

SENATE BILL NO. 396

2/12 Introduced  
2/12 Referred to Highways & Transportation  
2/21 Hearing  
2/23 Committee Report-Bill Pass As Amended  
2/26 2nd Reading Pass  
2/27 3rd Reading Pass

Transmitted to House

3/06 Referred to Highways & Transportation  
3/28 Hearing  
Died in Committee

1 Senate BILL NO. 396  
2 INTRODUCED BY Yellowtail

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING LOCAL  
5 AUTHORITIES TO DECREASE SPEED LIMITS WITHIN A HALF-MILE  
6 RADIUS OF ANY SCHOOL LOCATED ADJACENT TO A HIGHWAY IN THE  
7 LOCAL AUTHORITY'S JURISDICTION; AUTHORIZING COUNTIES TO  
8 ESTABLISH SPEED LIMITS; AUTHORIZING LOCAL AUTHORITIES TO SET  
9 SPECIAL SPEED LIMITS ON FEDERAL-AID HIGHWAYS IN THEIR  
10 JURISDICTIONS; AMENDING SECTIONS 61-8-303 AND 61-8-310,  
11 MCA."

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

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

1 use of the street or highway.

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

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

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

18 (4) The speed limits set forth in this section may be  
19 altered by the highway commission as authorized in 61-8-309,  
20 ~~61-8-310~~, and 61-8-313.

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



1 winding roadway, and when a special hazard exists with  
2 respect to pedestrians or other traffic or by reason of  
3 weather or highway condition."

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

5 "61-8-310. When local authorities may and shall alter  
6 limits. (1) If a local authority in its jurisdiction  
7 determines on the basis of an engineering and traffic  
8 investigation that the speed permitted under 61-8-303 and  
9 61-8-309 through 61-8-313 is greater or less than is  
10 reasonable and safe under the conditions found to exist upon  
11 a highway or part of a highway, the local authority may set  
12 a reasonable and safe limit thereon which:

- 13 (a) decreases the limit at an intersection;
- 14 (b) increases the limit within an urban district, but  
15 not to more than 55 miles per hour during the nighttime; or
- 16 (c) decreases the limit outside an urban district, but  
17 not to less than 35 miles per hour, except as provided in  
18 subsection (1)(d); or  
19 (2) decreases the limit within a half-mile radius of  
20 any school located adjacent to a highway in the local  
21 authority's jurisdiction.

22 (2) A local authority in its jurisdiction shall  
23 determine by an engineering and traffic investigation the  
24 proper speed for all arterial streets and shall set a  
25 reasonable and safe limit thereon which may be greater or

1 less than the speed permitted under 61-8-303 for an urban  
2 district.

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

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

12 NEW SECTION. Section 3. County authority to establish  
13 speed limits. A board of county commissioners may, by  
14 ordinance, establish a special speed limit in accordance  
15 with 61-8-306 and 61-8-310 on any county road, state  
16 highway, or federal-aid secondary highway within the  
17 jurisdiction of the county and prescribe and enforce a  
18 penalty for violation of such an ordinance. A speed limit  
19 ordinance must substantially comply with the provisions of  
20 7-5-103 through 7-5-107.

21 NEW SECTION. Section 4. Codification instruction.  
22 Section 3 is intended to be codified as an integral part of  
23 Title 7, chapter 14, part 21, and the provisions of Title 7,  
24 chapter 14, part 21, apply to section 3.

-End-

APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION

1                   SENATE BILL NO. 396  
 2                   INTRODUCED BY YELLOWTAIL  
 3  
 4   A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING LOCAL  
 5   AUTHORITIES TO DECREASE SPEED LIMITS WITHIN A HALF-MILE  
 6   QUARTER-MILE RADIUS OF ANY SCHOOL LOCATED ADJACENT TO A  
 7   HIGHWAY IN THE LOCAL AUTHORITY'S JURISDICTION; AUTHORIZING  
 8   COUNTIES TO ESTABLISH SPEED LIMITS; AUTHORIZING LOCAL  
 9   AUTHORITIES TO SET SPECIAL SPEED LIMITS ON FEDERAL-AID  
 10   HIGHWAYS IN THEIR JURISDICTIONS; AMENDING SECTIONS--61-8-309  
 11   AND SECTION 61-8-310, MCA."

12  
 13   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 14        Section-1:--Section--61-8-309, MCA, is amended to read:  
 15        "61-8-309. Speed restrictions---basic rule.---(1)---A  
 16   person--operating-or-driving-a-vehicle-of-any-character-on-a  
 17   public-highway-of-this-state-shall-drive-it-in-a-careful-and  
 18   prudent-manner, and-at-a-rate-of-speed-no-greater-than-is  
 19   reasonable--and--proper-under-the-conditions-existing-at-the  
 20   point-of-operation, taking--into--account--the--amount--and  
 21   character---of--traffic,--condition--of--brakes,--weight--of  
 22   vehicle, grade-and-width-of-highway, condition--of--surface,  
 23   and-freedom-of-obstruction-to-view-ahead, and-he-shall-drive  
 24   it--so--as--not-to-unduly-or-unreasonably-endanger-the-life,  
 25   limb, property, or-other-rights-of-a-person-entitled-to--the

1   use-of-the-street-or-highway;  
 2        (2)---Where-no-special-hazard-exists-that-requires-lower  
 3   speed--for--compliance--with-subsection-(1)-of-this-section,  
 4   the-speed-of-a-vehicle-not-in-excess-of-the-limits-specified  
 5   in-this-section-or-established-as--authorized--in--61-8-309,  
 6   61-8-310, 61-8-311, and-61-8-313-is-lawful, but-a-speed-in  
 7   excess-of-those-limits-is-unlawful;  
 8        (a)---25-miles-per-hour-in-an-urban-district;  
 9        (b)---35-miles-per-hour-on-a-highway-under--construction  
 10   or-repair;  
 11        (c)---55--miles--per--hour-in-other-locations-during-the  
 12   nighttime,--except--that--the--nighttime--speed--limit--on  
 13   completed--sections--of--interstate-highways-is-65-miles-per  
 14   hour;  
 15        (3)---"Daytime" means-from-one-half-hour-before--sunrise  
 16   to--one-half--hour--after--sunset;--"Nighttime" means-at-any  
 17   other-hour;  
 18        (4)---The-speed-limits-set-forth-in-this-section-may--be  
 19   altered-by-the-highway-commission-as-authorized-in-61-8-309,  
 20   61-8-310, and-61-8-313;  
 21        (5)---The--driver--of--a--vehicle-shall, consistent-with  
 22   subsection-(1), drive-at-an-appropriate-reduced--speed--when  
 23   approaching--and--crossing--an-intersection-or-railway-grade  
 24   crossing, when-approaching-and-going-around--a--curve,--when  
 25   approaching--a--hill--crest, when-traveling-upon-a-narrow-or



1 winding roadway, and when a special hazard exists with  
2 respect to pedestrians or other traffic or by reason of  
3 weather or highway condition."

4 Section 1. Section 61-8-310, MCA, is amended to read:  
5 "61-8-310. When local authorities may and shall alter  
6 limits. (1) If a local authority in its jurisdiction  
7 determines on the basis of an engineering and traffic  
8 investigation CONDUCTED BY THE LOCAL AUTHORITY IN THE CASE  
9 OF A SCHOOL ZONE that the speed permitted under 61-8-303 and  
10 61-8-309 through 61-8-313 is greater or less than is  
11 reasonable and safe under the conditions found to exist upon  
12 a highway or part of a highway, the local authority may set  
13 a reasonable and safe limit thereon which:

- 14 (a) decreases the limit at an intersection;
- 15 (b) increases the limit within an urban district, but
- 16 not to more than 55 miles per hour during the nighttime; or
- 17 (c) decreases the limit outside an urban district, but
- 18 not to less than 35 miles per hour, except as provided in
- 19 subsection (1)(d); or
- 20 (d) decreases the limit within a half-mile
- 21 QUARTER-MILE radius of any school located adjacent to a
- 22 highway in the local authority's jurisdiction.

23 (2) A local authority in its jurisdiction shall  
24 determine by an engineering and traffic investigation the  
25 proper speed for all arterial streets and shall set a

1 reasonable and safe limit thereon which may be greater or  
2 less than the speed permitted under 61-8-303 for an urban  
3 district.

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

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

13 (4) THE COMMISSION HAS EXCLUSIVE JURISDICTION, EXCEPT  
14 AS PROVIDED IN 61-8-310(1), TO SET SPECIAL SPEED LIMITS ON  
15 ALL FEDERAL-AID HIGHWAYS OR EXTENSIONS THEREOF IN ALL  
16 MUNICIPALITIES OR URBAN AREAS. THE COMMISSION SHALL SET  
17 THESE LIMITS IN ACCORDANCE WITH 61-8-309."

18 NEW SECTION. Section 2. County authority to establish  
19 speed limits. A board of county commissioners may, by  
20 ordinance, establish a special speed limit in accordance  
21 with ~~61-8-306 and 61-8-310~~ 61-8-310(1) on any county road,  
22 state highway, or federal-aid secondary highway within the  
23 jurisdiction of the county and prescribe and enforce a  
24 penalty for violation of such an ordinance. A speed limit  
25 ordinance must substantially comply with the provisions of

1 7-5-103 through 7-5-107.

2 NEW SECTION. Section 3. Codification instruction.

3 Section 3 2 is intended to be codified as an integral part

4 of Title 7, chapter 14, part 21, and the provisions of Title

5 7, chapter 14, part 21, apply to section 3 2.

-End-

## SENATE BILL NO. 396

INTRODUCED BY YELLOWTAIL

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING LOCAL AUTHORITIES TO DECREASE SPEED LIMITS WITHIN A HALF-MILE QUARTER-MILE RADIUS OF ANY SCHOOL LOCATED ADJACENT TO A HIGHWAY IN THE LOCAL AUTHORITY'S JURISDICTION; AUTHORIZING COUNTIES TO ESTABLISH SPEED LIMITS; AUTHORIZING LOCAL AUTHORITIES TO SET SPECIAL SPEED LIMITS ON FEDERAL-AID HIGHWAYS IN THEIR JURISDICTIONS; AMENDING SECTIONS 61-8-303 AND SECTION 61-8-310, MCA."

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

Section 17, 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;

(4)--The-speed-limits-set-forth-in-this-section-may--be-altered-by-the-highway-commission-as-authorized-in-61-8-309, 61-8-310, 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

1 winding roadway, and when a special hazard exists with  
 2 respect to pedestrians or other traffic or by reason of  
 3 weather or highway condition.\*

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 6 limits. (1) If a local authority in its jurisdiction  
 7 determines on the basis of an engineering and traffic  
 8 investigation CONDUCTED BY THE LOCAL AUTHORITY IN THE CASE  
 9 OF A SCHOOL ZONE that the speed permitted under 61-8-303 and  
 10 61-8-309 through 61-8-313 is greater or less than is  
 11 reasonable and safe under the conditions found to exist upon  
 12 a highway or part of a highway, the local authority may set  
 13 a reasonable and safe limit thereon which:

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 16 not to more than 55 miles per hour during the nighttime; or  
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 19 subsection (1)(d); or  
 20 (d) decreases the limit within a half-mile  
 21 QUARTER-MILE radius of any school located adjacent to a  
 22 highway in the local authority's jurisdiction.

23 (2) A local authority in its jurisdiction shall  
 24 determine by an engineering and traffic investigation the  
 25 proper speed for all arterial streets and shall set a

1 reasonable and safe limit thereon which may be greater or  
 2 less than the speed permitted under 61-8-303 for an urban  
 3 district.

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

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

13 (4) THE COMMISSION HAS EXCLUSIVE JURISDICTION, EXCEPT  
 14 AS PROVIDED IN 61-8-310(1), TO SET SPECIAL SPEED LIMITS ON  
 15 ALL FEDERAL-AID HIGHWAYS OR EXTENSIONS THEREOF IN ALL  
 16 MUNICIPALITIES OR URBAN AREAS. THE COMMISSION SHALL SET  
 17 THESE LIMITS IN ACCORDANCE WITH 61-8-309."

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 19 speed limits. A board of county commissioners may, by  
 20 ordinance, establish a special speed limit in accordance  
 21 with ~~61-8-306~~ and ~~61-8-310~~ 61-8-310(1) on any county road,  
 22 state highway, or federal-aid secondary highway within the  
 23 jurisdiction of the county and prescribe and enforce a  
 24 penalty for violation of such an ordinance. A speed limit  
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4 of Title 7, chapter 14, part 21, and the provisions of Title  
5 7, chapter 14, part 21, apply to section 3 2.

-End-