

House Bill 595

In The House

January 31, 1981	Introduced and referred to Committee on Judiciary.
February 20, 1981	Committee recommend bill do pass as amended.
February 21, 1981	Bill printed and placed on members' desks. Motion pass consideration until 43rd Legislative day.
February 23, 1981	Fiscal note requested. Second reading do pass as amended.
February 24, 1981	Fiscal note returned.
February 25, 1981	Third reading passed.

In The Senate

March 3, 1981	Introduced and referred to Committee on Highways and Transportation.
March 23, 1981	Committee recommend bill as concurred.
March 25, 1981	Second reading indefinitely postponed.

In The House

March 26, 1981	Returned from Senate indefinitely postponed.
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1 *Lee* HOUSE *Kristal* BILL NO. *595* *Parham*
 2 INTRODUCED BY *Jim Hansen* *Wendell Smith* *John Meyer* *John P. Kelly*
 3 *Meyer* *Wendell Smith* *John Meyer* *John P. Kelly*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REPEAL THE *John P. Kelly*
 5 REQUIREMENT THAT THE ATTORNEY GENERAL DECLARE SPEED LIMITS *John P. Kelly*
 6 AS A CONDITION TO RECEIVING FEDERAL HIGHWAY FUNDS; TO
 7 INCREASE THE SPEED LIMIT TO 70 MILES PER HOUR; AMENDING
 8 SECTION 61-8-303, MCA; AND REPEALING SECTIONS 61-8-304
 9 THROUGH 61-8-307, 61-8-718, AND 61-11-103, MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 61-8-303, MCA, is amended to read:
 13 "61-8-303. Speed restrictions -- basic rule. (1) A
 14 person operating or driving a vehicle of any character on a
 15 public highway of this state shall drive it in a careful and
 16 prudent manner, and at a rate of speed no greater than is
 17 reasonable and proper under the conditions existing at the
 18 point of operation, taking into account the amount and
 19 character of traffic, condition of brakes, weight of
 20 vehicle, grade and width of highway, condition of surface,
 21 and freedom of obstruction to view ahead, and he shall drive
 22 it so as not to unduly or unreasonably endanger the life,
 23 limb, property, or other rights of a person entitled to the
 24 use of the street or highway.
 25 (2) Where no special hazard exists that requires lower

1 speed for compliance with subsection (1) of this section,
 2 the speed of a vehicle not in excess of the limits specified
 3 in this section or established as authorized in 61-8-309,
 4 61-8-310, 61-8-311, and 61-8-313 is lawful, but a speed in
 5 excess of those limits is unlawful:
 6 (a) 25 miles per hour in an urban district;
 7 (b) 35 miles per hour on a highway under construction
 8 or repair;
 9 (c) 55 miles per hour in other locations during the
 10 nighttime, except that the nighttime speed limit on
 11 completed sections of interstate highways is 65 miles per
 12 hour;
 13 (d) 70 miles per hour during daytime on the highways
 14 of the state.
 15 (3) "Daytime" means from one-half hour before sunrise
 16 to one-half hour after sunset. "Nighttime" means at any
 17 other hour.
 18 (4) The speed limits set forth in this section may be
 19 altered by the highway commission as authorized in 61-8-309,
 20 61-8-310, and 61-8-313.
 21 (5) The driver of a vehicle shall, consistent with
 22 subsection (1), drive at an appropriate reduced speed when
 23 approaching and crossing an intersection or railway grade
 24 crossing, when approaching and going around a curve, when
 25 approaching a hill crest, when traveling upon a narrow or

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1 winding roadway, and when a special hazard exists with
2 respect to pedestrians or other traffic or by reason of
3 weather or highway condition."

4 Section 2. Repealer. Sections 61-8-304 through
5 61-8-307, 61-8-718, and 61-11-103, MCA, are repealed.

-End-

STATE OF MONTANA

REQUEST NO. 417-81

FISCAL NOTE

Form BD-15

In compliance with a written request received February 23, 19 81, there is hereby submitted a Fiscal Note for House Bill 595 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

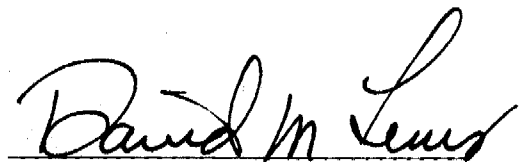
To repeal the requirement that the attorney general declare speed limits as a condition to receiving federal highway funds; to increase the speed limit to 70 miles per hour on interstate highways and 65 miles per hour on primary and secondary highways.

Fiscal Impact

1. If the language in Section 2 of House Bill 595, second reading copy, remains unchanged, there will be no fiscal impact on the Department of Highways.
2. Speed limit signs would be changed at an estimated cost of \$100,000.

Comments

Enactment of House Bill 595 without language in Section 2, second reading copy, will in effect eliminate the Department of Highways, construction program within a few years if Federal legislation remains as it is now written. It is estimated that enactment of House Bill 595 without Section 2 would result in a loss of \$1,235,000 in FY 1982 and \$12,052,000 in FY 1983, and \$85,000,000 each year thereafter.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/23/81

Approved by Committee
on Judiciary

HOUSE BILL NO. 595

INTRODUCED BY SIVERTSEN, NORDTVEDT, SEIFERT, KEYSER, MEYER,
FABREGA, IVERSON, VINGER, ASAY, FEDA, McLANE, DOZIER,
LEE, PAVLOVICH, KOLSTAD, HAMMOND, HEMSTAD,
DAILY, JACOBSEN, TEAGUE, MANLEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO REPEAL THE
REQUIREMENT THAT THE ATTORNEY GENERAL DECLARE SPEED LIMITS
AS A CONDITION TO RECEIVING FEDERAL HIGHWAY FUNDS; TO
INCREASE THE SPEED LIMIT TO 70 MILES PER HOUR ON INTERSTATE
HIGHWAYS AND 65 MILES PER HOUR ON PRIMARY AND SECONDARY
HIGHWAYS; AMENDING SECTION 61-8-303, MCA; PROVIDING FOR
CONDITIONAL ENACTMENT; AND REPEALING SECTIONS 61-8-304
THROUGH 61-8-307, 61-8-718, AND 61-11-103, 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 -- 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;

(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;

(d) 70 miles per hour during daytime on the INTERSTATE
highways of the state;

(E) 65 MILES PER HOUR DURING DAYTIME ON THE PRIMARY
AND SECONDARY HIGHWAYS OF THE STATE.

(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

1 altered by the highway commission as authorized in 61-8-309,
2 61-8-310, and 61-8-313.

3 (5) The driver of a vehicle shall, consistent with
4 subsection (1), drive at an appropriate reduced speed when
5 approaching and crossing an intersection or railway grade
6 crossing, when approaching and going around a curve, when
7 approaching a hill crest, when traveling upon a narrow or
8 winding roadway, and when a special hazard exists with
9 respect to pedestrians or other traffic or by reason of
10 weather or highway condition."

11 SECTION 2. CONDITIONAL ENACTMENT. THIS ACT IS NOT
12 EFFECTIVE UNTIL CONGRESS ENACTS LEGISLATION WHICH RETURNS TO
13 THE STATES THE AUTHORITY TO ESTABLISH SPEED LIMITS WITHOUT
14 REGARD TO FEDERAL FUNDING OF HIGHWAYS.

15 Section 3. Repealer. Sections 61-8-304 through
16 61-8-307, 61-8-718, and 61-11-103, MCA, are repealed.

-End-

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INTRODUCED BY SIVERTSEN, NORDTVEDT, SEIFERT, KEYSER, MEYER,
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(d) 70 miles per hour during daytime on the INTERSTATE
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