

SENATE BILL NO. 221

INTRODUCED BY TVEIT, STEPPLER, GILBERT,
DEVLIN, L. NELSON, JOHNSON, KELLER, HAYNE,
T. NELSON, WEEDING, ANDERSON, JERGESON, ABRAMS

IN THE SENATE

JANUARY 25, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
FEBRUARY 13, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 14, 1989	PRINTING REPORT.
FEBRUARY 15, 1989	SECOND READING, DO PASS.
FEBRUARY 16, 1989	ENGROSSING REPORT.
FEBRUARY 17, 1989	THIRD READING, PASSED. AYES, 47; NOES, 3.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 17, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
FEBRUARY 20, 1989	FIRST READING.
MARCH 3, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 4, 1989	PASSED CONSIDERATION FOR THE DAY.
MARCH 6, 1989	SECOND READING, CONCURRED IN.
MARCH 7, 1989	THIRD READING, CONCURRED IN. AYES, 81; NOES, 12.
	RETURNED TO SENATE.

MARCH 8, 1989

IN THE SENATE

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Steve* BILL NO. *221*
 2 INTRODUCED BY *Tweet Stepples Gilbert*
 3 *L. Nelson Johnson R. Hayne Sam Nelson*
 4 *Wendy Nelson Ferguson* A BILL FOR AN ACT ENTITLED: "AN ACT IMPOSING A SPEED LIMIT
 5 OF 35 MILES PER HOUR ON A HIGHWAY BEING SURVEYED; AND
 6 AMENDING SECTION 61-8-303, MCA."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 **Section 1.** Section 61-8-303, MCA, is amended to read:

10 "61-8-303. Speed restrictions -- basic rule. (1) A
 11 person operating or driving a vehicle of any character on a
 12 public highway of this state shall drive it in a careful and
 13 prudent manner, and at a rate of speed no greater than is
 14 reasonable and proper under the conditions existing at the
 15 point of operation, taking into account the amount and
 16 character of traffic, condition of brakes, weight of
 17 vehicle, grade and width of highway, condition of surface,
 18 and freedom of obstruction to view ahead, and he shall drive
 19 it so as not to unduly or unreasonably endanger the life,
 20 limb, property, or other rights of a person entitled to the
 21 use of the street or highway.

22 (2) Where no special hazard exists that requires lower
 23 speed for compliance with subsection (1) of this section,
 24 the speed of a vehicle not in excess of the limits specified
 25 in this section or established as authorized in 61-8-309,

1 61-8-310, 61-8-311, and 61-8-313 is lawful, but a speed in
 2 excess of those limits is unlawful:

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

10 (3) "Daytime" means from one-half hour before sunrise
 11 to one-half hour after sunset. "Nighttime" means at any
 12 other hour.

13 (4) The speed limits set forth in this section may be
 14 altered by the highway commission as authorized in 61-8-309,
 15 61-8-310, and 61-8-313.

16 (5) The driver of a vehicle shall, consistent with
 17 subsection (1), drive at an appropriate reduced speed when
 18 approaching and crossing an intersection or railway grade
 19 crossing, when approaching and going around a curve, when
 20 approaching a hill crest, when traveling upon a narrow or
 21 winding roadway, and when a special hazard exists with
 22 respect to pedestrians or other traffic or by reason of
 23 weather or highway condition."

24 **NEW SECTION. Section 2.** Extension of authority. Any
 25 existing authority to make rules on the subject of the

LC 1392/01

1 provisions of [this act] is extended to the provisions of
2 [this act].

-End-

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

BILL NO. 221

INTRODUCED BY Frank Staples Gilbert

A BILL FOR AN ACT ENTITLED: "AN ACT IMPOSING A SPEED LIMIT

OF 35 MILES PER HOUR ON A HIGHWAY BEING SURVEYED; AND

AMENDING SECTION 61-8-303, MCA."

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

Section 1. 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 or on a highway being surveyed;

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

NEW SECTION. Section 2. Extension of authority. Any existing authority to make rules on the subject of the

LC 1392/01

1 provisions of [this act] is extended to the provisions of
2 [this act].

-End-

1 *Sen. Stapp* BILL NO. *221*
 2 INTRODUCED BY *Sen. Stapp, Sen. Gilbert, Sen. Nelson, Sen. Johnson, Sen. Hayne, Sen. Nelson*
 3 *Sen. Johnson, Sen. Hayne, Sen. Nelson*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPOSING A SPEED LIMIT
 5 OF 35 MILES PER HOUR ON A HIGHWAY BEING SURVEYED; AND
 6 AMENDING SECTION 61-8-303, MCA."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 **Section 1.** Section 61-8-303, MCA, is amended to read:

10 "61-8-303. Speed restrictions -- basic rule. (1) A
 11 person operating or driving a vehicle of any character on a
 12 public highway of this state shall drive it in a careful and
 13 prudent manner, and at a rate of speed no greater than is
 14 reasonable and proper under the conditions existing at the
 15 point of operation, taking into account the amount and
 16 character of traffic, condition of brakes, weight of
 17 vehicle, grade and width of highway, condition of surface,
 18 and freedom of obstruction to view ahead, and he shall drive
 19 it so as not to unduly or unreasonably endanger the life,
 20 limb, property, or other rights of a person entitled to the
 21 use of the street or highway.

22 (2) Where no special hazard exists that requires lower
 23 speed for compliance with subsection (1) of this section,
 24 the speed of a vehicle not in excess of the limits specified
 25 in this section or established as authorized in 61-8-309,

1 61-8-310, 61-8-311, and 61-8-313 is lawful, but a speed in
 2 excess of those limits is unlawful:

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

10 (3) "Daytime" means from one-half hour before sunrise
 11 to one-half hour after sunset. "Nighttime" means at any
 12 other hour.

13 (4) The speed limits set forth in this section may be
 14 altered by the highway commission as authorized in 61-8-309,
 15 61-8-310, and 61-8-313.

16 (5) The driver of a vehicle shall, consistent with
 17 subsection (1), drive at an appropriate reduced speed when
 18 approaching and crossing an intersection or railway grade
 19 crossing, when approaching and going around a curve, when
 20 approaching a hill crest, when traveling upon a narrow or
 21 winding roadway, and when a special hazard exists with
 22 respect to pedestrians or other traffic or by reason of
 23 weather or highway condition."

24 **NEW SECTION. Section 2.** Extension of authority. Any
 25 existing authority to make rules on the subject of the

LC 1392/01

- 1 provisions of [this act] is extended to the provisions of
- 2 [this act].

-End-

SENATE BILL NO. 221

INTRODUCED BY TVEIT, STEPPLER, GILBERT,
DEVLIN, L. NELSON, JOHNSON, KELLER, HAYNE,
T. NELSON, WEEDING, ANDERSON, JERGESON, ABRAMS

A BILL FOR AN ACT ENTITLED: "AN ACT IMPOSING A SPEED LIMIT
OF 35 MILES PER HOUR ON A HIGHWAY BEING SURVEYED; AND
AMENDING SECTION 61-8-303, MCA."

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

Section 1. 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 or on a highway being surveyed;

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

SB 0221/02

1 NEW SECTION. **Section 2. Extension of authority.** Any
2 existing authority to make rules on the subject of the
3 provisions of [this act] is extended to the provisions of
4 [this act].

-End-