## SENATE BILL NO. 22

INTRODUCED BY STORY, RANEY, KOEHNKE

| IN THE SENATE |  |  |
| :---: | :---: | :---: |
| January 7, 1985 |  | Introduced and referred to Committee on Highways and Transportation. |
| January 17, 1985 |  | On motion by Chief Sponsor, Representatives Raney and Koehnke added as sponsors. |
| February 22, 1985 |  | On motion, SB 22 taken from Committee on Highways and Transportation and ordered printed and placed on second reading. Motion adopted. |
| February 23, 1985 |  | Bill printed and placed on members' desks. |
| February 25, 1985 |  | Second reading, do pass as amended. |
| February 26, 1985 |  | Correctly engrossed. |
| February 27, 1985 |  | Third reading, passed. Ayes, 49; Noes, 1. |
|  |  | Transmitted to House. |
|  | IN THE | HOUSE |
| March 7, 1985 |  | Introduced and referred to Committee on Highways and Transportation. |
| April 11, 1985 |  | Committee recommend bill be concurred in as amended. Report adopted. |
| April 12, 1985 |  | Second reading, concurred in. |

April 13, 1985

April 13, 1985

April 15, 1985
April 17, 1985

April 18, 1985

Third reading, concurred in.
Returned to Senate with amendments.

## IN THE SENATE

On motion, rules suspended to accept. Motion adopted.

Received from House.
Second reading, amendments concurred in.

Third reading, amendments concurred in. Ayes, 49; Noes, 0.

Sent to enrolling.
Reported correctly enrolled.
SENATE BILL NO.

$\qquad$
INTRODUCED BY STORY
a bill for an act entitled: "an act to authorize counties to establish speed limits on county roads, state highways, and federal-aid secondary highways within the jurisdictions of SUCH COUNTIES, AND TO AUTHORIZE MUNICIPALITIES TO establish speed limits on state and federal-aid highways in municipalities and urban areas; amending sections 61-8-303 AND 61-8-310, MCA."

## be it enacted by the legislature of the state of montana:

NEW SECTION. Section 1. County authority to establish speed limits. A board of county commissioners may, by ordinance, establish a special speed limit in accordance with 61-8-306 and 61-8-310 on any county road, state highway, or federal-aid secondary highway within the jurisdiction of the county and prescribe and enforce a penalty for violation of such an ordinance. A speed limit ordinance must substantially comply with the provisions of 7-5-103 through 7-5-107.
Section 2. 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 $6:$ miles per hour.
(3) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means at any other hour.

INTRODUCED BILL
(4) The speed limits set forth in this section may be altered by the highway commission as authorized in 61-8-309; 6t-8-3ł0\% 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."

Section 3. Section 61-8-310, MCA, is amended to read:
"61-8-310. When local authorities may and shall alter limits. (l) 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.
tせt--The--commission--has-excłusive-jurisdiction-to-set speetaz--speed--timits--on--ałł--federaz-aid--highways---or extensions-thereof-in-ałł-munieipaifties-or-urban-areas--The comission---shati--set--these--iimits--in--accordance--with 6士-8-309="

NEW SECTION. Section 4. Codification instruction. Section 1 is intended to be codified as an integral part of Title 7, chapter 14 , part 21 , and the provisions of Title 7 , chapter 14 , part 21 , apply to section 1.
-End-

# ON MOTION. PRINTED AND PLACED ON SECOND READING 

SENATE BILL NO. 22
INTRODUCED BY STORY, RANEY, KOEHNKE


#### Abstract

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE COUNTIES TO ESTABLISH SPEED LIMITS ON COUNTY ROADS, STATE HIGHWAYS, AND FEDERAL-AID SECONDARY HIGHWAYS WITHIN THE JURISDICTIONS OF SUCH COUNTIES, AND TO AUTHORIZE MUNICIPALITIES TO ESTABLISH SPEED LIMITS ON STATE AND FEDERAL-AID HIGHWAYS IN MUNICIPALITIES AND URBAN AREAS; AMENDING SECTIONS 6l-8-303 AND 61-8-310, MCA."


BE IT ENACTED By THE LEGISLATURE OF THE STATE OF MONTANA:
NEW SECTION. Section 1. County authority to establish speed limits. A board of county commissioners may, by ordinance, establish a special speed limit in accordance with 61-8-306 and 61-8-310 on any county road, state highway, or federal-aid secondary highway within the jurisdiction of the county and prescribe and enforce a penalty for violation of such an ordinance. A speed limit ordinance must substantially comply with the provisions of 7-5-103 through 7-5-107.
Section 2. 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.
(3) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means at any other hour.

SECOND READING
(4) The speed limits set forth in this section may be altered by the highway commission as authorized in 61-8-309\% 6士-8-3士 $\theta_{7}$ 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."

Section 3. Section 61-8-310, MCA, is amended to read:
"61-8-310. When local authorities may and shall alter limits. (l) 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.

SENATE BILL NO． 22
INTRODUCED BY STORY，RANEY，KOEHNKE

A BILL FOR AN ACT ENTITLED：＂AN ACT TO AUTHORIZE COUNTIES TO ESTABLISH SPEED LIMITS ON COUNTY ROADS $\overline{\mathbf{T}}$－STAPE－HIGHWAYS


 MENIEIPAbITIES－－ANB－－GRBAN－AREAS；AMENDING SEETI日NS－6士－8－3日3 ANB SECTION 61－8－310，MCA．＂

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA：
NEW SECTION．Section 1．County authority to establish speed limits．A board of county commissioners may，by ordinance，establish a special speed limit in accordance with 61－8－306 and 61－8－310 on any county roadp－state hẍghwayp－－－of－－－federat－aid－－secendary－－highway－－within－－the jurisaietion－of－the－－county－－and－－prescribe－－and－－enforce－－a penaity－－for－－vietation－－of－such－an－ordinancer－A－speed－ixmit ordinance－mast－subseantiatły－compty－with－the－provisions－－of 7－5－7日3－ehrough－7－5－士日7．

Section－z＿－－Section－－6t－8－3日3y－MeA；－is－amended－to－read．
 person－－operating－or－drifing－a－vehiełe－of－any－eharacter－on－a pubtitehighway－of－this－state－shait－drive－it－in－a－carefut－and
prudent－mannerf－and－at－a－rate－of－speed－no－－greater－－than－is reasonabte－－and－－proper－under－the－conditions－existing－at－the point－of－operationg－－taking－－into－－aceount－－the－－amount－and eharacter－－－of－－trafficr－－condition－－of－－brakesp－－weight－－of vehietey－grade－and－width－ef－highwayt－condition－－of－－surfacet and－freedom－of－obstruetion－to－view－aheadf－and－he－shati－drive it－－so－－as－not－to－unduly－or－unreasonably－endanger－the－iffer まimb－propertyo－or－other－rights－of－a－person－entitzed－to－－the use－of－the－street－or－highway：
tzt－－Where－no－speciaz－hazard－exists－that－requires－zower speed－－fer－－comptiance－－with－subsection－tit－of－this－sectiont the－speed－ofi－a－vehieie－not－in－excess－of－the－ímits－specified in－this－section－or－estabitshed－as－－authorized－－in－－6i－8－369；
 exeess－of－those－timits－is－untawfut
fat－－Z5－mites－per－hour－in－an－urban－distriett
fbt－－35－mites－per－hour－on－a－highway－under－－eonstruetion or－repait：
fef－－55－－mites－－per－－hour－in－other－zoeations－during－the nighttimer－－exeept－－that－－the－－nighttime－－speed－－－łimit－－－on eompteted－－sections－－of－－interstate－highways－is－65－mites－per hout＝
†Эナ－－＂Baytimen－means－from－one－hatf－hour－before－－sunsise to－－one－haff－－hour－－after－－sunset－－－4Nighttime ${ }^{1}$－means－at－any other－hour：
 aitered－by－the－highway－eommigsion－as－authorized－in－6z－8－7997 6士－8－3¥日т－and－6士－日－3さЭ7
t5t－－qhe－－driver－－of－－a－－vehiete－shałtit－consistent－with subsection－tまfi－drive－at－an－appropriate－redueed－－speed－－when approaching－－and－－erossing－－an－intersection－or－rainway－grade erossingr－when－approaching－and－going－around－－a－－eurve；－－when approaching－－a－－hitit－－crestr－when－traveling－upon－a－narrow－or winding－roadwayt－and－－when－－a－－spectai－－hazard－－exists－－with respect－－to－－pedestrians－－or－－other－－traffic－or－by－reason－of weather－or－highway－conditions＂
Section 2．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 lèss thăn 3515 miles per hour．

12）A BOARD OF COUNTY COMMISSIONERS MAY SET LIMITS AS PROVIDED IN SUBSECTION（1）WITHOUT AN ENGINEERING AND TRAFEIC INUESTIGATION ON A COUNTY ROAD，AS DEFINED IN 60－1－103．
（ $2+(3)$ 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．
$\boldsymbol{+ 9 + ( 4 )}$ An altered limit established as authorized under this section is effective at all times or at other times determined by the authority when appropriate signs giving notice of the altered limit are erected upon the highway．
（4）－－The－－commission－has－exełusive－jurisdietion－to－set speciat－－speed－－$\ddagger$ mitts－－on－－atz－－federat－aid－－－htghways－－－or extensionm－thereaf－in－atł－munieipatities－or－urban－afeass－The commivaion－－－shazi－－set－－these－－itmits－－in－－accordance－－with 6玉－8－3097
（5）．THE COMMISSION HAS EXCLUSIVE JURISDICTION TO SET SPECIAL SPEED LIMITS ON ALL FEDERAL－AID HIGHKAYS OR EXTENSIONS THEREOF IN ALL MUNICIPALITIES OR URBAN AREAS．THE COMMISSION SHALL SET THESE LIMITS IN ACCORDANCE WITH 61－8－309，＂．．．

## SB 0022/03

NEW SECTION. Section 3. Codification instruction.
2 Section 1 is intended to be codified as an integral part of 3 Title 7, chapter 14, part 21 , and the provisions of Title 7, 4 chapter 14 , part 21 , apply to section 1.
-End-
houseApril 11
MR. $\qquad$ SPEAKER:
We, your committee on $\qquad$ HOUSE HIGHWAYS AND TRANSPORTATION
having had under consideration $\qquad$ SENATE BIT
THIRD reading copy ( BLinis color

TO AUTHORIZE COUNTIES TO ESTABLISH SPEED LIMITS ON COUNTY ROADS,
STATE HIGHWAYS, AND FEDERAL-AID SECONDARY HIGHWAYS WITHIN THE
JURISDICTIONS OF SUCH COUNTIES, AND TO AUTHORIZE MUNICIPAITITES
TO ESTABLISH SPEED LIMITS ON STATE AND FEDERAL-AID HIGhWAYS IN
MUNICIPALITIES AND UREAN AREAS; AMENDING SECTIONS 61-8-303
AND 61-8-310, MCA. Bill No. 22
Respectfully report as follows: That SENATE BITT Bill No.....22
Be amended as follows:

1. Page 4, line 2 Following: "(1)" .....  Insert: " (c)"

AND AS AMENDED

## BE CONCURRED IN

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tattle

SENATE BILL NO． 22
INTRODUCED BY STORY，RANEY，ROEHNKE

A BILL FOR AN ACT ENTITLED：＂AN ACT TO AUTHORIZE COUNTIES TO ESTABLISH SPEED LIMITS ON COUNTY ROADSt－STAPE－HEGHWAYST



 ANB SECTION 61－8－310，MCA．＂ be it enacted by the legislature of the state of montana：

NEW SECTION．Section 1．County authority to establish speed limits．A board of county commissioners may，by ordinance，establish a special speed limit in accordance with 61－8－306 and 61－8－310 on any county roadj－－state highwayt－－－or－－－federat－aid－－seconcary－－highway－－within－－the jurisadiction－of－the－－county－－and－－preseribe－－and－－enforce－－a penazty－for－－viotation－－of－such－an－ordinance－－A－speed－ímit ordinance－must－substantiatiy－comply－with－the－－provisions－－of 7－5－7日3－through－7－5－士日7

Section－z－－Seetion－6i－8－3日Э7－MEA7－is－amended－to－read
 pergon－－operating－or－driving－a－vehiete－of－any－charaeter－on－a pubłic－highway－of－this－state－shałł－drive－it－in－a－earefut－and
pradent－mannert－and－at－a－rate－of－speed－no－－greater－－than－－is reasonabłe－－and－－proper－under－the－conditions－existing－at－the point－of－operationf－－taking－－into－－account－－the－－amount－and eharacter－－－of－－traffiti－－condition－－of－－brakest－－weight－－of vehieter－grade－and－width－of－highwayr－eondition－－of－－surfacet and－freedom－of－obstruetion－to－view－ahead；－and－he－shazz－drive it－－so－－as－－not－to－unduzy－or－unreasonably－endanger－the－tife； timbt－propertyj－or－other－rights－of－a－person－entitted－to－the tse－of－the－street－or－highway：
（Z）－－Where－no－speeint－hatard－exists－that－requires－tower speed－－for－－compliance－－with－subsection－tit－of－this－seetiont the－speed－of－a－vehtete－not－in－excess－of－the－timits－speeificed in－this－section－or－estabiished－as－－authorized－－in－－6i－8－309；
 excess－of－those－timits－is－untawfut
tat－－Z5－miłes－per－hour－in－an－urban－distriet；
fby－－35－mizes－per－hour－on－a－highway－under－－eonstraction or－repair；
tet－－55－－mizes－－per－hour－in－other－łocations－during－the nighteime；－－except－－that－－the－－nighttime－－speed－－－zimit－－－on compieted－－sections－－of－－interstate－highways－is－65－mites－per hour：
†ヨ†－－ngaytime＂－means－£rom－one－hazf－hour－before－－suntise to－－one－haff－－hour－－after－－sunset－－－Hinighttime＂－means－at－any other－hour：
f4才－－qhe－speed－timits－set－forth－in－this－section－may－－be attered－by－the－highway－commisston－as－authorized－in－6z－8－309；

t5t－－The－－ditver～－of－－a－－vehiełe－shattr－consistent－with subsection－ł¥゙ァ－drive－at－an－appropriate－reduced－－speed－－when approaching－－and－－erossing－－an－intersection－or－raitway－grade erossingt－when－approaehing－and－going－around－－a－－curvep－－when approaching－－a－－hiłł－－eresty－when－travełing－upon－a－narrow－or winding－roadwayf－and－－when－－a－－speeiaz－－hazerd－－exists－－with respect－－to－－pedestrians－－ar－－other－－traffie－or－by－reason－of weather－or－highway－condition－u

Section 2．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 9515 miles per hour．
（2）A BOARD OF COUNTY COMMISSIONERS MAY SET LIMITS AS PROVIDED IN SUBSECTION（1）（C）WITHOUT AN ENGINEERING AND TRAFFIC INVESTIGATION ON A COUNTY ROAD，AS DEFINED IN 60－1－103．
tz＋（3）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．
t 9 （4）An altered limit established as authorized under this section is effective at all times or at other times determined by the authority when appropriate signs giving notice of the altered limit are erected upon the nighway．
t4t－－The－－eommission－－has－exełusive－jurisdietion－to－set speciat－－speed－－łimits－－on－－ałt－－federaz－aid－－－highways－－－or extensions－thereof－in－ati－munieipatities－or－urban－areast－The commission－－－shati－－set－－these－－まimits－－in－－aceordance－－with 6士－8－3日9
（5）THE COMMISSION HAS EXCLUSIVE JURISDICTION TO SET SPECIAL SPEED LIMITS ON ALL FEDERAL－AID HIGHWAYS OR EXTENSIONS THEREOF IN ALL MUNICIPALITIES OR URBAN AREAS．THE COMMISSION SHALL SET THESE LIMITS IN ACCORDANCE WITH 61－B－309．＂

## SB 0022/04

NEW SECTION. Section 3. Codification instruction. Section 1 is intended to be codified as an integral part of Title 7, chapter 14, part 21, and the provisions of Title 7, chapter 14, part 21, apply to section 1.
-End-

