

SENATE BILL NO. 108

1/14 Introduced
1/14 Referred to Highways & Transportation
1/15 Fiscal Note Requested
1/21 Fiscal Note Received
2/05 Hearing
2/15 Committee Report-Bill Pass As Amended
2/19 2nd Reading Indefinitely Postponed

1 Senate BILL NO. 108
2 INTRODUCED BY Shaw

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE HIGHWAY
5 SPEED RESTRICTIONS; ESTABLISHING A \$5 FINE FOR SPEEDING OVER
6 55 MILES PER HOUR BUT LESS THAN 71 MILES PER HOUR AND
7 PROHIBITING RECORDING OF SUCH OFFENSE; REPEALING THE FUEL
8 CONSERVATION SPEED LIMIT; AMENDING SECTIONS 61-8-303,
9 61-8-718, AND 61-11-103, MCA; AND REPEALING SECTIONS
10 61-8-304 THROUGH 61-8-307 AND 61-8-312, MCA."

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

13 Section 1. Section 61-8-303, MCA, is amended to read:
14 "61-8-303. Speed restrictions -- basic rule. (1) A
15 person operating or driving a vehicle of any character on a
16 public highway of this state shall drive it in a careful and
17 prudent manner, and at a rate of speed no greater than is
18 reasonable and proper under the conditions existing at the
19 point of operation, taking into account the amount and
20 character of traffic, condition of brakes, weight of
21 vehicle, grade and width of highway, condition of surface,
22 and freedom of obstruction to view ahead, and he shall drive
23 it so as not to unduly or unreasonably endanger the life,
24 limb, property, or other rights of a person entitled to the
25 use of the street or highway.

1 (2) Where no special hazard exists that requires lower
2 speed for compliance with subsection (1) of this section,
3 the speed of a vehicle not in excess of the limits specified
4 in this section or established as authorized in 61-8-309,
5 61-8-310, 61-8-311, and 61-8-313 is lawful, but a speed in
6 excess of those limits is unlawful:

- 7 (a) 25 miles per hour in an urban district;
- 8 (b) 35 miles per hour on a highway under construction
9 or repair;

10 (c) 55 miles per hour in other locations during the
11 nighttime; ~~except that the nighttime speed limit on~~
12 ~~completed sections of interstate highways is 65 miles per~~
13 ~~hour.~~

14 ~~(3) "Daytime" means from one-half hour before sunrise~~
15 ~~to one-half hour after sunset; "Nighttime" means at any~~
16 ~~other hour.~~

17 ~~(4)(3)~~ The speed limits set forth in this section may
18 be altered by the highway commission as authorized in
19 61-8-309, 61-8-310, and 61-8-313.

20 ~~(5)(4)~~ The driver of a vehicle shall, consistent with
21 subsection (1), drive at an appropriate reduced speed when
22 approaching and crossing an intersection or railway grade
23 crossing, when approaching and going around a curve, when
24 approaching a hill crest, when traveling upon a narrow or
25 winding roadway, and when a special hazard exists with



1 respect to pedestrians or other traffic or by reason of
2 weather or highway condition."

3 Section 2. Section 61-8-718, MCA, is amended to read:

4 "61-8-718. Penalty for violation offense of fuel
5 ~~conservation--speed--limit~~ speeding. (1) A person violating
6 the speed limit imposed pursuant to ~~61-8-304~~ 61-8-303(2)(c)
7 is guilty of the offense of ~~unnecessary-waste-of-a-resource~~
8 speeding and upon conviction of driving:

9 (a) more than 55 miles per hour but less than 71 miles
10 per hour, which is not a misdemeanor pursuant to 45-2-101,
11 61-8-104, or 61-8-711, shall be fined \$5, and but no jail
12 sentence may be imposed, ~~and bond~~ and bond for this offense
13 shall be \$5; or

14 (b) 71 miles per hour or faster shall be subject to
15 the penalty provided in 61-8-711.

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

20 ~~{3}-A--violation--of--61-8-304--is--not--a-misdemeanor~~
21 ~~pursuant-to-45-2-101,-61-8-104,-or-61-8-711."~~

22 Section 3. Section 61-11-103, MCA, is amended to read:

23 "61-11-103. Violation Offense of ~~conservation--speed~~
24 ~~limit~~ speeding -- no record of \$5 fine permitted. No
25 ~~violation-of-61-8-304~~ offense punishable by a \$5 fine under

1 61-8-718(1)(a) shall be recorded or charged against the
2 driver's record of a person convicted of violating ~~61-8-304~~
3 61-8-303(2)(c), and no insurance company shall hold a
4 violation ~~of--61-8-304~~ punishable under 61-8-718(1)(a)
5 against the insured, and there shall be no increase in
6 premiums due to a violation ~~of--61-8-304~~ punishable under
7 61-8-718(1)(a)."

8 NEW SECTION. Section 4. Repealer. Sections 61-8-304
9 through 61-8-307 and 61-8-312, MCA, are repealed.

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN -091-85

Form BD-15

In compliance with a written request received 01-16, 19 85, there is hereby submitted a Fiscal Note for Senate Bill 108 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

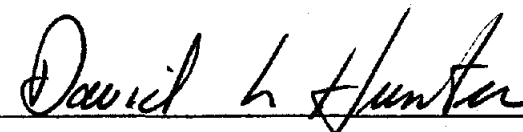
Description of Proposed Legislation:

Senate Bill 108 revises the highway speed restrictions; establishing a \$5 fine for speeding over 55 miles per hour, but less than 71 miles per hour and prohibiting recording of such offense; speeding of 71 miles per hour or more would be subject to penalties as stated in section 61-8-711, MCA; repeals the fuel conservation speed limit; amends sections, 61-8-303, 61-8-718, and 61-11-103, MCA; and repeals sections, 61-8-304 through 61-8-307 and 61-8-312, MCA.

Fiscal Impact:

The fiscal impact of this bill cannot be determined for the following reasons:

1. Data is not collected on the speed at which speeding citations are given.
2. The number of citations and resulting fines for speeding 71 miles per hour or more cannot be determined.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Jan 21, 1985
SB108

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

1 SENATE BILL NO. 108
 2 INTRODUCED BY SHAW
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE HIGHWAY
 5 SPEED RESTRICTIONS; ESTABLISHING A \$5 FINE FOR SPEEDING OVER
 6 55 MILES PER HOUR BUT LESS THAN ~~71~~ 65 MILES PER HOUR AND
 7 PROHIBITING RECORDING OF SUCH OFFENSE; REPEALING THE FUEL
 8 CONSERVATION SPEED LIMIT; AMENDING SECTIONS 61-8-303,
 9 61-8-312, 61-8-718, AND 61-11-103, MCA; AND REPEALING
 10 SECTIONS 61-8-304 THROUGH 61-8-307 ~~AND 61-8-312~~, MCA."
 11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 61-8-303, MCA, is amended to read:
 14 "61-8-303. Speed restrictions -- basic rule. (1) A
 15 person operating or driving a vehicle of any character on a
 16 public highway of this state shall drive it in a careful and
 17 prudent manner, and at a rate of speed no greater than is
 18 reasonable and proper under the conditions existing at the
 19 point of operation, taking into account the amount and
 20 character of traffic, condition of brakes, weight of
 21 vehicle, grade and width of highway, condition of surface,
 22 and freedom of obstruction to view ahead, and he shall drive
 23 it so as not to unduly or unreasonably endanger the life,
 24 limb, property, or other rights of a person entitled to the
 25 use of the street or highway.

1 (2) Where no special hazard exists that requires lower
 2 speed for compliance with subsection (1) of this section,
 3 the speed of a vehicle not in excess of the limits specified
 4 in this section or established as authorized in 61-8-309,
 5 61-8-310, 61-8-311, and 61-8-313 is lawful, but a speed in
 6 excess of those limits is unlawful:

- 7 (a) 25 miles per hour in an urban district;
- 8 (b) 35 miles per hour on a highway under construction
 9 or repair;
- 10 (c) 55 miles per hour in other locations during the
 11 nighttime, ~~except that the nighttime speed limit on~~
 12 ~~completed sections of interstate highways is 65 miles per~~
 13 ~~hour.~~

14 ~~{3} "Daytime" means from one-half hour before sunrise~~
 15 ~~to one-half hour after sunset. "Nighttime" means at any~~
 16 ~~other hour.~~

17 ~~{4}{3}~~ (3) The speed limits set forth in this section may
 18 be altered by the highway commission as authorized in
 19 61-8-309, 61-8-310, and 61-8-313.

20 ~~{5}{4}~~ (4) The driver of a vehicle shall, consistent with
 21 subsection (1), drive at an appropriate reduced speed when
 22 approaching and crossing an intersection or railway grade
 23 crossing, when approaching and going around a curve, when
 24 approaching a hill crest, when traveling upon a narrow or
 25 winding roadway, and when a special hazard exists with

SECOND READING



1 respect to pedestrians or other traffic or by reason of
2 weather or highway condition."

3 Section 2. Section 61-8-718, MCA, is amended to read:

4 "61-8-718. Penalty for violation offense of fuel
5 conservation--speed--limit speeding. (1) A person violating
6 the speed limit imposed pursuant to ~~61-8-304~~ 61-8-303(2)(c)
7 is guilty of the offense of ~~unnecessary-waste-of-a-resource~~
8 speeding and upon conviction of driving:

9 (a) more than 55 miles per hour but less than 71 65
10 miles per hour, which is not a misdemeanor pursuant to
11 45-2-101, 61-8-104, or 61-8-711, shall be fined \$5, and but
12 no jail sentence may be imposed,--Bond and bond for this
13 offense shall be \$5; or

14 (b) 71 65 miles per hour or faster shall be subject to
15 the penalty provided in 61-8-711 AND BOND FOR THIS OFFENSE
16 SHALL BE \$25.

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

21 ~~{3}--A-violation--of--61-8-304--is--not--a--misdemeanor~~
22 ~~pursuant-to-45-2-101;61-8-104;--or-61-8-711;"~~

23 Section 3. Section 61-11-103, MCA, is amended to read:

24 "61-11-103. Violation Offense of conservation-speed
25 limit speeding -- no record of \$5 fine permitted. No

1 ~~violation--of-61-8-304 offense punishable by a \$5 fine under~~
2 ~~61-8-718(1)(a) shall be recorded or charged against the~~
3 ~~driver's record of a person convicted of violating 61-8-304~~
4 ~~61-8-303(2)(c), and no insurance company shall hold a~~
5 ~~violation of--61-8-304 punishable under 61-8-718(1)(a)~~
6 ~~against the insured, and there shall be no increase in~~
7 ~~premiums due to a violation of-61-8-304 punishable under~~
8 ~~61-8-718(1)(a)."~~

9 SECTION 4. SECTION 61-8-312, MCA, IS AMENDED TO READ:

10 "61-8-312. Special speed limitations on ~~trucks, truck~~
11 ~~tractors, motor-driven cycles, and vehicles towing~~
12 ~~housetrainers. (1) No--person--shall--operate--any--truck--or~~
13 ~~truck-tractor--the-gross-weight-of-which-exceeds-8,000-pounds~~
14 ~~at-a-speed-greater-than-65-miles-per-hour-on-those-completed~~
15 ~~sections-of-interstate-and-four-lane-divided-highways-and-60~~
16 ~~miles-per-hour-on-those-completed-sections--of--primary--and~~
17 ~~secondary-highways;--However,--the-truck-nighttime-speed-limit~~
18 ~~shall--not-exceed-that-of-automobiles-as-stated-in-61-8-303;~~

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

24 (3)(2) No person shall operate a vehicle which is
25 towing a housetrailer at a speed greater than a maximum of

SB 0108/02

1 50 miles per hour."

2 NEW SECTION. Section 5. Repealer. Sections 61-8-304

3 through 61-8-307 and ~~61-8-312~~, MCA, are repealed.

-End-