

HOUSE BILL NO. 606

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

IN THE HOUSE

February 1, 1983	Introduced and referred to Committee on Highways and Transportation.
February 10, 1983	Committee recommend bill do pass as amended. Report adopted.
February 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 SENATE

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. Segregated.
March 19, 1983	Second reading, pass consideration.
March 21, 1983	Second reading, concurred in as amended.

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 THE 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.

1 *Salvo* *House* BILL NO. *606*
 2 INTRODUCED BY *KOEHNKE* *Brand*
 3 *O'Connell* *Peck* *Pistoria* *Hay* *Wardley*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE
 5 55-MILE-AN-HOUR SPEED LIMIT BY LEGISLATIVE ENACTMENT;
 6 LIMITING ENFORCEMENT TO HIGHWAY PATROL PERSONNEL; CLARIFYING
 7 THAT A VIOLATION IS NOT A MISDEMEANOR; AMENDING SECTIONS
 8 61-8-304, 61-8-305, AND 61-8-718, MCA; AND PROVIDING AN
 9 IMMEDIATE EFFECTIVE DATE."

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 Fuel conservation speed~~
 14 ~~limits 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. (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 55~~
 6 ~~miles an hour, except as provided under 61-8-309, unless the~~
 7 ~~provisions of Chapter 122, Laws of 1977, become effective.~~

8 (2) A speed limit imposed pursuant to this section is
 9 an exception to the requirements of 61-8-303 and 61-8-312,
 10 and a speed in excess of the speed limit established
 11 pursuant to this section is unlawful notwithstanding any
 12 provision of 61-8-303 and 61-8-312.

13 (3) ~~The enforcement of the fuel conservation speed~~
 14 ~~limit set under this section is limited to the jurisdiction~~
 15 ~~of the state highway patrol."~~

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

17 "61-8-305. Applicability of conservation speed limit
 18 ~~administrative procedure act not applicable.~~ (1) The
 19 provisions of 61-8-304 shall not apply to those public
 20 streets and highways for which a speed limit lower than that
 21 required by federal law was applicable on March 2, 1974,
 22 under any other state, county, municipal, or other local
 23 law, ordinance, regulation, or order.

24 (2) ~~The attorney general shall terminate by~~
 25 ~~proclamation any 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 eligibility to receive funds authorized by the Federal Aid Highway Act of 1973 and all acts amendatory thereto or by any other federal statutes~~

~~(3) The establishment of a speed limit pursuant to 61-8-304 shall not be subject to the provisions and requirements of the Montana Administrative Procedure Act.~~

(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."

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 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).

~~(3) A violation of 61-8-304 is not a misdemeanor pursuant to 45-2-101, 61-8-104, or 61-8-111."~~

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 invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

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

-End-

Approved by Committee
on Highways & Transportation

HOUSE BILL NO. 606

INTRODUCED BY KOEHNKE, BRAND, FABREGA, O'CONNELL,

PECK, PISTORIA, HARPER, YARDLEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE
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
61-8-304, 61-8-305, AND 61-8-718, MCA; REPEALING CHAPTER
122, LAWS OF 1977; AND PROVIDING AN IMMEDIATE EFFECTIVE
DATE."

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

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

"61-8-304. Declaration--of Fuel conservation speed
limits limit -- exception to the basic rule. The attorney
general--shall--declare--by--proclamation--fitted--with--the
secretary--of--state--a--speed--limit--for--all--motor--vehicles--on
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--statute--The--speed--limit--may--not--be--less--than
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--law--Any
proclamation--issued--pursuant--to--this--section--becomes
effective--at--midnight--of--the--day--upon--which--it--is--fitted--with
the--secretary--of--state--(1) In order to insure conservation
of a resource currently in short supply, the speed limit for
vehicles traveling on a public highway of this state is 55
miles an hour, except as provided under 61-8-309, unless the
provisions of Chapter 122, Laws of 1977, become effective.

(2) A speed limit imposed pursuant to this section is
an exception to the requirements of 61-8-303 and 61-8-312,
and a speed in excess of the speed limit established
pursuant to this section is unlawful notwithstanding any
provision of 61-8-303 and 61-8-312.

~~that the enforcement of the fuel conservation speed
limit set under this section is limited to the jurisdiction
of the state highway patrol"~~

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

"61-8-305. Applicability of conservation speed limit
---administrative--procedure--act--not--applicable. (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) The attorney general shall terminate by proclamation any 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 eligibility 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 61-8-304 shall not be subject to the provisions and requirements of the Montana Administrative Procedure Act.

(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.

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 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 credited as set forth in 3-10-603(3).

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

SECTION 4. REPEALER. CHAPTER 122, LAWS OF 1977, IS REPEALED.

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.

NEW SECTION. Section 6. Effective date. This act is effective on passage and approval.

-End-

HOUSE BILL NO. 606

INTRODUCED BY KOEHNKE, BRAND, FABREGA, O'CONNELL,

PECK, PISTORIA, HARPER, YARDLEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE 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 61-8-304, 61-8-305, AND 61-8-716, MCA; REPEALING CHAPTER 122, LAWS OF 1977; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

"61-8-304. ~~Declaration of Fuel conservation speed limits limit~~ -- exception to the basic rule: ~~The attorney general shall declare by proclamation filed with the secretary of state a speed limit for all motor vehicles on 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 statutes. The speed limit may not be less than 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 law. Any proclamation issued pursuant to this section becomes effective at midnight of the day upon which it is filed with the secretary of state. (1) In order to insure conservation of a resource currently in short supply, the speed limit for vehicles traveling on a public highway of this state is 55 miles an hour, except as provided under 61-8-309, unless the provisions of Chapter 122, Laws of 1977, become effective.~~

(2) A speed limit imposed pursuant to this section is an exception to the requirements of 61-8-303 and 61-8-312, and a speed in excess of the speed limit established pursuant to this section is unlawful notwithstanding any provision of 61-8-303 and 61-8-312.

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

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

"61-8-305. Applicability of conservation speed limit -- administrative procedure act not applicable. (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) The attorney general shall terminate by proclamation any 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 eligibility 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 61-8-304 shall not be subject to the provisions and requirements of the Montana Administrative Procedure Act.~~

~~(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."~~

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(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).

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~~NEW SECTION. Section 6. Effective date. This act is effective on passage and approval.~~

~~-End-~~

March 16, 1983

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."

March 21, 1983

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."

March 23, 1983

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."

HOUSE BILL NO. 606

INTRODUCED BY KOEHNKE, BRAND, FABREGA, O'CONNELL,

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"61-8-304. ~~Declaration of Fuel conservation~~ speed ~~limits limit~~ -- exception to the basic rule. ~~The attorney general shall declare by proclamation filed with the secretary of state a speed limit for all motor vehicles on 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 statutes. The speed limit may not be less than 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 law. Any proclamation issued pursuant to this section becomes effective at midnight of the day upon which it is filed with the secretary of state. (1) In order to insure conservation of a resource currently in short supply, the speed limit for vehicles traveling on a public highway of this state is 55 miles an hour, except as provided under 61-8-309, unless the provisions of chapter 122, laws of 1977, become effective.~~

(2) A speed limit imposed pursuant to this section is an exception to the requirements of 61-8-303 and 61-8-312, and a speed in excess of the speed limit established pursuant to this section is unlawful notwithstanding any provision of 61-8-303 and 61-8-312.

~~(3) The enforcement of the fuel conservation speed limit set under this section is limited to the jurisdiction of the state highway patrol.~~

~~(4) THE ENFORCEMENT OF THE FUEL CONSERVATION SPEED LIMIT SET UNDER THIS SECTION IS LIMITED TO THE JURISDICTION OF THE STATE HIGHWAY PATROL.~~

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

"61-8-305. Applicability of conservation speed limit -- administrative procedure not applicable. (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) The attorney general shall terminate by proclamation any 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 eligibility 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 61-8-304 shall not be subject to the provisions and requirements of the Montana Administrative Procedure Act.

(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."

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 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. A PERSON WHO VIOLATES THE SPEED LIMIT UNDER 61-8-304 BY DRIVING MORE THAN 15 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 \$25 IN LIEU OF THE FINE OF \$5 AND BOND FOR THIS OFFENSE SHALL BE \$25. A PERSON WHO VIOLATES THE SPEED LIMIT UNDER 61-8-304 BY DRIVING MORE THAN 15 MILES AN HOUR DURING DAYTIME HOURS IS GUILTY OF THE OFFENSE OF AGGRAVATED WASTE OF A RESOURCE AND SHALL BE FINED \$25 IN LIEU OF THE FINE OF \$5 AND BOND FOR THIS OFFENSE SHALL BE \$25. 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 \$25 IN LIEU OF THE FINE OF \$5 AND BOND FOR THIS OFFENSE SHALL BE \$25.

(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).

[3] A violation of 61-8-304 is not a misdemeanor pursuant to 45-2-101, 61-8-104, or 61-8-711."

SECTION 4. REPEALER. CHAPTER 122, LAWS OF 1971, IS REPEALED.

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

7 **NEW_SECTION.** Section 6. Effective date. This act is
8 effective on passage and approval.

-End-

HOUSE BILL NO. 606

INTRODUCED BY KOEHNKE, BRAND, FABREGA, O'CONNELL,

PECK, PISTORIA, HARPER, YARDLEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE
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~~LIMITING ENFORCEMENT TO HIGHWAY PATROL PERSONNEL; LIMITING~~
~~ENFORCEMENT TO HIGHWAY PATROL PERSONNEL;~~ CLARIFYING THAT A
VIOLATION IS NOT A MISDEMEANOR; AMENDING SECTIONS 61-8-304,
61-8-305, AND 61-8-718, MCA; ~~REPEALING CHAPTER 122, LAWS OF~~
~~1977;~~ AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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"61-8-304. ~~Declaration of Fuel conservation~~ speed
limits ~~limit~~ -- exception to the basic rule. The attorney
general ~~shall declare by proclamation filed with the~~
~~secretary of state a speed limit for all motor vehicles on~~
~~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 statute. The speed limit may not be less than~~
~~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 law. Any~~
~~proclamation issued pursuant to this section becomes~~
~~effective at midnight of the day upon which it is filed with~~
~~the secretary of state (1) In order to insure conservation~~
~~of a resource currently in short supply, the speed limit for~~
~~vehicles traveling on a public highway of this state is 55~~
~~miles an hour, except as provided under 61-8-309, unless the~~
~~provisions of Chapter 122, Laws of 1977, become effective.~~

(2) A speed limit imposed pursuant to this section is
an exception to the requirements of 61-8-303 and 61-8-312,
and a speed in excess of the speed limit established
pursuant to this section is unlawful notwithstanding any
provision of 61-8-303 and 61-8-312.

~~(3) The enforcement of the fuel conservation speed~~
~~limit set under this section is limited to the jurisdiction~~
~~of the state highway patrol.~~

~~(4) THE ENFORCEMENT OF THE FUEL CONSERVATION SPEED~~
~~LIMIT SET UNDER THIS SECTION IS LIMITED TO THE JURISDICTION~~
~~OF THE STATE HIGHWAY PATROL.~~

(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."

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

1 "61-8-305. Applicability of conservation speed limit
2 ~~administrative procedure act not applicable.~~ (1) The
3 provisions of 61-8-304 shall not apply to those public
4 streets and highways for which a speed limit lower than that
5 required by federal law was applicable on March 2, 1974,
6 under any other state, county, municipal, or other local
7 law, ordinance, regulation, or order.

8 ~~(2) The attorney general shall terminate by~~
9 ~~proclamation any speed limit proclaimed under 61-8-304~~
10 ~~whenever such a speed limit is no longer required by federal~~
11 ~~law as a condition to the state's continuing eligibility to~~
12 ~~receive funds authorized by the Federal Aid Highway Act of~~
13 ~~1973 and all acts amendatory thereto or by any other federal~~
14 ~~statute.~~

15 ~~(3) The establishment of a speed limit pursuant to~~
16 ~~61-8-304 shall not be subject to the provisions and~~
17 ~~requirements of the Montana Administrative Procedure Act.~~

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

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

1 "61-8-718. Penalty for violation of fuel 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 ~~currently in short supply~~ and upon
5 conviction shall be fined \$5, and no jail sentence may be
6 imposed. Bond for this offense shall be \$5. ~~A person who~~
7 ~~violates the speed limit under 61-8-304 by driving more than~~
8 ~~75 miles an hour during daytime hours or more than 65 miles~~
9 ~~an hour during nighttime hours is guilty of the offense of~~
10 ~~aggravated waste of a resource and shall be fined \$35 in~~
11 ~~lieu of the fine of \$5, and bond for this offense shall be~~
12 ~~\$35. A person who violates the speed limit under 61-8-304 by~~
13 ~~driving more than 75 miles an hour during daytime hours is~~
14 ~~guilty of the offense of aggravated waste of a resource and~~
15 ~~shall be fined \$35, in lieu of the fine of \$5, and bond for~~
16 ~~this offense shall be \$35. A person who violates the speed~~
17 ~~limit under 61-8-304 by driving more than 65 miles an hour~~
18 ~~during nighttime 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 of \$5,~~
21 ~~and bond for this offense shall be \$35.~~

22 (2) For the purpose of this section only, the fees of
23 the justice's court shall be the balance of the fine not
24 otherwise allocated by law and shall be remitted as set
25 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
10 the invalid applications.

11 ~~NEW SECTION.~~ Section 6. Effective date. This act is
12 effective on passage and approval.

-End-

.....April 12..... 1983.....

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:

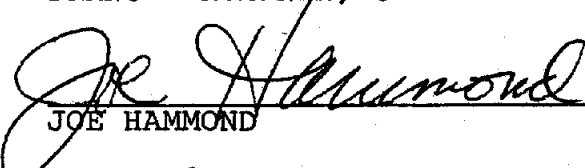
1. The House accede to the Senate Amendments.

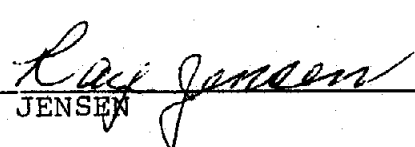
CLERICAL INSTRUCTIONS FOR REFERENCE COPY (SALMON)

No changes from reference copy.

FOR THE HOUSE:


FRANCIS KOEHNKE, CHAIR

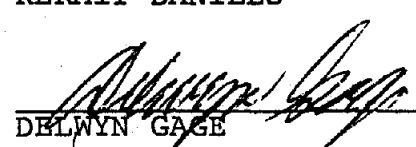

JOE HAMMOND


RAY JENSEN

FOR THE SENATE:


JAMES SHAW, CHAIR


KERMIT DANIELS


DELYWYN GAGE

April 18, 1983

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

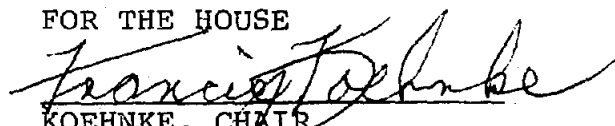
Strike: Subsection (3) in its entirety

2. Page 4, line 12

Following: "\$35"

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

FOR THE HOUSE


KOEHNKE, CHAIR


HAMMOND

JENSEN

FOR THE SENATE


LEE, CHAIR


ETCHART

BLAYLOCK

Chairman.

HOUSE BILL NO. 606

INTRODUCED BY KOEHNKE, BRAND, FABREGA, O'CONNELL,

PECK, PISTORIA, HARPER, YARDLEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE
55-MILE-AN-HOUR SPEED LIMIT BY LEGISLATIVE ENACTMENT;
~~LIMITING ENFORCEMENT TO HIGHWAY PATROL PERSONNEL; LIMITING~~
~~ENFORCEMENT TO HIGHWAY PATROL PERSONNEL;~~ CLARIFYING THAT A
VIOLATION IS NOT A MISDEMEANOR; AMENDING SECTIONS 61-8-304,
61-8-305, AND 61-8-718, MCA; REPEALING CHAPTER 122, LAWS OF
1971; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

"61-8-304. Declaration---of Fuel conservation speed
limits limit -- exception to the basic rule. The--attorney
general---shall--declare--by--proclamation--fited--with--the
secretary-of-state-a-speed-limit-for-all-motor--vehicles--on
all--public--streets--and-highways--in-the-state-when-ever-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-statutes-The-speed-limit-may-not-be-less-than
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
proclamation--issued--pursuant--to--this--section--becomes
effective-at-midnight-of-the-day-upon-which-it-is-filed-with
the--secretary-of-state (1) In order to insure conservation
of a resource currently in short supply, the speed limit for
vehicles traveling on a public highway of this state is 55
miles an hour, except as provided under 61-8-309, unless the
provisions of Chapter 122, Laws of 1971, become effective.

(2) A speed limit imposed pursuant to this section is
an exception to the requirements of 61-8-303 and 61-8-312,
and a speed in excess of the speed limit established
pursuant to this section is unlawful notwithstanding any
provision of 61-8-303 and 61-8-312.

~~(3) The enforcement of the fuel conservation speed~~
~~limit set under this section is limited to the jurisdiction~~
~~of the state highway patrol.~~

~~(3) THE ENFORCEMENT OF THE FUEL CONSERVATION SPEED~~
~~LIMIT SET UNDER THIS SECTION IS LIMITED TO THE JURISDICTION~~
~~OF THE STATE HIGHWAY PATROL.~~

~~(3) PROVIDED, HOWEVER, ANY PERSON WHO OPERATES A~~
~~TRUCK, TRUCK TRACTOR, MOTOR DRIVEN CYCLE OR A VEHICLE TOWING~~
~~A HOUSE TRAILER IN VIOLATION OF 61-8-312 SHALL BE SUBJECT TO~~
~~THE PENALTIES PROVIDED FOR IN 61-8-312.~~

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

1 "61-8-305. Applicability of conservation speed limit
2 ~~administrative procedure act not applicable.~~ (1) The
3 provisions of 61-8-304 shall not apply to those public
4 streets and highways for which a speed limit lower than that
5 required by federal law was applicable on March 2, 1974,
6 under any other state, county, municipal, or other local
7 law, ordinance, regulation, or order.

8 ~~(2) The attorney general shall terminate by~~
9 ~~proclamation any speed limit proclaimed under 61-8-304~~
10 ~~whenever such a speed limit is no longer required by federal~~
11 ~~law as a condition to the state's continuing eligibility to~~
12 ~~receive funds authorized by the Federal Aid Highway Act of~~
13 ~~1973 and all acts amendatory thereto or by any other federal~~
14 ~~statute.~~

15 ~~(3) The establishment of a speed limit pursuant to~~
16 ~~61-8-304 shall not be subject to the provisions and~~
17 ~~requirements of the Montana Administrative Procedure Act.~~

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

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

1 "61-8-718. Penalty for violation of fuel 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 ~~currently in short supply~~ and upon
5 conviction shall be fined \$5, and no jail sentence may be
6 imposed. Bond for this offense shall be \$5. ~~A person who~~
7 ~~violates the speed limit under 61-8-304 by driving more than~~
8 ~~15 miles an hour during daytime hours or more than 65 miles~~
9 ~~an hour during nighttime hours is guilty of the offense of~~
10 ~~aggravated waste of a resource and shall be fined \$35 in~~
11 ~~lieu of the fine of \$5, and bond for this offense shall be~~
12 ~~\$35. A person who violates the speed limit under 61-8-304 by~~
13 ~~driving more than 15 miles an hour during daytime hours is~~
14 ~~guilty of the offense of aggravated waste of a resource and~~
15 ~~shall be fined \$35 in lieu of the fine of \$5, and bond for~~
16 ~~this offense shall be \$35. A person who violates the speed~~
17 ~~limit under 61-8-304 by driving more than 65 miles an hour~~
18 ~~during nighttime 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 of \$5,~~
21 ~~and bond for this offense shall be \$35.~~

22 (2) For the purpose of this section only, the fees of
23 the justice's court shall be the balance of the fine not
24 otherwise allocated by law and shall be remitted as set
25 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
10 the invalid applications.

11 ~~NEW SECTION.~~ Section 6. Effective date. This act is
12 effective on passage and approval.

-End-