

HOUSE BILL NO. 484 .

Introduced: 01/25/83

Referred to Committee on Highways & Transportation: 01/25/83

Hearing: 2/1/83

Died in Committee

1 House BILL NO. 484
 2 INTRODUCED BY Boyd Blaylock
 3 BY REQUEST OF THE DEPARTMENT OF HIGHWAYS
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE LAWS
 6 PERTAINING TO THE CONSERVATION SPEED LIMIT; AMENDING
 7 SECTIONS 61-8-303, 61-8-304, 61-8-309, 61-8-310, AND
 8 61-8-312, MCA; REPEALING SECTION 61-8-305, MCA; AND
 9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 61-8-304, MCA, is amended to read:

13 "61-8-304. ~~Declaration of speed limits~~ Conservation
 14 speed limit -- exception to the basic rule. The ~~attorney~~
 15 ~~general shall declare by proclamation filed with the~~
 16 ~~secretary of state a speed limit for all motor vehicles on~~
 17 ~~all public streets and highways in the state whenever the~~
 18 ~~establishment of such a speed limit by the state is required~~
 19 ~~by federal law as a condition to the state's continuing~~
 20 ~~eligibility to receive funds authorized by the Federal Aid~~
 21 ~~Highway Act of 1973 and all acts amendatory thereto or any~~
 22 ~~other federal statute. The speed limit may not be less than~~
 23 ~~that required by federal law, and the attorney general shall~~
 24 ~~by further proclamation change the speed limit adopted~~
 25 ~~pursuant to this section to comply with federal law. Any~~

1 ~~proclamation issued pursuant to this section becomes~~
 2 ~~effective at midnight of the day upon which it is filed with~~
 3 ~~the secretary of state. A speed limit imposed pursuant to~~
 4 ~~this section is an exception to the requirements of 61-8-303~~
 5 ~~and 61-8-312, and a (1) There is a maximum speed limit of 55~~
 6 ~~miles an hour for all motor vehicles on all public streets~~
 7 ~~and highways in the state. A speed in excess of the speed~~
 8 ~~limit established pursuant to this section is unlawful~~
 9 ~~notwithstanding any provision of 61-8-303 and 61-8-312.~~

10 (2) Violations of this section are punishable as
 11 provided in 61-8-718.

12 (3) The provisions of subsection (1) do not apply to
 13 those public streets and highways for which a lower speed
 14 limit was previously established under any other state,
 15 county, municipal, or other local law, ordinance,
 16 regulation, or order.

17 (4) The 55-mile-an-hour speed limit imposed by this
 18 section remains in effect only as long as the establishment
 19 of such a speed limit by the state is required by federal
 20 law as a condition to the state's continuing eligibility to
 21 receive federal aid highway funds."

22 Section 2. Section 61-8-303, MCA, is amended to read:

23 "61-8-303. Speed restrictions -- basic rule. (1) A
 24 person operating or driving a vehicle of any character on a
 25 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. Subject to the provisions in subsection (1) of this section, 61-8-309 through 61-8-311, and 61-8-313, speeds in excess of the following are 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.

(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 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.

(6) Violations of this section are punishable as provided in 61-8-711."

Section 3. Section 61-8-309, MCA, is amended to read:

"61-8-309. Establishment of special speed zones. (1)

If the department of highways determines upon the basis of an engineering and traffic investigation that a speed limit set by 61-8-303 is greater or less than is reasonable or safe under the conditions found to exist at an intersection, curve, dangerous location, or any other part of a highway under its jurisdiction, the commission may set a reasonable and safe special speed limit at that part. The speed limit

allowed under this section may not exceed the limit set under 61-8-304.

(2) The department shall erect and maintain appropriate signs giving notice of these special limits. When they are erected, the limits are effective at that part at all times, or at other times the commission sets.

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

(4) This section does not authorize the commission to set a state-wide speed limit."

Section 4. 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 35 miles per hour.

(2) A local authority in its jurisdiction shall 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.

(3) 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.

(4) 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 5. Section 61-8-312, MCA, is amended to read:

"61-8-312. Special speed limitations on trucks, truck tractors, motor-driven cycles, and vehicles towing house trailers. (1) No person shall operate any truck or truck tractor the gross weight of which exceeds 8,000 pounds at a speed greater than 65 miles per hour on those completed sections of interstate and four-lane divided highways and 60 miles per hour on those completed sections of primary and secondary highways. However, the truck nighttime speed limit shall not exceed that of automobiles as stated in 61-8-303.

1 (2) No person shall operate any motor-driven cycle at
2 any time mentioned in 61-9-201 at a speed greater than 35
3 miles per hour unless such motor-driven cycle is equipped
4 with a headlamp or lamps which are adequate to reveal a
5 person or vehicle at a distance of 300 feet ahead.

6 (3) No person shall operate a vehicle which is towing
7 a housetrailer at a speed greater than a maximum of 50 miles
8 per hour.

9 ~~(4) Violations of this section are punishable as~~
10 ~~provided in 61-8-711."~~

11 ~~NEW SECTION.~~ Section 6. Repealer. Section 61-8-305,
12 MCA, is repealed.

13 ~~NEW SECTION.~~ Section 7. Effective date. This act is
14 effective on passage and approval.

-End-

STATE OF MONTANA

REQUEST NO. 263-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 28, 19 83, there is hereby submitted a Fiscal Note for House Bill 484 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. 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:

House Bill 484 clarifies the laws pertaining to the conservation speed limit.

ASSUMPTIONS:

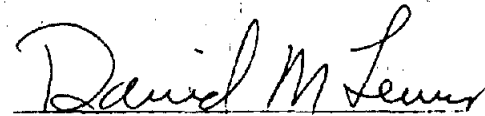
- 1) Montana's eligibility to receive federal-aid highway funds is dependent upon compliance with enforcement of this limit.

FISCAL IMPACT:

Montana's apportionments under the new federal highway act are:

FY 83	\$ 99,203,000
FY 84	\$109,310,000
FY 85	\$118,534,000
FY 86	\$127,887,000

FISCAL NOTE 9:Q/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-1-83