  
22 BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION.

23 (2) A board of county commissioners may set limits as  
24 provided in subsection (1)(c) without an engineering and  
25 traffic investigation on a county road, as defined in

1 60-1-103.

2 (3) A local authority in its jurisdiction shall ~~may~~  
3 determine ~~by-an-engineering-and--traffic--investigation~~ the  
4 proper speed for all arterial streets and shall set a  
5 reasonable and safe limit thereon which may be greater or  
6 less than the speed permitted under 61-8-303 for an urban  
7 district.

8 (4) An altered limit established as authorized under  
9 this section is effective at all times or at other times  
10 determined by the authority when appropriate signs giving  
11 notice of the altered limit are erected upon the highway.

12 ~~(5) The--commission--has--exclusive-jurisdiction-to-set~~  
13 ~~special--speed--limits--on--all--federal-aid--highways--or~~  
14 ~~extensions--thereof--in--all--municipalities--or--urban--areas--The~~  
15 ~~commission--shall--set--these--limits--in--accordance--with~~  
16 ~~61-8-309.~~

17 (5) EXCEPT AS PROVIDED IN SUBSECTION (1)(D), THE  
18 COMMISSION HAS EXCLUSIVE JURISDICTION TO SET SPECIAL SPEED  
19 LIMITS ON ALL FEDERAL-AID HIGHWAYS OR EXTENSIONS THEREOF IN  
20 ALL MUNICIPALITIES OR URBAN AREAS. THE COMMISSION SHALL SET  
21 THESE LIMITS IN ACCORDANCE WITH 61-8-309."

22 NEW SECTION. Section 2. Effective date. [This act] is  
23 effective on passage and approval.

-End-

1 HOUSE BILL NO. 306  
2 INTRODUCED BY BARNETT, SPRING

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING WHEN A LOCAL  
5 AUTHORITY MAY ALTER SPEED LIMITS IN AREAS NEAR SCHOOLS,  
6 PARKS, OR PLAYGROUNDS; ~~ELIMINATING THE NECESSITY OF AN~~  
7 ~~ENGINEERING AND TRAFFIC INVESTIGATION BEFORE A LOCAL~~  
8 ~~AUTHORITY CAN ESTABLISH A SPEED LIMIT; ELIMINATING THE~~  
9 ~~HIGHWAY COMMISSION'S EXCLUSIVE JURISDICTION TO SET SPECIAL~~  
10 ~~SPEED LIMITS ON FEDERAL AID HIGHWAYS OR EXTENSIONS IN~~  
11 ~~MUNICIPALITIES OR URBAN AREAS; AMENDING SECTIONS 61-8-303~~  
12 ~~AND SECTION 61-8-310, MCA; AND PROVIDING AN IMMEDIATE~~  
13 ~~EFFECTIVE DATE."~~

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1, Section 61-8-303, MCA, is amended to read:  
17 "61-8-303. Speed restrictions-----basic--rule.--(1) A  
18 person operating or driving a vehicle of any character on a  
19 public highway of this state shall drive it in a careful and  
20 prudent manner, and at a rate of speed no greater than is  
21 reasonable and proper under the conditions existing at the  
22 point of operation, taking into account the amount and  
23 character of traffic, condition of brakes, weight of  
24 vehicle, grade and width of highway, condition of surface  
25 and freedom of obstruction to view ahead, and he shall drive

1 it so as not to unduly or unreasonably endanger the life,  
2 limb, property, or other rights of a person entitled to the  
3 use of the street or highway;

4 (2) Where no special hazard exists that requires lower  
5 speed for compliance with subsection (1) of this section,  
6 the speed of a vehicle not in excess of the limits specified  
7 in this section or established as authorized in 61-8-309,  
8 61-8-310, 61-8-311, and 61-8-313 is lawful, but a speed in  
9 excess of those limits is unlawful;

10 (a) 25 miles per hour in an urban district;

11 (b) 35 miles per hour on a highway under construction  
12 or repair or on a highway being surveyed;

13 (c) 55 miles per hour in other locations during the  
14 nighttime, except that the nighttime speed limit on  
15 completed sections of interstate highways is 65 miles per  
16 hour;

17 (3) "Daytime" means from one-half hour before sunrise  
18 to one-half hour after sunset; "Nighttime" means at any  
19 other hour;

20 (4) The speed limits set forth in this section may be  
21 altered by the highway commission as authorized in 61-8-309,  
22 61-8-310, and 61-8-313;

23 (5) The driver of a vehicle shall, consistent with  
24 subsection (1), drive at an appropriate reduced speed when  
25 approaching and crossing an intersection or railway grade



1 crossing when approaching and going around a curve, when  
2 approaching a hill crest, when traveling upon a narrow or  
3 winding roadway, and when a special hazard exists with  
4 respect to pedestrians or other traffic or by reason of  
5 weather or highway condition."

6 **Section 1.** Section 61-8-310, MCA, is amended to read:

7 "61-8-310. When local authorities may and shall alter  
8 limits. (1) If a local authority in its jurisdiction  
9 determines on the basis of an engineering and traffic  
10 investigation ON THE BASIS OF AN ENGINEERING AND TRAFFIC  
11 INVESTIGATION that the speed permitted under 61-8-303 and  
12 61-8-309 through 61-8-313 is greater or less than is  
13 reasonable and safe under the conditions found to exist upon  
14 a highway or part of a highway, the local authority may set  
15 a reasonable and safe limit thereon which:

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18 not to more than 55 miles per hour during the nighttime; or

19 (c) decreases the limit outside an urban district, but  
20 not to less than 15 miles per hour; OR

21 (D) DECREASES THE LIMIT IN AN AREA NEAR A SCHOOL, PARK,  
22 OR PLAYGROUND TO NOT LESS THAN 80% 70% OF THE SPEED LIMIT  
23 THAT WOULD BE SET ON THE BASIS OF AN ENGINEERING AND TRAFFIC  
24 INVESTIGATION.

25 (2) A board of county commissioners may set limits as

1 provided in subsection (1)(c) without an engineering and  
2 traffic investigation on a county road, as defined in  
3 60-1-103.

4 (3) A local authority in its jurisdiction shall ~~may~~  
5 determine by an engineering and traffic investigation the  
6 proper speed for all arterial streets and shall set a  
7 reasonable and safe limit thereon which may be greater or  
8 less than the speed permitted under 61-8-303 for an urban  
9 district.

10 (4) An altered limit established as authorized under  
11 this section is effective at all times or at other times  
12 determined by the authority when appropriate signs giving  
13 notice of the altered limit are erected upon the highway.

14 ~~(5) The commission has exclusive jurisdiction to set~~  
15 ~~special speed limits on all federal aid highways or~~  
16 ~~extensions thereof in all municipalities or urban areas. The~~  
17 ~~commission shall set these limits in accordance with~~  
18 ~~61-8-309.~~

19 (5) EXCEPT AS PROVIDED IN SUBSECTION (1)(D), THE  
20 COMMISSION HAS EXCLUSIVE JURISDICTION TO SET SPECIAL SPEED  
21 LIMITS ON ALL FEDERAL-AID HIGHWAYS OR EXTENSIONS THEREOF IN  
22 ALL MUNICIPALITIES OR URBAN AREAS. THE COMMISSION SHALL SET  
23 THESE LIMITS IN ACCORDANCE WITH 61-8-309."

24 NEW SECTION. Section 2. Effective date. [This act] is  
25 effective on passage and approval.



SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 28, 1991

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 306 (third reading copy as amended -- blue), respectfully report that House Bill No. 306 be amended and as so amended be concurred in:

1. Title, lines 5 and 6.

Strike: ", PARKS, OR PLAYGROUNDS"

Insert: "OR DESIGNATED CROSSWALKS NEAR SCHOOLS"

2. Page 3, lines 21 and 22.

Strike: ", PARK, OR PLAYGROUND"

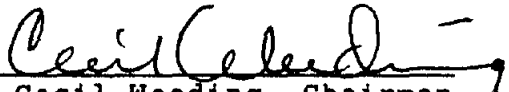
Insert: "or a designated crosswalk, as crosswalk is defined in 61-1-209, near a school"

3. Page 3, line 22.

Strike: "70%"

Insert: "80%, rounded down to the nearest whole number evenly divisible by 5 but not less than 25 miles an hour,"

Signed: \_\_\_\_\_

  
Cecil Weeding, Chairman

MM 3-28-91  
Add. Coord.

SB 3-28 11:00  
Sec. of Senate

SENATE  
HB 306

## 1 HOUSE BILL NO. 306

2 INTRODUCED BY BARNETT, SPRING

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING WHEN A LOCAL  
5 AUTHORITY MAY ALTER SPEED LIMITS IN AREAS NEAR SCHOOLS,  
6 PARKS, OR PLAYGROUNDS OR DESIGNATED CROSSWALKS NEAR SCHOOLS;  
7 ~~ELIMINATING THE NECESSITY OF AN ENGINEERING AND TRAFFIC~~  
8 ~~INVESTIGATION BEFORE A LOCAL AUTHORITY CAN ESTABLISH A SPEED~~  
9 ~~LIMIT;--ELIMINATING--THE--HIGHWAY--COMMISSION'S--EXCLUSIVE~~  
10 ~~JURISDICTION TO SET SPECIAL SPEED LIMITS ON FEDERAL AID~~  
11 ~~HIGHWAYS OR EXTENSIONS IN MUNICIPALITIES OR URBAN AREAS;~~  
12 AMENDING SECTIONS 61-8-303 AND SECTION 61-8-310, MCA; AND  
13 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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19 public highway of this state shall drive it in a careful and  
20 prudent manner, and at a rate of speed no greater than is  
21 reasonable and proper under the conditions existing at the  
22 point of operation, taking into account the amount and  
23 character of traffic, condition of brakes, weight of  
24 vehicle, grade and width of highway, condition of surface,  
25 and freedom of obstruction to view ahead, and he shall drive

1 it so as not to unduly or unreasonably endanger the life,  
2 limb, property, or other rights of a person entitled to the  
3 use of the street or highway.

4 (2) Where no special hazard exists that requires lower  
5 speed for compliance with subsection (1) of this section,  
6 the speed of a vehicle not in excess of the limits specified  
7 in this section or established as authorized in 61-8-309,  
8 61-8-310, 61-8-311, and 61-8-313 is lawful, but a speed in  
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14 nighttime, except that the nighttime speed limit on  
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16 hour.17 (3) "Daytime" means from one-half hour before sunrise  
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19 other hour.20 (4) The speed limits set forth in this section may be  
21 altered by the highway commission as authorized in 61-8-309,  
22 61-8-310, and 61-8-313.23 (5) The driver of a vehicle shall, consistent with  
24 subsection (1), drive at an appropriate reduced speed when  
25 approaching and crossing an intersection or railway grade

crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon a narrow or winding roadway, and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway condition."

Section 1. Section 61-8-310, MCA, is amended to read:

"61-8-310. When local authorities may and shall alter limits. (1) If a local authority in its jurisdiction determines on the basis of an engineering and traffic investigation ON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION that the speed permitted under 61-8-303 and 61-8-309 through 61-8-313 is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may set a reasonable and safe limit thereon which:

(a) decreases the limit at an intersection;

(b) increases the limit within an urban district, but not to more than 55 miles per hour during the nighttime; or

(c) decreases the limit outside an urban district, but not to less than 15 miles per hour; OR

(D) DECREASES THE LIMIT IN AN AREA NEAR A SCHOOL, PARK, OR PLAYGROUND OR A DESIGNATED CROSSWALK, AS CROSSWALK IS DEFINED IN 61-1-209, NEAR A SCHOOL TO NOT LESS THAN 88% 70% 80%, ROUNDED DOWN TO THE NEAREST WHOLE NUMBER EVENLY DIVISIBLE BY 5 BUT NOT LESS THAN 25 MILES AN HOUR, OF THE

SPEED LIMIT THAT WOULD BE SET ON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION.

(2) A board of county commissioners may set limits as provided in subsection (1)(c) without an engineering and traffic investigation on a county road, as defined in 60-1-103.

(3) A local authority in its jurisdiction shall may determine by an engineering and traffic investigation the proper speed for all arterial streets and shall set a reasonable and safe limit thereon which may be greater or less than the speed permitted under 61-8-303 for an urban district.

(4) An altered limit established as authorized under this section is effective at all times or at other times determined by the authority when appropriate signs giving notice of the altered limit are erected upon the highway.

~~(5) The commission has exclusive jurisdiction to set special speed limits on all federal aid highways or extensions thereof in all municipalities or urban areas. The commission shall set these limits in accordance with 61-8-309.~~

(5) EXCEPT AS PROVIDED IN SUBSECTION (1)(D), THE COMMISSION HAS EXCLUSIVE JURISDICTION TO SET SPECIAL SPEED LIMITS ON ALL FEDERAL-AID HIGHWAYS OR EXTENSIONS THEREOF IN ALL MUNICIPALITIES OR URBAN AREAS. THE COMMISSION SHALL SET

HB 0306/04

1 THESE LIMITS IN ACCORDANCE WITH 61-8-309."

2 NEW SECTION. Section 2. Effective date. [This act] is

3 effective on passage and approval.

-End-

Conference Committee  
on House Bill 306  
Report No. 1, April 18, 1991

4-18-91  
3:55 PM  
JH

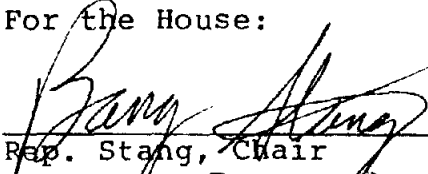
Mr. Speaker and Mr. President:

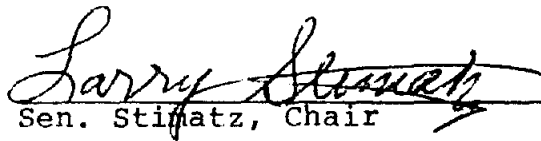
We, your Conference Committee on House Bill 306 met and considered the Senate committee on Highways and Transportation amendments, dated March 28, 1991, and recommend that the amendments be accepted in their entirety.

And this Conference Committee report be adopted.

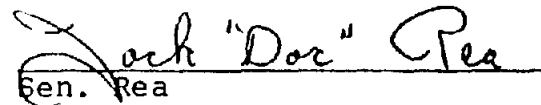
For the House:

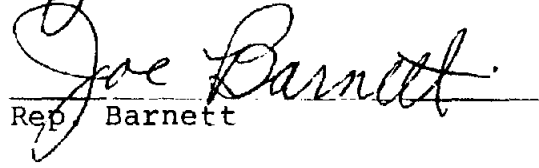
For the Senate:

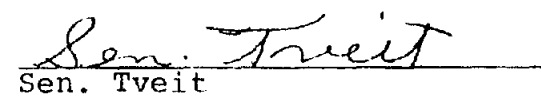
  
Rep. Stang, Chair

  
Sen. Stutz, Chair

  
Rep. Madison

  
Sen. Rea

  
Rep. Barnett

  
Sen. Tveit

ADOPT

REJECT

CC# 1  
HB 306  
831424CC.HSF



AN ACT AMENDING WHEN A LOCAL AUTHORITY MAY ALTER SPEED LIMITS IN AREAS NEAR SCHOOLS OR DESIGNATED CROSSWALKS NEAR SCHOOLS; AMENDING SECTION 61-8-310, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 61-8-310, MCA, is amended to read:

"61-8-310. When local authorities may and shall alter limits.

(1) If a local authority in its jurisdiction determines on the basis of an engineering and traffic investigation that the speed permitted under 61-8-303 and 61-8-309 through 61-8-313 is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may set a reasonable and safe limit thereon which:

(a) decreases the limit at an intersection;

(b) increases the limit within an urban district, but not to more than 55 miles per hour during the nighttime; or

(c) decreases the limit outside an urban district, but not to less than 15 miles per hour; or

(d) decreases the limit in an area near a school or a designated crosswalk, as crosswalk is defined in 61-1-209, near a school to not less than 80%, rounded down to the nearest whole number evenly divisible by 5 but not less than 25 miles an hour, of the speed limit that would be set on the basis of an engineering and traffic investigation.

(2) A board of county commissioners may set limits as

provided in subsection (1)(c) without an engineering and traffic investigation on a county road, as defined in 60-1-103.

(3) A local authority in its jurisdiction ~~shall~~ may determine ~~by an engineering and traffic investigation~~ the proper speed for all arterial streets and shall set a reasonable and safe limit thereon which may be greater or less than the speed permitted under 61-8-303 for an urban district.

(4) An altered limit established as authorized under this section is effective at all times or at other times determined by the authority when appropriate signs giving notice of the altered limit are erected upon the highway.

(5) ~~The~~ Except as provided in subsection (1)(d), the commission has exclusive jurisdiction to set special speed limits on all federal-aid highways or extensions thereof in all municipalities or urban areas. The commission shall set these limits in accordance with 61-8-309."

Section 2. Effective date. [This act] is effective on passage and approval.