

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

Third reading, concurred in.

Returned to Senate with
amendments.

IN THE SENATE

April 13, 1985

On motion, rules suspended to
accept. Motion adopted.

April 15, 1985

Received from House.

April 17, 1985

Second reading, amendments
concurred in.

April 18, 1985

Third reading, amendments
concurred in.

Ayes, 49; Noes, 0.

Sent to enrolling.

Reported correctly enrolled.

1 SENATE BILL NO. 22
2 INTRODUCED BY STORY

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE COUNTIES
5 TO ESTABLISH SPEED LIMITS ON COUNTY ROADS, STATE HIGHWAYS,
6 AND FEDERAL-AID SECONDARY HIGHWAYS WITHIN THE JURISDICTIONS
7 OF SUCH COUNTIES, AND TO AUTHORIZE MUNICIPALITIES TO
8 ESTABLISH SPEED LIMITS ON STATE AND FEDERAL-AID HIGHWAYS IN
9 MUNICIPALITIES AND URBAN AREAS; AMENDING SECTIONS 61-8-303
10 AND 61-8-310, MCA."

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

13 NEW SECTION. Section 1. County authority to establish
14 speed limits. A board of county commissioners may, by
15 ordinance, establish a special speed limit in accordance
16 with 61-8-306 and 61-8-310 on any county road, state
17 highway, or federal-aid secondary highway within the
18 jurisdiction of the county and prescribe and enforce a
19 penalty for violation of such an ordinance. A speed limit
20 ordinance must substantially comply with the provisions of
21 7-5-103 through 7-5-107.

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

23 "61-8-303. Speed restrictions -- basic rule. (1) A
24 person operating or driving a vehicle of any character on a
25 public highway of this state shall drive it in a careful and

1 prudent manner, and at a rate of speed no greater than is
2 reasonable and proper under the conditions existing at the
3 point of operation, taking into account the amount and
4 character of traffic, condition of brakes, weight of
5 vehicle, grade and width of highway, condition of surface,
6 and freedom of obstruction to view ahead, and he shall drive
7 it so as not to unduly or unreasonably endanger the life,
8 limb, property, or other rights of a person entitled to the
9 use of the street or highway.

10 (2) Where no special hazard exists that requires lower
11 speed for compliance with subsection (1) of this section,
12 the speed of a vehicle not in excess of the limits specified
13 in this section or established as authorized in 61-8-309,
14 61-8-310, 61-8-311, and 61-8-313 is lawful, but a speed in
15 excess of those limits is unlawful:

- 16 (a) 25 miles per hour in an urban district;
- 17 (b) 35 miles per hour on a highway under construction
18 or repair;

19 (c) 55 miles per hour in other locations during the
20 nighttime, except that the nighttime speed limit on
21 completed sections of interstate highways is 60 miles per
22 hour.

23 (3) "Daytime" means from one-half hour before sunrise
24 to one-half hour after sunset. "Nighttime" means at any
25 other hour.



INTRODUCED BILL
-2- SB 22

1 (4) The speed limits set forth in this section may be
2 altered by the highway commission as authorized in 61-8-309,
3 ~~61-8-310~~ and 61-8-313.

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

12 Section 3. Section 61-8-310, MCA, is amended to read:

13 "61-8-310. When local authorities may and shall alter
14 limits. (1) If a local authority in its jurisdiction
15 determines on the basis of an engineering and traffic
16 investigation that the speed permitted under 61-8-303 and
17 61-8-309 through 61-8-313 is greater or less than is
18 reasonable and safe under the conditions found to exist upon
19 a highway or part of a highway, the local authority may set
20 a reasonable and safe limit thereon which:

- 21 (a) decreases the limit at an intersection;
- 22 (b) increases the limit within an urban district, but
- 23 not to more than 55 miles per hour during the nighttime; or
- 24 (c) decreases the limit outside an urban district, but
- 25 not to less than 35 miles per hour.

1 (2) A local authority in its jurisdiction shall
2 determine by an engineering and traffic investigation the
3 proper speed for all arterial streets and shall set a
4 reasonable and safe limit thereon which may be greater or
5 less than the speed permitted under 61-8-303 for an urban
6 district.

7 (3) An altered limit established as authorized under
8 this section is effective at all times or at other times
9 determined by the authority when appropriate signs giving
10 notice of the altered limit are erected upon the highway.

11 ~~(4) The commission has exclusive jurisdiction to set
12 special speed limits on all federal aid highways or
13 extensions thereof in all municipalities or urban areas. The
14 commission shall set these limits in accordance with
15 61-8-309."~~

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

-End-

ON MOTION, PRINTED AND
PLACED ON SECOND READING
COMMITTEE
ON HIGHWAYS & TRANSPORTATION

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, 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 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



1 (4) The speed limits set forth in this section may be
2 altered by the highway commission as authorized in 61-8-309,
3 ~~61-8-310~~, and 61-8-313.

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

12 Section 3. Section 61-8-310, MCA, is amended to read:

13 "61-8-310. When local authorities may and shall alter
14 limits. (1) If a local authority in its jurisdiction
15 determines on the basis of an engineering and traffic
16 investigation that the speed permitted under 61-8-303 and
17 61-8-309 through 61-8-313 is greater or less than is
18 reasonable and safe under the conditions found to exist upon
19 a highway or part of a highway, the local authority may set
20 a reasonable and safe limit thereon which:

21 (a) decreases the limit at an intersection;

22 (b) increases the limit within an urban district, but
23 not to more than 55 miles per hour during the nighttime; or

24 (c) decreases the limit outside an urban district, but
25 not to less than 35 miles per hour.

1 (2) A local authority in its jurisdiction shall
2 determine by an engineering and traffic investigation the
3 proper speed for all arterial streets and shall set a
4 reasonable and safe limit thereon which may be greater or
5 less than the speed permitted under 61-8-303 for an urban
6 district.

7 (3) An altered limit established as authorized under
8 this section is effective at all times or at other times
9 determined by the authority when appropriate signs giving
10 notice of the altered limit are erected upon the highway.

11 ~~{4}--The--commission--has--exclusive--jurisdiction--to--set
12 special--speed--limits--on--all--federal--aid--highways--or
13 extensions--thereof--in--all--municipalities--or--urban--areas--The
14 commission--shall--set--these--limits--in--accordance--with
15 61-8-309."~~

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

-End-

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INTRODUCED BY STORY, RANEY, KOEHNKE

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 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 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.



1 {4}--The speed limits set forth in this section may be
2 altered by the highway commission as authorized in 61-8-309,
3 61-8-310, and 61-8-313.

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

12 Section 2. Section 61-8-310, MCA, is amended to read:

13 "61-8-310. When local authorities may and shall alter
14 limits. (1) If a local authority in its jurisdiction
15 determines on the basis of an engineering and traffic
16 investigation that the speed permitted under 61-8-303 and
17 61-8-309 through 61-8-313 is greater or less than is
18 reasonable and safe under the conditions found to exist upon
19 a highway or part of a highway, the local authority may set
20 a reasonable and safe limit thereon which:

- 21 (a) decreases the limit at an intersection;
- 22 (b) increases the limit within an urban district, but
- 23 not to more than 55 miles per hour during the nighttime; or
- 24 (c) decreases the limit outside an urban district, but
- 25 not to less than 15 miles per hour.

1 (2) A BOARD OF COUNTY COMMISSIONERS MAY SET LIMITS AS
2 PROVIDED IN SUBSECTION (1) WITHOUT AN ENGINEERING AND
3 TRAFFIC INVESTIGATION ON A COUNTY ROAD, AS DEFINED IN
4 60-1-103.

5 {2}(3) A local authority in its jurisdiction shall
6 determine by an engineering and traffic investigation the
7 proper speed for all arterial streets and shall set a
8 reasonable and safe limit thereon which may be greater or
9 less than the speed permitted under 61-8-303 for an urban
10 district.

11 {3}(4) An altered limit established as authorized
12 under this section is effective at all times or at other
13 times determined by the authority when appropriate signs
14 giving notice of the altered limit are erected upon the
15 highway.

16 ~~{4}--The commission has exclusive jurisdiction to set~~
17 ~~special speed limits on all federal aid highways or~~
18 ~~extensions thereof in all municipalities or urban areas. The~~
19 ~~commission shall set these limits in accordance with~~
20 ~~61-8-309.~~

21 (5) THE COMMISSION HAS EXCLUSIVE JURISDICTION TO SET
22 SPECIAL SPEED LIMITS ON ALL FEDERAL-AID HIGHWAYS OR
23 EXTENSIONS THEREOF IN ALL MUNICIPALITIES OR URBAN AREAS. THE
24 COMMISSION SHALL SET THESE LIMITS IN ACCORDANCE WITH
25 61-8-309.

SB 0022/03

1 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-

STANDING COMMITTEE REPORT

HOUSE

April 11

1985

MR. SPEAKER:

We, your committee on HOUSE HIGHWAYS AND TRANSPORTATION

having had under consideration SENATE BILL Bill No. 22

THIRD reading copy (BLUE 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 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.

Respectfully report as follows: That SENATE BILL Bill No. 22

Be amended as follows:

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

AND AS AMENDED

BE CONCURRED IN

EXCESS

2/2/85

John G. Harp
Representative John G. Harp, Chairman.

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, 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 SECTION 61-8-310, MCA."

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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.



1 ~~(4) The speed limits set forth in this section may be~~
 2 ~~altered by the highway commission as authorized in 61-8-309,~~
 3 ~~61-8-310, and 61-8-313.~~

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

12 Section 2. Section 61-8-310, MCA, is amended to read:

13 "61-8-310. When local authorities may and shall alter
 14 limits. (1) If a local authority in its jurisdiction
 15 determines on the basis of an engineering and traffic
 16 investigation that the speed permitted under 61-8-303 and
 17 61-8-309 through 61-8-313 is greater or less than is
 18 reasonable and safe under the conditions found to exist upon
 19 a highway or part of a highway, the local authority may set
 20 a reasonable and safe limit thereon which:

- 21 (a) decreases the limit at an intersection;
- 22 (b) increases the limit within an urban district, but
- 23 not to more than 55 miles per hour during the nighttime; or
- 24 (c) decreases the limit outside an urban district, but
- 25 not to less than 35 15 miles per hour.

1 (2) A BOARD OF COUNTY COMMISSIONERS MAY SET LIMITS AS
 2 PROVIDED IN SUBSECTION (1)(C) WITHOUT AN ENGINEERING AND
 3 TRAFFIC INVESTIGATION ON A COUNTY ROAD, AS DEFINED IN
 4 60-1-103.

5 ~~(2)(3)~~ (3) A local authority in its jurisdiction shall
 6 determine by an engineering and traffic investigation the
 7 proper speed for all arterial streets and shall set a
 8 reasonable and safe limit thereon which may be greater or
 9 less than the speed permitted under 61-8-303 for an urban
 10 district.

11 ~~(3)(4)~~ (4) An altered limit established as authorized
 12 under this section is effective at all times or at other
 13 times determined by the authority when appropriate signs
 14 giving notice of the altered limit are erected upon the
 15 highway.

16 ~~(4) The commission has exclusive jurisdiction to set~~
 17 ~~special speed limits on all federal-aid highways or~~
 18 ~~extensions thereof in all municipalities or urban areas. The~~
 19 ~~commission shall set these limits in accordance with~~
 20 ~~61-8-309.~~

21 (5) THE COMMISSION HAS EXCLUSIVE JURISDICTION TO SET
 22 SPECIAL SPEED LIMITS ON ALL FEDERAL-AID HIGHWAYS OR
 23 EXTENSIONS THEREOF IN ALL MUNICIPALITIES OR URBAN AREAS. THE
 24 COMMISSION SHALL SET THESE LIMITS IN ACCORDANCE WITH
 25 61-8-309."

SB 0022/04

1 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-