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House BILL NO. 249

INTRODUCED BY Scott J. Jankel

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS RELATING TO LOCAL GOVERNMENT REGULATION OF TRAFFIC; ALLOWING A CITY TO REGULATE ROLLERBLADING ON CITY STREETS; ALLOWING A LOCAL AUTHORITY TO REDUCE THE SPEED LIMIT NEAR A DAY-CARE CENTER OR A LONG-TERM CARE FACILITY; AND AMENDING SECTIONS 7-14-4102, 61-8-303, AND 61-8-310, MCA."

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

**Section 1.** Section 7-14-4102, MCA, is amended to read:

**"7-14-4102. Regulation of trafficways and public grounds.** The city or town council ~~has power to~~ may:

- (1) regulate and prevent the use or obstruction of streets, sidewalks, and public grounds by signs, poles, wires, posting handbills or advertisements, or any obstruction;
- (2) regulate and prohibit traffic and sales upon the streets, sidewalks, and public grounds;
- (3) regulate or prohibit the fast driving of horses, animals, or vehicles within the city or town;
- (4) provide for and regulate street crossings, curbs, and gutters;
- (5) prevent horseracing or immoderate driving or riding in the streets of the city or town and regulate and provide for the hitching of all animals on the streets;
- (6) regulate or prohibit coasting, skating, sliding, rollerblading, or tobogganing on the streets or alleys or ~~the indulgence in~~ other amusements dangerous or annoying to the inhabitants or having a tendency to frighten animals."

**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

1 width of highway, condition of surface, and freedom of obstruction to view ahead, ~~and he~~. The person shall  
2 drive ~~it~~ a vehicle so as not to unduly or unreasonably endanger the life, limb, property, or other rights of  
3 a person entitled to the use of the street or highway.

4 (2) ~~Where~~ When no special hazard exists that requires lower speed for compliance with subsection  
5 (1) of this section, the speed of a vehicle not in excess of the limits specified in this section or established  
6 as authorized in 61-8-309, ~~61-8-310~~, through 61-8-311, and 61-8-313 is lawful, but a speed in excess of  
7 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 or repair or on a highway being surveyed;

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

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

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

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

21

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

23 **"61-8-310. When local authorities may and shall alter limits.** (1) If a local authority in its jurisdiction  
24 determines on the basis of an engineering and traffic investigation that the speed permitted under 61-8-303  
25 and 61-8-309 through 61-8-313 is greater or less than is reasonable and safe under the conditions found  
26 to exist upon a highway or part of a highway, the local authority may set a reasonable and safe limit that:

27 (a) decreases the limit at an intersection;

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

30 (c) decreases the limit outside an urban district, but not to less than 15 miles per hour; or

1 (d) decreases the limit in an area near a school, a senior citizen center, as defined in 23-5-112, a  
2 day-care center, as defined in 52-2-703, a long-term care facility, as defined in 37-9-101, or a designated  
3 crosswalk, as crosswalk is defined in 61-1-209, that is close to a school, ~~or a senior citizen center, a~~  
4 day-care center, or a long-term care facility to not less than ~~80%, rounded down to the nearest whole~~  
5 ~~number evenly divisible by 5 but not less than 25~~ 15 miles an hour, ~~of the speed limit that would be set~~  
6 ~~on the basis of an engineering and traffic investigation.~~

7 (2) A board of county commissioners may set limits, as provided in subsection (1)(c), without an  
8 engineering and traffic investigation on a county road, as defined in 60-1-103.

9 (3) A local authority in its jurisdiction may determine the proper speed for all arterial streets and  
10 shall set a reasonable and safe limit on arterial streets that may be greater or less than the speed permitted  
11 under 61-8-303 for an urban district.

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

15 (5) Except as provided in subsection (1)(d), the commission has exclusive jurisdiction to set special  
16 speed limits on all federal-aid highways or extensions of federal-aid highways in all municipalities or urban  
17 areas. The commission shall set these limits in accordance with 61-8-309."

18 -END-

APPROVED BY COM ON  
HIGHWAYS & TRANSPORTATION

1 HOUSE BILL NO. 249

2 INTRODUCED BY MARSHALL

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS RELATING TO LOCAL  
5 GOVERNMENT REGULATION OF TRAFFIC; ALLOWING A CITY TO REGULATE SKATEBOARDING AND  
6 ROLLERBLADING ON CITY STREETS; ALLOWING A LOCAL AUTHORITY TO ~~REDUCE THE SPEED LIMIT~~  
7 ~~NEAR A DAY CARE CENTER OR A LONG TERM CARE FACILITY~~ ADOPT VARIABLE SPEED LIMITS TO  
8 ADAPT TO TRAFFIC CONDITIONS; AND AMENDING SECTIONS 7-14-4102, 61-8-303, AND 61-8-310,  
9 MCA."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12  
13 **Section 1.** Section 7-14-4102, MCA, is amended to read:

14 **"7-14-4102. Regulation of trafficways and public grounds.** The city or town council ~~has power~~  
15 ~~to~~ may:

- 16 (1) regulate and prevent the use or obstruction of streets, sidewalks, and public grounds by signs,  
17 poles, wires, posting handbills or advertisements, or any obstruction;
- 18 (2) regulate and prohibit traffic and sales upon the streets, sidewalks, and public grounds;
- 19 (3) regulate or prohibit the fast driving of horses, animals, or vehicles within the city or town;
- 20 (4) provide for and regulate street crossings, curbs, and gutters;
- 21 (5) prevent horseracing or immoderate driving or riding in the streets of the city or town and  
22 regulate and provide for the hitching of all animals on the streets;
- 23 (6) regulate or prohibit coasting, skating, sliding, SKATEBOARDING, rollerblading, or tobogganing  
24 on the streets or alleys or ~~the indulgence in~~ other amusements dangerous or annoying to the inhabitants  
25 or having a tendency to frighten animals."

26  
27 **Section 2.** Section 61-8-303, MCA, is amended to read:

28 **"61-8-303. Speed restrictions -- basic rule.** (1) A person operating or driving a vehicle of any  
29 character on a public highway of this state shall drive it in a careful and prudent manner, and at a rate of  
30 speed no greater than is reasonable and proper under the conditions existing at the point of operation,

1 taking into account the amount and character of traffic, condition of brakes, weight of vehicle, grade and  
2 width of highway, condition of surface, and freedom of obstruction to view ahead, ~~and he~~. The person shall  
3 drive ~~it~~ a vehicle so as not to unduly or unreasonably endanger the life, limb, property, or other rights of  
4 a person entitled to the use of the street or highway.

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

9 (a) 25 miles per hour in an urban district;

10 (b) 35 miles per hour on a highway under construction or repair or on a highway being surveyed;

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

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

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

17 (5) The driver of a vehicle shall, consistent with subsection (1), drive at an appropriate reduced  
18 speed when approaching and crossing an intersection or railway grade crossing, when approaching and  
19 going around a curve, when approaching a hill crest, when traveling upon a narrow or winding roadway,  
20 and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or  
21 highway condition."  
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23 **Section 3.** Section 61-8-310, MCA, is amended to read:

24 **"61-8-310. When local authorities may and shall alter limits.** (1) If a local authority in its  
25 jurisdiction determines on the basis of an engineering and traffic investigation that the speed permitted  
26 under 61-8-303 and 61-8-309 through 61-8-313 is greater or less than is reasonable and safe under the  
27 conditions found to exist upon a highway or part of a highway, the local authority may set a reasonable  
28 and safe limit that:

29 (a) decreases the limit at an intersection;

30 (b) increases the limit within an urban district, but not to more than 55 miles per hour during the

1 nighttime;

2 (c) decreases the limit outside an urban district, but not to less than 15 miles per hour; or

3 (d) decreases the limit in an area near a school, a senior citizen center, as defined in 23-5-112, a

4 ~~day care center, as defined in 52-2-703, a long term care facility, as defined in 37-9-101,~~ or a designated

5 crosswalk, as crosswalk is defined in 61-1-209, that is close to a school, ~~or~~ OR a senior citizen center, ~~a~~

6 ~~day care center, or a long term care facility~~ to not less than ~~80%, rounded down to the nearest whole~~

7 ~~number evenly divisible by 5 but not less than 25~~ 80%, ROUNDED DOWN TO THE NEAREST WHOLE

8 NUMBER EVENLY DIVISIBLE BY 5, OF THE LIMIT THAT WOULD BE SET ON THE BASIS OF AN

9 ENGINEERING AND TRAFFIC INVESTIGATION, BUT NOT LESS THAN 15 miles an hour, ~~of the speed limit~~

10 ~~that would be set on the basis of an engineering and traffic investigation.~~ IF WARRANTED BY AN

11 ENGINEERING AND TRAFFIC INVESTIGATION, A LOCAL AUTHORITY MAY ADOPT VARIABLE SPEED

12 LIMITS TO ADAPT TO TRAFFIC CONDITIONS BY TIME OF DAY, PROVIDED THAT THE VARIABLE LIMITS

13 COMPLY WITH THE PROVISIONS OF 61-8-206.

14 (2) A board of county commissioners may set limits, as provided in subsection (1)(c), without an  
15 engineering and traffic investigation on a county road, as defined in 60-1-103.

16 (3) A local authority in its jurisdiction may determine the proper speed for all arterial streets and  
17 shall set a reasonable and safe limit on arterial streets that may be greater or less than the speed permitted  
18 under 61-8-303 for an urban district.

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

22 (5) Except as provided in subsection (1)(d), the commission has exclusive jurisdiction to set special  
23 speed limits on all federal-aid highways or extensions of federal-aid highways in all municipalities or urban  
24 areas. The commission shall set these limits in accordance with 61-8-309."

25 -END-

HOUSE BILL NO. 249

INTRODUCED BY MARSHALL

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS RELATING TO LOCAL GOVERNMENT REGULATION OF TRAFFIC; ALLOWING A CITY TO REGULATE SKATEBOARDING AND ROLLERBLADING ON CITY STREETS; ALLOWING A LOCAL AUTHORITY TO ~~REDUCE THE SPEED LIMIT NEAR A DAY CARE CENTER OR A LONG TERM CARE FACILITY~~ ADOPT VARIABLE SPEED LIMITS TO ADAPT TO TRAFFIC CONDITIONS; AND AMENDING SECTIONS 7-14-4102, 61-8-303, AND 61-8-310, MCA."

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

**Section 1.** Section 7-14-4102, MCA, is amended to read:

**"7-14-4102. Regulation of trafficways and public grounds.** The city or town council ~~has power~~ to may:

- (1) regulate and prevent the use or obstruction of streets, sidewalks, and public grounds by signs, poles, wires, posting handbills or advertisements, or any obstruction;
- (2) regulate and prohibit traffic and sales upon the streets, sidewalks, and public grounds;
- (3) regulate or prohibit the fast driving of horses, animals, or vehicles within the city or town;
- (4) provide for and regulate street crossings, curbs, and gutters;
- (5) prevent horseracing or immoderate driving or riding in the streets of the city or town and regulate and provide for the hitching of all animals on the streets;
- (6) regulate or prohibit coasting, skating, sliding, SKATEBOARDING, rollerblading, or tobogganing on the streets or alleys or ~~the indulgence in~~ other amusements dangerous or annoying to the inhabitants or having a tendency to frighten animals."

**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,

1 taking into account the amount and character of traffic, condition of brakes, weight of vehicle, grade and  
2 width of highway, condition of surface, and freedom of obstruction to view ahead, ~~and he~~. The person shall  
3 drive ~~it~~ a vehicle so as not to unduly or unreasonably endanger the life, limb, property, or other rights of  
4 a person entitled to the use of the street or highway.

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

9 (a) 25 miles per hour in an urban district;

10 (b) 35 miles per hour on a highway under construction or repair or on a highway being surveyed;

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

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

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

17 (5) The driver of a vehicle shall, consistent with subsection (1), drive at an appropriate reduced  
18 speed when approaching and crossing an intersection or railway grade crossing, when approaching and  
19 going around a curve, when approaching a hill crest, when traveling upon a narrow or winding roadway,  
20 and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or  
21 highway condition."  
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23 **Section 3.** Section 61-8-310, MCA, is amended to read:

24 **"61-8-310. When local authorities may and shall alter limits.** (1) If a local authority in its  
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1 nighttime;

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 11 ENGINEERING AND TRAFFIC INVESTIGATION, A LOCAL AUTHORITY MAY ADOPT VARIABLE SPEED  
 12 LIMITS TO ADAPT TO TRAFFIC CONDITIONS BY TIME OF DAY, PROVIDED THAT THE VARIABLE LIMITS  
 13 COMPLY WITH THE PROVISIONS OF 61-8-206.

14 (2) A board of county commissioners may set limits, as provided in subsection (1)(c), without an  
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 20 times determined by the authority when appropriate signs giving notice of the altered limit are erected upon  
 21 the highway.

22 (5) Except as provided in subsection (1)(d), the commission has exclusive jurisdiction to set special  
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-END-

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