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SENATE BILL NO. 96

INTRODUCED BY Foster Masolo

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO TRAFFIC SPEED ZONES; PROHIBITING THE STATE HIGHWAY COMMISSION FROM INCREASING A SPEED LIMIT UNDER CERTAIN CIRCUMSTANCES; DECREASING THE LIMIT NEAR A SCHOOL OR A SENIOR CITIZEN CENTER; DEFINING THE SPEED ZONE NEAR A SCHOOL OR SENIOR CITIZEN CENTER; AMENDING SECTIONS 61-8-309 AND 61-8-310, MCA; AND PROVIDING A RETROACTIVE APPLICABILITY DATE."

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

**Section 1.** Section 61-8-309, MCA, is amended to read:

**"61-8-309. Establishment of special speed zones.** (1) (a) If the department of transportation determines upon the basis of an engineering and traffic investigation that a speed limit set by 61-8-303 is greater or less than is reasonable or safe under the conditions found to exist at an intersection, curve, dangerous location, or any other part of a highway under its jurisdiction, the commission may set a reasonable and safe special speed limit at that ~~part~~ location.

(b) If a local authority requests the department of transportation to conduct an engineering and traffic investigation based on the belief that a speed limit on a highway under the department's jurisdiction is greater than is reasonable or safe, the commission may not increase the speed limit under consideration as a result of the investigation.

(2) The department of transportation shall erect and maintain appropriate signs giving notice of these special limits. When they are erected, the limits are effective at that part at all times, or at other times that the commission sets.

(3) The authority of the commission under this section includes the authority to set reduced nighttime speed limits on curves and other dangerous locations.

(4) This section does not authorize the commission to set a ~~state-wide~~ statewide speed limit."

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

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

1 determines on the basis of an engineering and traffic investigation that the speed permitted under 61-8-303  
2 and 61-8-309 through 61-8-313 is greater or less than is reasonable and safe under the conditions found  
3 to exist upon a highway or part of a highway, the local authority may set a reasonable and safe limit that:

4 (a) decreases the limit at an intersection;

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

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

8 (d) decreases the limit in an area ~~near~~ within 2,000 feet of a school, of a senior citizen center, as  
9 defined in 23-5-112, or of a designated crosswalk, as crosswalk is defined in 61-1-209, that is close to a  
10 school or a senior citizen center to not less than ~~80%~~ 70%, rounded down to the nearest whole number  
11 evenly divisible by 5 but not less than 25 miles an hour, of the speed limit that would be set on the basis  
12 of an engineering and traffic investigation.

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

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

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

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

24  
25 **NEW SECTION. Section 3. Retroactive applicability.** [Section 1] applies retroactively, within the  
26 meaning of 1-2-109, to all engineering and traffic investigations conducted on or after January 1, 1991.

27 -END-

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(b) If a local authority requests the department of transportation to conduct an engineering and traffic investigation based on the belief that a speed limit on a highway under the department's jurisdiction is greater than is reasonable or safe, the commission may not increase the speed limit under consideration as a result of the investigation.

(2) The department of transportation shall erect and maintain appropriate signs giving notice of these special limits. When they are erected, the limits are effective at that part at all times, or at other times that the commission sets.

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(b) If a local authority requests the department of transportation to conduct an engineering and traffic investigation based on the belief that a speed limit on a highway under the department's jurisdiction is greater than is reasonable or safe, the commission may not increase the speed limit under consideration as a result of the investigation.

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