HOUSE BILL NO. 606

INTRODUCED BY KOEHNKE, BRAND, FABREGA, O'CONNELL, PECK, PISTORIA, HARPER, YARDLEY

IN THE HOUSE

Pebruary 1, 1983	Introduced and referred to Committee on Highways and Transportation.
February 10, 1983	Committee recommend bill do pass as amended. Report adopted.
Pebruary 11, 1983	Bill printed and placed on members' desks.
February 12, 1983	Second reading, do pass.
February 14, 1983	Considered correctly engrossed.
February 15, 1983	Third reading, passed. Transmitted to Senate.
IN THE S	enate
February 16, 1983	Introduced and referred to Committee on Highways and Transportation.
March 16, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 18, 1983	Second reading, concurred in.
	Sægregated.
March 19, 1983	Second reading, pass consideration.
March 21, 1983	

March 23, 1983	On motion taken from third reading and referred to second reading.
	Second reading, concurred in as amended.
March 25, 1983	Third reading, concurred in. Ayes, 36; Noes, 13.
IN THI	E HOUSE
March 25, 1983	Returned to House with amendments.
March 31, 1983	Second reading, amendments not concurred in.
	On motion, Conference Committee requested and appointed.
April 14, 1983	Conference Committee reported.
April 15, 1983	Second reading, report rejected.
	On motion, Free Conference Committee requested and appointed.
April 19, 1983	Free Conference Committee reported.
April 20, 1983	Second reading, Free Conference Committee report adopted.
	Third reading, Free Conference Committee report adopted.
April 21, 1983	Free Conference Committee report adopted by Senate.
	Sent to enrolling.

Reported correctly enrolled.

19

20 21

22

23

24

25

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE 5 55-MILE-AN-HOUR SPEED LIMIT BY LEGISLATIVE ENACTMENT: LIMITING ENFORCEMENT TO HIGHWAY PATROL PERSONNEL; CLARIFYING THAT A VIOLATION IS NOT A MISDEMEANOR; AMENDING SECTIONS 7 61-8-304, 61-8-305, AND 61-8-718, MCA; AND PROVIDING AN 8 9 IMMEDIATE EFFECTIVE DATE." 10 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Section 61-8-304, NCA, is amended to read: 13 #61-8-304. Beclaration -- of Fuel conservation speed 14 limits <u>limit</u> — exception to the basic rule. The--attorney 15 qeneral---shall--declare--by--proclamation--filed--with--the 16 secretary-of-state-a-speed-limit-for-all-mater--vehicles--on 17 all--public--streets--and-highways-in-the-state-whenever-the

establishment-of-such-a-speed-limit-by-the-state-is-required

by-federal-law-as-a--condition--to--the--state^s--continuing eligibility--to--receive-funds-authorized-by-the-Federal-Aid

Highway-Act-of-1973-and-all-acts-amendatory-thereto--or--any

other-federal-statutau-The-speed-limit-way-net-be-less-thon

that-required-by-federal-law,-and-the-attorney-general-shall

by-further-proclamation-change-the-speed-limit-adopted

pursuant to this section to comply with federal laws Any

1	proclamationissuedpursuanttothissectionbecomes
2	effective-at-midnight-of-the-day-upon-which-it-is-filed-with
3	the secretary of states (1) In order to insure conservation
4	of a resource currently in short supply, the speed limit for
5	vehicles traveling on a public highway of this state is 5
6	miles an hour, except as provided under 61-8-309, unless the
7	provisions of Chapter 122, Laws of 1977, become effective.
8	12) A speed limit imposed pursuant to this section is
9	an exception to the requirements of 61-8-303 and 61-8-312
0	and a speed in excess of the speed limit established
1 .	pursuant to this section is unlawful notwithstanding any
2	provision of 61-8-303 and 61-8-312.
3	(3) The enforcement of the fuel conservation speed
4	limit set under this section is limited to the jurisdiction
5	of the state highway patrol."
6	Section 2. Section 61-8-305, MCA, is amended to read:
7	*61~8~305. Applicability of conservation speed limit
B	administrative-procedureactnotapplicable. (1) The
9	provisions of 61-8-304 shall not apply to those public
0	streets and highways for which a speed limit.lower than that
1	required by federal law was applicable on March 2, 1974,
2	under any other state, county, municipal, or other local

(2)--The--attorney---general---shall---terminate----by

proclamation-ony-speed-limit-proclaimed-under--61-6-304

law, ordinance, regulation, or order.

23

24

whenever-such-a-spead-limit-is-no-longer-required-by-federal law-as-a-condition-to-the-state's-continuing-eligibility--to receive--funds--authorized-by-the-federal-Aid-Highway-Act-of 1973-and-all-acts-agendatory-thereto-or-by-any-other-federal statutes

1

2

3

5

7

8

9

10

11

12

13

14 15

16

17

18

19

20

21

22

23

24

25

f3;--The-establishment-of-a-speed-limit--pursuant--to 61-8-384--shall-not-be-subject-to-the-provisions-and requirements of the Montone Administrative Procedure Acts

12) The fuel conservation speed limit imposed by [this actl shall remain in effect only as long as the establishment of that speed limit by the state is required by federal law as a condition to the state's continuing eligibility to receive funds authorized by the Federal-Aid Highways Amendments of 1974 and all acts amendatory thereto or any other federal statute."

Section 3. Section 61-8-718, MCA, is amended to read: #61-8-718. Penalty for violation of fuel :conservation speed limit: (1) A person violating the speed limit imposed pursuant to 61-8-304 is quilty of the offense of unnecessary waste of a resource currently: in short supply: and upon conviction shall be fined \$5, and no jail sentence may be imposed. Bond for this offense shall be \$5.

(2) For the purpose of this section only, the fees of the justice's court shall be the balance of the fine not otherwise allocated by law and shall be remitted as set 1 forth in 3-10-603(3).

4

9

2 (3) A violation of 61-8-304 is not a misdemeanor 3 pursuant to 45-2-101, 61-8-104, or 61-8-711.*

NEW SECTION. Section 4. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is 7 invalid in one or more of its applications, the part remains 8 . in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 5. Effective date. This act is 10 11 effective on passage and approval.

-End-

-3-

48th Legislature HB 0606/02

Approved by Committee on Highways & Transportation

1	HOUSE BILL NO. 606
2	INTRODUCED BY KOEHNKE, BRAND, FABREGA, O'CONNELL,
3	PECK. PISTORIA, HARPER, YARDLEY
4	
5	A BILL FOR AN ACT ENTITLED: MAN ACT TO ESTABLISH THE
6	55-MILE-AN-HOUR SPEED LIMIT BY LEGISLATIVE ENACTMENT;
7	ETHITING-ENFORGEMENT-TO-HIGHWAY-PATROL-PERSONNEL; CLARIFYING
8	THAT A VIOLATION IS NOT A MISDEMEANOR; AMENDING SECTIONS
9	61-8-304, 61-8-305, AND 61-8-718, MCA: REPEALING_CHAPTER
10	122. LAWS DE 1977: AND PROVIDING AN IMMEDIATE EFFECTIVE
11	DATE."
12	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	Section 1. Section 61-8-304, MCA, is amended to read:
15	#61-8-304. Declarationof <u>Euclconservation</u> speed
16	finits limit exception to the basic rules The attorney
17	generalshalldeclarabyproclamationfiledwiththe
18	escretaryofstate-a-speed-limit-for-all-motor-vehicles-on
19	all-public-streets-and-highways-in-thestatewheneverthe
20	establishment-of-such-a-speed-limit-by-the-state-is-required
21	byfederallawasacondition-to-the-state4s-continuing
22	eligibility-ta-receive-funds-authorized-by-theFederalAid
23	HighwayActof-1973-and-oli-acts-amendatory-thereto-or-any
24	other-federal-statutew-The-speed-limit-may-not-be-lessthan
25	that-required-by-federal-lawy-and-the-attorney-general-shall

1	byfurther -proclamationchangethespeedlimit-adopted
2	pursuant-to-this-section-to-complywithfederallowAny
3	proclamationissuedpursuanttothissectionbecomes
4	effective-at-midnight-of-the-day-upon-which-it-is-filed-with
5	the-secretory-of-states (11_In_order_to_insure_conservation
6	of a resource currently in short supply: the speed limit for
7	vehicles_traveling_on_a_public_highway_of_this_state_is_55
8	miles an hours except as provided under 61=8=309x=unless=the
9	provisions-of-Ebapter-122x-tows-of-1977xbecomeeffective.
10	121 A speed limit Imposed pursuant to this section is
11	an exception to the requirements of 61-8-303 and 61-8-312.
12	and a speed in excess of the speed limit established
13	pursuant to this section is unlawful notwithstanding any
14	provision of 61-8-303 and 61-8-312.
15	tit==The==coforcement==of==the==fusi=conservation=ipsed
16	limit-set-under_this-section-is-limited-te-the:-jurisdiction
17	of_the_atote_highway=patcolx"
18	Section 2. Section 61-8-305, MCA, is amended to read:
19	<pre>#61-8-305. Applicability of conservation speed limit</pre>
20	administrativeprocedureactnotapplicable. (1) The
21	provisions of 61-8-304 shall not apply to those public
27	streets and highways for which a speed limit lower than that $% \left(1\right) =\left\{ 1\right\} =\left\{ 1\right$
23	required by federal law was applicable on March 2, 1974.
24	under any other state, county, municipal, or other local

law, ordinance, regulation, or order.

	f2}Theattorneygeneralshallterminateby
pr	octamation-many-copedd Simito-proctaimed-mander61-6-694
wh	nenever-such-a-speed-limit-is-no-longer-required-by-federal
ła	wsa-b-condition-to-the-state*s-continuing-eligibility-to
re	ceive-funds-authorized-by-the-Federel-Aid-HighwayAetof
±5	775-and- all-acts-ame ndatory-thereto-or-by- any-other-federal
st	tatute.

3

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

- (3)--The--establishment--af-a--speed-limit-pursuant-to
 61-8-364--shall--not--be--subject--to--the--provisions---and
 requirements-of-the-Montana-Administrative-Procedure-Actu
- t21 The fuel conservation speed limit imposed by fthis act] shall remain in effect only as long as the establishment of that speed limit by the state is required by federal law as a condition to the state's continuing eligibility to receive funds authorized by the Federal-Aid Highways Amendments of 1974 and all acts amendatory thereto or any other federal statute."
- Section 3. Section 61-8-718, MCA, is amended to read:

 #61-8-718. Penalty for violation of <u>fuel</u> conservation
 speed limit. (1) A person violating the speed limit imposed
 pursuant to 61-8-304 is guilty of the offense of unnecessary
 waste of a resource currently in short supply and upon
 conviction shall be fined \$5, and no jail sentence may be
 imposed. Bond for this offense shall be \$5.
 - (2) For the purpose of this section only, the fees of

- the Justice's court shall be the balance of the fine not otherwise allocated by law and shall be remitted as and forth in 3-10-603(3).
- 4 (31 A violation of 61-8-304 is not a misdemeanor

 5 pursuant to 45-2-101: 61-8-104: or 61-8-711:*
- 6 SECTION 4. BEPEALER. CHAPTER 122. LAWS DF 1977. IS
 7 REPEALED.
- 8 NEW_SECTION. Section 5. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.
- 14 <u>NEM_SECTION.</u> Section 6. Effective date. This act is 15 effective on passage and approval.

1	HDUSE BILL NO. 606
2	INTRODUCED BY KOEHNKE, BRAND, FABREGA, O'CONNELL,
3	PECK. PISTORIA, HARPER, YAROLEY
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE
6	55-MILE-AN-HOUR SPEED LIMIT BY LEGISLATIVE ENACTMENT;
7	timiting-enforeement-to-mighway-patrot-personnel+ clarifying
8	THAT A VIOLATION IS NOT A MISDEMEANOR; AMENDING SECTIONS
9	61-8-304, 61-8-305, AND 61-8-718, MCA; REPEALING CHAPTER
10	122: LANS DE 1977: AND PROVIDING AN IMMEDIATE EFFECTIVE
11	DATE.**
12	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	Section 1. Section 61-8-304; MCA; is amended to read:
15	#61-8-304. Beclarationof Fuel conservation speed
16	Fimits <u>limit</u> exception to the basic r∰i∰ The-attorney
17	genegalshalldeclara-byproclamationfiledwiththe
18	empreheryofstate-s-speed-limit-for-all-motor-vehicles-on
19	all-public-streets-and-highways-in-thestatewheneverthe
20	establishment-of-such-a-speed-limit-by-the-state-is-required
21	byfederallawasacondition-to-the-state*s-continuing
22	eligibility-to-receive-funds-authorized-by-theFederalAid
23	HighwayActof-1973-and- all-acts-amendatory-thereto-o r-any
24	other-federal-statuteThe-speed-limit-may-not-be-lessthan
25	that-required-by-federal-lawy-and-the-attorney-general-shall

1	byfurtherproclamationchangethespeedlimit-edopted
2	pursuant-to-this-section-to-complywithfederallawsAny
3	proclamationissuedpursuenttothissectionbecomes
4	effective-at-midnight-of-the-day-upon-which-it-in-filed-with
5	the-secretary-of-states (1) In order to insure conservation
6	of a resource currently in short supply, the speed limit for
7	vehicles traveling on a public highway of this state is 55
8	alles an bour: except as provided under 61-8-309************************************
9	provisions:of:Chapter:122x-bous-of:1977xbecome:-affective.
10	[2] A speed limit imposed pursuant to this section is
11	an exception to the requirements of 61-8-303 and 61-8-312+
12	and a speed in excess of the speed limit established
13	pursuant to this section is unlawful notwithstanding any
14	provision of 61-8-303 and 61-8-312.
15	t3:==Tha==enforcement==of==tha==fus1=conservatios=apeed
16	limit:set:under=this=soction:is=limited=te=the==jurisdiction
17	of=the=state=highway=patrolx*
18	Section 2. Section 61-8-305, MCA, is amended to read:
19	#61-8-305. Applicability of conservation speed limit
20	administrativeprocedureoctnotapplicable. (1) The
21	provisions of 61-8-304 shall not apply to those public
22	streets and highways for which a speed limit lower than that
23	required by federal law was applicable on March 2, 1974,
24	under any other state, county, municipal, or other local

law. ordinance, regulation, or order.

f2)Theattorneygeneralshalltarminateby
proclamationanyspeedlimitproclaimedunder61-6-504
whenever-such-a-speed-limit-is-no-longer-required-by-federal
lawss-a-condition-to-the-state-s-continuing-eligibility-to
receive-funds-authorized-by-the-Federal-Aid-HighmayActof
1975-and-off-acts-amendatory-thereto-or-by-eny-other-foderel
statute.

2

3

5

7

8

9

10

11

12

13

14

15

16

17

18

19 20

21

22

23

24

25

- (3)--The--establishment--of--a--speed-limit-pursuant--to
 61-0-364--shall--not--be--subject--to--the--provisions---and
 requirements-of-the-Hontana-Administrative-Procedure-Acts
- ctl The fuel conservation speed limit imposed by (this act) shall remain in effect only as long as the establishment of that speed limit by the state is required by federal law as a condition to the state's continuing eligibility to receive funds authorized by the Federal-Aid Highways Amendments of 1974 and all acts amendmenty thereto or any other federal statute."
- Section 3. Section 61-8-718, MCA, is amended to read:

 "61-8-718. Penalty for violation of <u>fuel</u> conservation
 speed limit. (1) A person violating the speed limit imposed
 pursuant to 61-8-304 is guilty of the offense of unnecessary
 waste of a resource currently in short supply and upon
 conviction shall be fined \$5, and no jail sentence may be
 imposed. Bond for this offense shall be \$5.
 - (2) For the purpose of this section only, the fees of

- the justice's court shall be the balance of the fine not otherwise allocated by law and shall be remitted as set forth in 3-10-603(3).
- 4 (31 A violation of 61-8-304 is not a misdemeasor

 5 pursuant to 45-2-101: 61-8-104: or 61-8-711:**
- 6 SECTION 4. REPEALER. CHAPTER 122. LAWS DE 1977. IS
 7 REPEALED.
- 8 NEW_SECTIONs Section 5. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.
- 14 <u>NEW SECTION.</u> Section 6. Effective date. This act is 15 effective on passage and approval.

SENATE STANDING COMMITTEE REPORT (Highways & Transportation)

That House Bill No. 606 be amended as follows:

1. Title, line 7.

Following: "PERSONNEL;"

Insert: "LIMITING ENFORCEMENT TO HIGHWAY PATROL PERSONNEL;"

2. Page 2, line 6.

Strike: "currently in short supply"

3. Page 2, following line 17.

Insert: "(3) The enforcement of the speed limit set under this section is limited to the jurisdiction of the state highway patrol."

4. Page 3, line 22.

Strike: "currently in short supply"

5. Page 3, line 24. Following: "\$5."

Insert: "A person who violates the speed limit under 61-8-304 by driving more than 75 miles an hour during daytime hours or more than 65 miles an hour during nighttime hours is guilty of the offense of aggravated waste of a resource and shall be fined \$35, in lieu of the fine of \$5, and bond for this offense shall be \$35."

COMMITTEE OF THE WHOLE AMENDMENT

That House Bill 606, Second Reading and Senate Standing Committee Report (Highways & Transportation) dated March 16, 1983 be amended as follows:

- 1. Strike: Amendment 1 and 3 in their entirety.
- 2. Strike: Amendment 5 in its entirety.

March 21, 1983

COMMITTEE OF THE WHOLE AMENDMENT

That House Bill No. 606 be amended as follows:

1. Page 3, line 24.

Following: "\$5."

Insert: "A person who violates the speed limit under 61-8-304 by driving more than 75 miles an hour during daytime hours is guilty of the offense of aggravated waste of a resource and shall be fined \$35, in lieu of the fine of \$5, and bond for this offense shall be \$35."

A person who violates the speed limit under 61-8-304 by driving more than 65 miles an hour during nighttime hours on completed sections of the interstate highway is guilty of aggravated waste of a resource and shall be fined \$35, in lieu of the fine of \$5, and bond for this offense shall be \$35."

SENATE COMMITTEE OF THE WHOLE AMENDMENT

That House Bill No. 606 be amended as follows:

1. Page 2, line 14. Following: line 14

Insert: "(3) Provided however, any person who operates a truck,
 truck tractor, motor driven cycle or a vehicle towing a
 housetrailer in violation of 61-8-312 shall be subject to
 the penalties provided for in 61-8-711."

48th Legislature HB 0606/03

HB 0606/03

1	HOUSE BILL NO. 606									
2	INTRODUCED BY KOEHNKE, BRAND, FABREGA, O'CONNELL,									
3	PECK, PISTORIA, HARPER, YAROLEY									
4										
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE									
6	55-MILE-AN-HOUR SPEED LIMIT BY LEGISLATIVE ENACTHENT;									
7	<u> LIMITING-ENFORGEMENT-TO-HIGHWAY-PATROLPERSONNELT LIMITING</u>									
8	ENEORGEMENT TO HIGHWAY-PAIROL-PERSONNEL: CLARIFYING THAT A									
9	VIOLATION IS NOT A MISDEMEANOR; AMENDING SECTIONS 61-8-304,									
10	61-8-305, AND 61-8-718, MCA; REPEALING CHAPTER 122. LAWS DE									
11	1977: AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.									
l Z										
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANAS									
14	Section 1. Section 61-8-304, MCA, is amended to read:									
15	#61-8-304. Beclarationof Eugl_conservation speed									
16	limits limit exception to the basic rule. Theattorney									
17	generalshalldeclarebyproclamationfiledwiththe									
L8	secretary-of-state-a-speed-limit-for-all-motorvehicleson									
19	ellpublicstreetsand-highways-in-the-state-whenever-the									
20	establishment-of-such-a-speed-limit-by-the-state-is-required									
21	by-federal-law-as-aconditiontothestate*scontinuing									
22	eligibilitytoreceive-funds-authorized-by-the-Federal-Aid									
23	Highway-Act-of-1973-ond-oll-acts-amendatory-theretoorany									

other--federal-statutes-The-speed-limit-may-not-be-less-than

that-required-by-federal-lawy-and-the-attorney-general-shall

24

25

1	by-furtherproctomationchangethespeedlimitadopte
2	pursuanttothissectionto-comply-with-foderal-law-An
3	proclamationissuedpursuanttothissectionbecome
4	effective-at-midnight-of-the-day-upon-which-it-is-filed-wit
5	thesecretary-of-state* 111 Iq_order_to_insure_conservation
6	of a resource correctly in short supply, the speed limit for
7	vebicles_traveling_on_a_public_bigbway_of_this_state_is_5
8	miles an hours except as provided under 61-8-309*-**
9	provisions-of-thepter-lifts-tows-of-1977s-become-offertive
10	121 A speed limit imposed pursuant to this section i
11	an exception to the requirements of 61-8-303 and 61-8-312
12	and a speed in excess of the speed limit established
13	pursuant to this section is unlawful notwithstanding an
14	provision of 61-8-303 and 61-8-312.
15	tlimitherenforcement-of-the-fuelconservationspec
16	limit==set=under=this=section=is=limited=to=the=jurisdiction
17	of-the-state-highway-potrols
18	131==IHE=ENEGREEMENT=GE==IHE==EHEE==EGNSERYATION==SPEE
19	LINITSET-UNDER-THIS-SECTION-IS-LINITED-IO-THE-JURISDICIIO
90	GE=IHE-SIAIE-HIGHWAY-PAIRGE="
21	Section 2. Section 61-8-305. MCA, is amended to read
22	#61-8-305. Applicability of conservation speed limit
23	administrative-procedureactnotapplicable. (1) The
24	provisions of 61-8-304 shall not apply to those public

streets and highways for which a speed limit lower than that

requir	ed by	federa	l law wa	s applicable	on	March	2,	1974
under	an y	other	state,	county, muni	cipa	il, or	other	local
law, ordinance, regulation, or order.								

t2)Theattorneygeneralshallterminateb
proclamationanyspeedlimitproclaimedunder61-6-38
whenever-such-a-speed-limit-is-no-longer-required-by-federa
law-as-a-condition-to-the-state*s-continuing-eligibilityt
receivefundsauthorized-by-the-Federal-Aid-Highway-Act-o
1973-and-all-acts-amendatory-thereto-or-by-any-other-federa

+3}∓he-	-establishment-of-aspeedlimitpursuantto
61 -8-384 sh	attnotbesubjecttotheprovisionsand
requirements-	of-the-Montana-Administrative-Procedure-Actu

(2) The fuel conservation speed limit imposed by (thi
act] shall remain in effect only as long as the
establishment_of_that_speed_limit_by_the_state_is_require
by federal law as a condition to the state's continuin
eligibility to receive funds authorized by the Federal-Ai
Highways Amendments of 1974 and all acts amendatory thereto
or any other federal statute. H

Section 3. Section 61-8-718, MCA; is amended to read:
<pre>#61~8~718. Penalty for violation of <u>fuel</u> conservation</pre>
speed limit. (1) A person violating the speed limit imposed
pursuant to 61-8-304 is guilty of the offense of unnecessary
waste of a resource eurrentlyinshortsupply and upon

1	conviction shall be fined \$5. and no jail sentence may be
2	imposed. Bond for this offense shall be \$5. A::PERSON:=WHI
3	Y10LaTES=IHE=SPEER=LIMIT=UNDER=61:8=306=8Y=8KIYING=H8RE=IHat
4	- 15UILES-AN-MQUR-QURING-DAYIINE-HQURS-OR-MORE-IHAN-65-MILES
5	
6	AGGRAYATED::WASTE::DE::A:RESOURGE:AND:SHALL:DE:EINED:\$35x:IN
7	<u>LIEU-BE-IUE-EINE-BE-15x:AND-BBNB-EBR-IUIS-BEEENSE-SUALL-BB</u>
8	1951 A PERSON WHO VIOLATES THE SPEED LIMIT UNDER 61-8-304 BY
9	DRIVING MORE THAN IS MILES AN HOUR DURING DAYTIME HOURS IS
10	GUILTY DE THE DEFENSE DE AGGRAVATED HASTE DE A RESOURCE AND
11	SHALL BE FINED \$35. IN LIEU OF THE FINE OF \$5. AND BOND FOR
12	THIS DEFENSE SHALL BE \$35. A PERSON WHO VIOLATES THE SPEED
13	LIMIT_UNDER_61-8-304_BY_DRIVING_MORE_IHAN_65_MILES_AN_HOUS
14	DURING NIGHTIME HOURS ON COMPLETED SECTIONS OF THE
15	INTERSTATE HIGHWAY IS GUILTY DE AGGRAVATED WASTE DE A
16	RESOURCE AND SHALL BE FINED \$35. IN LIEU DE THE FINE DE \$5.
17	AND BOND FOR THIS DEEENSE SHALL BE \$35.
1.8	(2) For the nurnose of this section only, the fees of

the justice's court shall be the balance of the fine not

HB 0606/03

NEW_SECTION. Section 5. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

1

2

3

7 <u>MEM_SECTION</u>. Section 6. Effective date. This act is 8 effective on passage and approval.

1	HOUSE BILL NO. 606
2	INTRODUCED BY KOEHNKE, BRAND, FABREGA, O'CONNELL,
3	PECK, PISTORIA, HARPER, YAROLEY
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE
6	55-MILE-AN-HOUR SPEED LIMIT BY LEGISLATIVE ENACTMENT;
7	ETHITING-ENFORCEMENT-TO-HIGHWAY-PATROLPERSONNEL? <u>LIBITING</u>
ß	ENEDREEMENT::: TO: = HIGHWAY - PATROL - PERSONNEL CLARIFYING THAT A
9	VIOLATION IS NOT A MISDEMEANOR; AMENDING SECTIONS 61-8-304.
0	61-8-305, AND 61-8-718, MCA; REPEALING CHAPTER 122. LAWS OF
.1	1211: AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.
2	
3	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
4	Section 1. Section 61-8-304. MCA, is amended to read:
5	#61-8-304. Beclerationof <u>Euel conservation</u> speed
6	++mits limit exception to the basic rule. Theattorney
17	qeneratshattdectarabyproctamationfiledwiththe
8	secretary-of-state-a-speed-limit-for-all-motorvehicleson
19	allpublicstreetsend-highways-in-the-state-whonever-the
20	establishment-of-such-a-spead-limit-by-the-state-is-required
?1	by-federal-law-as-aconditiontothestatefacontinuing
2	eligibilitytoreceive-funds-authorized-by-the-federal-Aid
23	Highway-Act-of-1973-and-all-acts-amendatory-theretoorony
24	otherfederal-statutev-Tha-spaed-limit-may-not-be-less-thon
, 5	that-required-by-federal-law-end-the-attarney-memoral-shall

1	by-furtherproclamationchangethespeedlimitadopte
2	pursuanttothissectionto-comply-with-federal-low-An
3	proclamationissuedpursuanttothissectionbecome
4	effective-at-midnight-af-the-day-upon-which-it-is-filed-wit
5	thesecretary-of-states (1) In order to insure conservation
6	of a resource currently in short supplys the speed limit for
7	vehicles_traveling_on_a_public_highway_of_this_stateis5
8	miles_an_hours_except_as_provided_under_61-8-309v-unleas=th
9	provisionsofEbapter-122x-tows-of-1977x-become-offective
10	[2] A speed limit imposed pursuant to this section is
11	an exception to the requirements of 61-8-303 and 61-8-312
12	and a speed in excess of the speed limit established
13	pursuant to this section is unlawful notwithstanding an
14	provision of 61-8-303 and 61-8-312.
15	tale=The=Enforcement=ef==the==fwek==conservation==spek
16	limit:_set_mnderithis-section_is-limited:to=thm:juctadictio
17	of=thc=state=bighway=petcslw
16	tat==fhe=enegreeneni=ge==ihe==fheb==conseryation==spee
19	LINIT:-SET-UNGER-THIS-SEETIGN-IS-LIMITED-ID-THE-AMBISDIGIID
20	GE-THE-SIATE-HIGHWAY-PATROLE
21	(3) PROVIDED: HOWEYER: ANY PERSON WHO OPERATES
22	IRUCK* IRUCK IRACIOR* MOIOR-DRIVEN CYCLE DR V AEHICFE IONIN
23	A_HOUSETRAILER_IN_VIOLATION_DE_61-8-312_SHALL_BE_SUBJECT_I
24	IHE_PENALTIES_PROVIDED_FOR_IN_61-8-711-*
25	Section 2. Section 61-8-305, MCA, is amended to read:

SECOND PRINTING HB 606 REFERENCE BILL With Amendments

Section 2. Section 61-8-305, MCA; is amended to read:

*61-8-30% Applicability of conservation speed limit					
administrative-procedureactnotapplicable. (1) The					
provisions of 61-8-304 shall not apply to those public					
streets and highways for which a speed limit lower than that					
required by federal law was applicable on March 2: 1974					
under any other state, county, municipal, or other local					
law+ ordinance+ regulation+ or order+					
(2)Theattorneygeneralshallterminoteb					
nroelamaticaasur-speci-limitoraelaimacundar61-8-104					

proclamation--any--speed--limit--proclaimed--under--61-8-304
whenever-such-a-speed-limit-is-no-longer-required-by-federal
law-as-a-condition-ta-the-state*s-continuing-eligibility--ta
receive--funds--authorized-by-the-federal-Aid-Highway-Act-of
1973-and-all-acts-amendatory-therato-or-by-any-other-federal
statutes

†3}--The-establishment-of-a--seed--limit--purament--to
61-8-384---shell--not--be--subject--to--the--provisions--and
requirements-of-the-Montana-Administrative-Procedure-Actv

(21 The fuel conservation speed limit imposed by [this act] shall remain in effect only as long as the establishment of that speed limit by the state is required by federal law as a condition to the state's continuing eligibility to receive funds authorized by the Federal-Aid Highways Amendments of 1974 and all acts amendatory thereto or any other federal statute."

Section 3. Section 61-8-718, MEA, is amended to read:

-3-

1	*61-8-718. Penalty for violation of <u>fuel</u> conservation
2	speed limit. (1) A person violating the speed limit imposed
3	pursuant to 61-8-304 is guilty of the offense of unnecessary
4	waste of a resource currentlyinshortsupply and upon
5	conviction shall be fined \$5+ and no jail sentence may be
6.	imposed. Bond for this offense shall be \$5. APERSON
7	YIOLATES-THE-SCEED-LIGHT-WHRED-G1-8-304-8Y-88141NG-HORE-THAN
8	IS
9	AM-UDUR-DURING-NIGUIFIUE-UDURS-IS-GUILIY-DE-INEDEFENGEBE
10	######################################
11	EIEN-BE-INE-EINE-BE-AS-AND-BRHD-FBB-INIG-BEEENSE-SHALE-HE
12	135# A PERSON WHO VIOLATES THE SPEED LIMIT WHOER 61-8-304 BY
13	DRIVING HORE THAN 75 MILES AN HOUR DURING DAYLINE HOURS IS
14	GUILTY OF THE OFFENSE OF AGGRAVATED WASTE OF A RESOURCE AND
15	SHALL BE FINED \$25. IN LIFU OF THE FINE OF \$5. AND BONG FOR
16	THIS OFFENSE SHALL BE \$35. A PERSON WHO VIOLATES THE SPEED
17	LIMII UNDER 61-8-304 BY DRIVING MORE THAN 65 MILES AN HOUR
18	DURING NIGHTIME HOURS ON COMPLETED SECTIONS OF THE
19	INTERSTATE HIGHWAY IS GUILTY OF AGGRAVATED WASTE OF A
20	RESOURCE AND SHALL BE FINED \$35. IN LIEU OF THE FINE DE \$5.
21	AND_BOND_FOR_THIS_DEFENSE_SHALL_BE_\$35.
22	(2) For the purpose of this section only, the fees of

the justice's court shall be the balance of the fine not

otherwise allocated by law and shall be remitted as set

-4- HB: 606

forth in 3-10-603(3),

1	(3) A violation of 61-8-304 is not a misdemeanor
2	pursuant_to_45-2-101-61-8-104-or_61-8-711-*
3	SECTION 4. REPEALER. CHAPTER 122. LAWS OF 1977. IS
4	REPEALED
5	NEW_SECTION. Section 5. Severability. If a part of
6	this act is invalid, all valid parts that are severable from
7	the invalid part remain in effect. If a part of this act is
8	invalid in one or more of its applications, the part remains
9	in effect in all valid applications that are severable from
0	the invalid applications.
1	NEW_SECTION: Section 6. Effective date. This act is
,	effective on nessage and approval.

	A	pri	11	2	19	.83
• • • • • • • • • •		~~~			•••	

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 606 (Report No. 1, April 12, 1983)

Mr. Speaker:

We, your Conference Committee on House Bill No. 606, met on April 12, 1983, and considered;

- 1. Senate Highways and Transportation Committee Amendments to the third reading copy dated March 16, 1983, and
- 2. Senate Committee of the Whole Amendments to the third reading copy, dated March 21, 1983, and
- 3. Senate Committee of the Whole Amendments dated March 23, 1983, and recommend as follows.

We recommend that:

1. The House accede to the Senate Amendments.

CLERICAL INSTRUCTIONS FOR REFERENCE COPY (SALMON)

No changes from reference copy.

FOR THE HOUSE:

FOR THE SENATE:

FRANCIS KOEHNKE, CHAIR

JAMES SHAW, CHAIR

JOE HAMMOND

KERMIT DANIELS

RAY JENSEN

DELWYN GASE

P

	19
•	

FREE CONFERENCE COMMITTEE REPORT on House Bill No. 606

(Report No. 1, April 18, 1983)

Mr. Speaker:

We, your Free Conference Committee on House Bill 606, met and considered:

- 1. House Bill 606, third reading copy (Blue); and
- 2. Senate Highways and Transportation Committee Amendments to third reading copy dated March 16, 1983; and
- 3. Senate Committee of the Whole Amendments to the third reading copy, dated March 21, 1983; and
- 4. Senate Committee of the Whole Amendments dated March 23, 1983, and recommend as follows.

We recommend that:

The House accede to Senate Highways and Transportation Committee Amendments 2 and 4; and

The Senate recede from amendments 1, 3, and 5;

The Senate recede from all Senate Committee of the Whole Amendments dated March 21, and March 23, 1983.

House Bill 606 be further amended as specified in Clerical Instructions 1 and 2; and

This Free Conference Committee report be adopted.

CLERICAL INSTRUCTIONS FOR REFERENCE COPY (SALMON, SECOND PRINTING)

1. Page 2, line 21
Strike: Subsection (3) in its entirety

2. Page 4, line 12
Following: "\$35"

Strike: remainder of line 12 through line 21 in their entirety

FOR THE HOUSE // /	FOR THE SENATE
francist och be	(3) (m
ROEHNKE, CHAIR	Torus & Establish
HAMMOND	ETCHART

JENSEN

STATE PUB. CO. ..

Chairman.

2	INTRODUCED BY KOEHNKE, BRAND, FABREGA, O'CONNELL,
3	PECK, PISTORIA, HARPER, YARDLEY
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE
6	55-MILE-AN-HOUR SPEED LIHIT BY LEGISLATIVE ENACTMENT;
7	LIMITING-ENFORGEMENT-TO-HIGHWAY-PATROLPERSONNEL:
8	ENFORCEMENT TO MISHWAY PATROL - PERSONNELS CLARIFYING THAT A
9	VIOLATION IS NOT A MISDEMEANOR; AMENDING SECTIONS 61-8-304+
10	51-9-305, AND 61-8-718, MCA; REPEALING CHAPTER 122, LAWS OF
11	1971: AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**
15	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	Section l_{\star} Section 61-8-304, MCA, is amended to read:
15	#61-8-304. Declarationof <u>Eucl conservation</u> speed
15	limits limit exception to the basic rule. Theattorney
17	generalshalldectarebyproclamationfiledwiththe
18	secretary-of-state-a-speed-limit-for-all-motorvehicleson
10	allpublicstreetsand-highways-in-the-state-whenever-the
20	establishment-of-such-a-speed-limit-by-the-state-is-required
21	by-federal-law-as-aconditiontothestatefscontinuing
22	ełigibiłitytoreceive-funds-authorized-by-the-Federal-kid
23	Mighway-Act-of-1973-and-all-acts-amendatory-theretoorany
24	otherfederal-statute. The speed-limit-may-not-be-less-than
25	that-required-by-federal-lawy-and-the-attorney-general-shall

HOUSE BILL NO. 606

1	by-furtherproclamationchangethespeedlimitadopte
Z	pursuanttothissectionto-comply-with-federal-laws-An
3	proclamationissuedpursuanttothissectionbecome
4	effective-at-midnight-of-the-day-upon-which-it-is-filed-wit
5	thesecretary-of-states (1) In order to insure conservation
6	of a resource currently-in-short-supply, the speed limit fo
7	vehicles traveling on a public highway of this state is 5
8	miles an hour, except as provided under 61-8-309, unless-th
9	nfariaionaofChapter-122x-Lawa-of-1977x-become-effective
10	121 A speed limit imposed pursuant to this section is
11	an exception to the requirements of 61-8-303 and 61-8-312
12	and a speed in excess of the speed limit established
13	pursuant to this section is unlawful notwithstanding an
14	provision of 61-8-303 and 61-8-312.
15	13) The enforcement of the fuel conservation spee
16	limitset-under-this-section-is-limited-to-the-jurisdiction
17	of=the=state=highway-patrol=
18	t3) The enforcement-of The Fuel conservation Spec
19	<u> </u>
20	BE-THE-STATE-HIGHWAY-PATROL:
21	#31==PROYEDEDx==HOMEYEBx==ANY==PERSON==HHOGPERAFES
22	IRWCKY-IRWCK-IRACIORY-HOIGR-DRIVEN-CYCLE-DR-A-VEHICLE-IONING
23	A==H0U5ETRAILER=IN=Y19LATION=0E=61-8:312-SHALL=BE=5UBJEGI=Y6
24	IHE-PENALTIES-PROVIDED-EUR-IN-61-0-711-7

Section 2. Section 61-8-305: MCA: is amended to read:

#61-8-30%. Applicability of conservation speed limit
provisions of 61-8-394 shall not apply to those public
streets and highways for which a speed limit lower than that
required by federal law was applicable on March 2, 1974
under any other state, county, municipal, or other local
law, ordinance, regulation, or order.

(2)—The—attorney—general—shall—terminate—-by
proclomation—ony—speed—limit—proclaimed—under—61-8-304
whenever—such—a speed—limit—is—no-longer-required-by-federal
law—as—a—condition—to-the—state*s—continuing—cligibility—to
receive—funds—authorized—by-the-Federal—Aid—Highway—Act—of
1973—and—all—acts—amendatory—thereto—or—by-any-other—federal
statute

- (3)--The-establishment-of-a--speed--limit--pursuant--to
 61-8-384---shall--not--be--subject--to--the--provisions--and
 requirements-of-the-Montana-Administrative-Procedure-Acts
- [2] The fuel conservation speed limit imposed by [this act] shall remain in effect only as long as the establishment of that speed limit by the state is required by federal law as a condition to the state's continuing eligibility to receive funds authorized by the Federal-Aid Highways Amendments of 1974 and all acts amendatory thereto or any other federal statute.*
 - Saction 3. Section 6128-718, MCA, is amended to read:

1	"61-8-718" Penalty for violation of <u>fuel</u> conservation
2	speed limit. (1) A person violating the speed limit imposed
3	pursuant to 61-8-304 is guilty of the offense of unnecessary
4	waste of a resource eurrentlyinshortsupply and upon
5	conviction shall be fined \$5, and no jail sentence may be
6	imposed. Bond for this offense shall be \$5. APERSONWHO
7	YEALATES-THE-SPEED-LEBET-WHER-61-9-304-BY-BREVING-MARE-EHAL
8	ISMILES-AN-MOUR-PURING-PATTINE-MOURS-OR-MORE-THAN-65-MILES
9	AN_HAWR-DURING_NIGHTIME_HOURS_IS_SUILIY-DE_IMEBEEENSEDE
10	AGGRAYATED:::WASTE::DE::A-RESCUREE:AMB-SMALL-DE-FENED::135x:18
11	LIEU-BE-IHE-FINE-BE-15AND-BONG-FOR-IHIS-BEFENSESHALL
12	#35. A-PERSON-WHO-WIGHATES-THE-SPEED-LIMIT-WHOER-62-8-304-BY
13	ORIVINGMORETHAN-75-MILES-AN-HOUR-DURING-DAYFIME-HOURS-IS
14	GUIL IX-BE-IME-OFFENSE-OF-AGGRAYATED-WASTE-OF-A-RESDURGEANG
15	SHALLDE-FINED-1351-IN-LIGH-DE-FINE-DE-451-AND-DOND-EDE
16	###\$-BFFENSE-\$NALL-96-435x
17	LIMII-UNDER-61-8-304-BY-DRIVING-MORE-THAN-65-MILES-AN-HOUS
18	BURENGNIGHTIMEHOURSOHCOMPLEIEDSECTIONSBEING
19	THTERSTATEHIGHWAYISGUILTYBEASSEAYATEDWASTEBE-
20	RESOURCE-AND-SHALL-DE-FINED-135-14-LIEU-DE-TME-FINE-DE-155
21	840-8940-60R-THIS-9555NS6-5HALL-DE-135x

(2) For the purpose of this section only, the fees of the justice's court shall be the balance of the fine not otherwise allocated by law and shall be remitted as set forth in 3-10-603(3).

308 8H

-4-

HB 606

HB 0606/05

1	(3) A violation of 61-8-304 is not a misdemeanor
2	pursuant_to_45=2=101:_61=8=104:_or_61=8=711:"
3	SECTION 4. REPEALER. CHAPTER 122. LAWS DE 1977. 13
4	2EPEALED.
5	NEW SECTION. Section 5. Severability. If a part of
6	this act is invalid, all valid parts that are severable from
7	the invalid part remain in effect. If a part of this act is
8	invalid in one or more of its applications, the part remains
9	in effect in all valid applications that are severable from
0	the invalid applications.
1	NEW_SECTION. Section 6. Effective date. This act is
2	effective on passage and approval.