

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

SEPARATE BILL NO. 129

INTRODUCED BY *[Signature]*
BY REQUEST OF THE DEPARTMENT OF JUSTICE
[Signature]

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS PERTAINING TO VIOLATION OF SPEED RESTRICTIONS; INCREASING THE PENALTY FOR VIOLATION OF THE FUEL CONSERVATION SPEED LIMIT; AND AMENDING SECTIONS 61-8-303, 61-8-305, AND 61-8-718, 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.~~ A person violates this section if the person fails to:

(a) reduce the speed of the vehicle to account for one or more of the following conditions:

(i) the amount and character of traffic;

(ii) the condition of the brakes;

(iii) the weight of the vehicle;

(iv) the grade and width of the highway;

(v) the condition of the surface; and

(vi) freedom of obstruction to the 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; or

(b) drive at an appropriate reduced speed when:

(i) approaching and crossing an intersection or railway grade crossing;

(ii) approaching and going around a curve;

(iii) approaching a hill crest;

(iv) traveling upon a narrow or winding roadway; or

(v) a special hazard exists with respect to pedestrians or other traffic or by reason of weather or

1 highway conditions.

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

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

7 (b) 35 miles ~~per an~~ hour on a highway under construction or repair or on a highway being
8 surveyed;

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

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

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

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

20

21 **Section 2.** Section 61-8-305, MCA, is amended to read:

22 **"61-8-305. Applicability of conservation speed limit.** (1) The provisions of 61-8-304 do not apply
23 to those public streets and highways for which a speed limit lower than that required by federal law was
24 applicable on March 2, 1974, under any other state, county, municipal, or other local law, ordinance,
25 regulation, or order.

26 ~~(2) The fuel conservation speed limits imposed by 61-8-304 remain in effect only as long as the~~
27 ~~establishment of those speed limits by the state is required by federal law as a condition to the state's~~
28 ~~continuing eligibility to receive funds authorized by the Federal Aid Highways Amendments of 1974 and~~
29 ~~all acts amendatory thereto or any other federal statute.~~

30 ~~(3)~~(2) If the speed limit of 55 miles an hour for vehicles traveling on federal-aid interstate highways

1 within an urbanized area with a population of 50,000 ~~population~~ or more is no longer required by federal
2 law as a condition to the state's continuing eligibility for federal highway funding, the speed limit within
3 an urbanized area increases to 65 miles an hour.

4 ~~(4) If there is no speed limit required by federal law as a condition to the state's continuing~~
5 ~~eligibility for federal highway funding, then the speed limit on Montana highways is subject to the basic rule~~
6 ~~and other speed restrictions in 61-8-303."~~

7
8 **Section 3.** Section 61-8-718, MCA, is amended to read:

9 **"61-8-718. Penalty for violation of fuel conservation speed limit.** (1) A person violating the speed
10 limit imposed pursuant to 61-8-304 is guilty of the offense of unnecessary waste of a resource ~~and upon,~~

11 (2) Upon conviction of a violation of 61-8-304, a person shall be fined ~~\$5~~ \$20 if the speed limit
12 is exceeded by no more than 20 miles per hour and \$20 for each additional 5 miles per hour by which the
13 speed limit is exceeded, and no jail sentence may be imposed. Bond for this offense ~~shall be \$5~~ is equal
14 to the amount of the fine that would be imposed on conviction of the offense.

15 ~~(2)(3)~~ (3) A violation of 61-8-304 is not a misdemeanor pursuant to 45-2-101, 61-8-104, or
16 61-8-711."

17
18 **NEW SECTION. Section 4. Relationship between speed limits and basic rule.** (1) The maximum
19 speed limits imposed under this part do not authorize speeds higher than those required for safe operation
20 of a vehicle as required by 61-8-303(1).

21 (2) The basic rule imposed by 61-8-303(1) does not authorize speeds higher than those established
22 by the maximum speed limits imposed under this part.

23
24 **NEW SECTION. Section 5. Codification instruction.** [Section 4] is intended to be codified as an
25 integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply to
26 [section 4].

27 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0129, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act revising the laws pertaining to violation of speed restrictions, and increasing the penalty for violation of the fuel conservation speed limit.

ASSUMPTIONS:

1. There were 59,074 fuel conservation tickets issued by the Highway Patrol in calendar year 1994. The price increase (from \$5 to \$20) for tickets will cause the public to reduce their speed on the highways. A 20% decrease in the number of tickets written is projected for FY96. A 10% decrease, from calendar year 1994, is projected for FY97.
2. About 5% of the speeders cited were traveling in excess of 20 mph over the limit with an average fine of \$50. This \$50 fine is used for revenue calculations.
3. In accordance with 3-10-601, MCA, the distribution of fines is 50% to the state treasurer and 50% to the county general fund. The state revenue is allocated 27.88% to the general fund and 72.12% to various state special revenue accounts.
4. The total state revenue would be about \$360,350 in FY96 and \$423,855 in FY97.

FISCAL IMPACT:

Revenues:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
Fines:		
General Fund (01)	100,466	118,171
FWP - 9.09% (02)	23,623	27,787
Highways - 11.76%	30,562	35,948
Traffic Ed - 33.86%	87,997	103,505
Livestock - .57%	1,481	1,742
Crime Victims - 15.9%	41,322	48,604
DFS Domestic Violence - .94%	2,443	2,873

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Revenue from fines is split 50-50 between county and state. Thus, the counties will receive additional general fund revenues of \$360,350 in FY96 and \$423,855 in FY97.

Dave Lewis 1-18-95
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Barry Stang 1/18/95
 BARRY STANG, PRIMARY SPONSOR DATE

Fiscal Note for SB0129, as introduced

SB 129

STATE OF MONTANA - FISCAL NOTE

Revised Fiscal Note for SB0129, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act revising the laws pertaining to violation of speed restrictions, and increasing the penalty for violation of the fuel conservation speed limit.

ASSUMPTIONS:

1. There were 59,074 fuel conservation tickets issued by the Highway Patrol in calendar year 1994. The price increase (from \$5 to \$20) for tickets will cause the public to reduce their speed on the highways. A 20% decrease in the number of tickets written is projected for FY96. A 10% decrease, from calendar year 1994, is projected for FY97.
2. About 5% of the speeders cited were traveling in excess of 20 mph over the limit with an average fine of \$50. This \$50 fine is used for revenue calculations.
3. In accordance with 3-10-601, MCA, the distribution of fines is 50% to the state treasurer and 50% to the county general fund. The state revenue is allocated 44.81% to the general fund and 55.19% to various state special revenue accounts.
4. The total state revenue would be about \$360,350 in FY96 and \$423,855 in FY97.

FISCAL IMPACT:

Revenues:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
Fines:		
General Fund (01)	161,473	189,930
FWP - 9.09% (02)	32,756	38,528
Highways - 11.76% (02)	42,377	49,845
Traffic Ed - 16.93% (02)	61,007	71,759
Livestock - .57% (02)	2,054	2,416
Crime Victims - 15.9% (02)	57,296	67,393
DFS Domestic Violence - .94% (02)	3,387	3,984

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Revenue from fines is split 50-50 between county and state. Thus, the counties will receive additional general fund revenues of \$360,350 in FY96 and \$423,855 in FY97.

Dave Lewis 1-20-95
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Barry Stang 1-31-95
 BARRY STANG, PRIMARY SPONSOR DATE

Revised Fiscal Note for SB0129, as introduced

Rev. SB 129-#2

SENATE BILL NO. 129

INTRODUCED BY STANG, CRIPPEN, HARRINGTON, EWER, HARPER, WATERMAN, CLARK, KLAMPE
BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS PERTAINING TO VIOLATION OF SPEED
RESTRICTIONS; INCREASING THE PENALTY FOR VIOLATION OF THE FUEL CONSERVATION SPEED LIMIT;
AND AMENDING SECTIONS 61-8-303, 61-8-305, AND 61-8-718, 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.~~ A person violates this section if the person fails to:

(a) reduce the speed of the vehicle to account for one or more of the following conditions:

(i) the amount and character of traffic;

(ii) the condition of the brakes;

(iii) the weight of the vehicle;

(iv) the grade and width of the highway;

(v) the condition of the surface; and

(vi) freedom of obstruction to the 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; or

(b) drive at an appropriate reduced speed when:

(i) approaching and crossing an intersection or railway grade crossing;

(ii) approaching and going around a curve;

(iii) approaching a hill crest;

(iv) traveling upon a narrow or winding roadway; or

(v) a special hazard exists with respect to pedestrians or other traffic or by reason of weather or

1 highway conditions.

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

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

7 (b) 35 miles ~~per an~~ an hour on a highway under construction or repair or on a highway being
8 surveyed;

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

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

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

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

20
21 **Section 2.** Section 61-8-305, MCA, is amended to read:

22 **"61-8-305. Applicability of conservation speed limit.** (1) The provisions of 61-8-304 do not apply
23 to those public streets and highways for which a speed limit lower than that required by federal law was
24 applicable on March 2, 1974, under any other state, county, municipal, or other local law, ordinance,
25 regulation, or order.

26 ~~(2) The fuel conservation speed limits imposed by 61-8-304 remain in effect only as long as the~~
27 ~~establishment of those speed limits by the state is required by federal law as a condition to the state's~~
28 ~~continuing eligibility to receive funds authorized by the Federal Aid Highways Amendments of 1974 and~~
29 ~~all acts amendatory thereto or any other federal statute.~~

30 ~~(3)~~(2) If the speed limit of 55 miles an hour for vehicles traveling on federal-aid interstate highways

1 within an urbanized area with a population of 50,000 ~~population~~ or more is no longer required by federal
 2 law as a condition to the state's continuing eligibility for federal highway funding, the speed limit within
 3 an urbanized area increases to 65 miles an hour.

4 ~~(4) If there is no speed limit required by federal law as a condition to the state's continuing~~
 5 ~~eligibility for federal highway funding, then the speed limit on Montana highways is subject to the basic rule~~
 6 ~~and other speed restrictions in 61-8-303."~~

7
 8 **Section 3.** Section 61-8-718, MCA, is amended to read:

9 **"61-8-718. Penalty for violation of fuel conservation speed limit.** (1) A person violating the speed
 10 limit imposed pursuant to 61-8-304 is guilty of the offense of unnecessary waste of a resource ~~and upon,~~

11 ~~(2) Upon conviction of a violation of 61-8-304, a person shall be fined \$5 \$20 if the speed limit~~
 12 ~~is exceeded by no more than 20 miles per hour and \$20 for each additional 5 miles per hour by which the~~
 13 ~~speed limit is exceeded, and no AS FOLLOWS:~~

14
 15 MILES PER HOUR

<u>OVER SPEED LIMIT</u>	<u>FINE</u>
<u>1 - 10</u>	<u>\$ 5</u>
<u>11 - 15</u>	<u>10</u>
<u>16 - 20</u>	<u>20</u>
<u>21 - 25</u>	<u>35</u>
<u>26 - 30</u>	<u>60</u>
<u>31 AND OVER</u>	<u>80</u>

24
 25 ~~(3) A jail sentence may NOT be imposed FOR A CONVICTION PURSUANT TO SUBSECTION (2).~~
 26 ~~Bond for this offense shall be \$5 is equal to the amount of the fine that would be imposed on conviction~~
 27 ~~of the offense.~~

28 ~~(2)(3)(4) A violation of 61-8-304 is not a misdemeanor pursuant to 45-2-101, 61-8-104, or~~
 29 ~~61-8-711."~~

30

1 NEW SECTION. **Section 4. Relationship between speed limits and basic rule.** (1) The maximum
2 speed limits imposed under this part do not authorize speeds higher than those required for safe operation
3 of a vehicle as required by 61-8-303(1).

4 (2) The basic rule imposed by 61-8-303(1) does not authorize speeds higher than those established
5 by the maximum speed limits imposed under this part.

6

7 NEW SECTION. **Section 5. Codification instruction.** [Section 4] is intended to be codified as an
8 integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply to
9 [section 4].

10

-END-

SENATE BILL NO. 129

INTRODUCED BY STANG, CRIPPEN, HARRINGTON, EWER, HARPER, WATERMAN, CLARK, KLAMPE

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS PERTAINING TO VIOLATION OF SPEED RESTRICTIONS; INCREASING THE PENALTY FOR VIOLATION OF THE FUEL CONSERVATION SPEED LIMIT; AND AMENDING SECTIONS 61-8-303, 61-8-305, AND 61-8-718, 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.~~ A person violates this section if the person fails to:

(a) reduce the speed of the vehicle to account for one or more of the following conditions:

(i) the amount and character of traffic;

(ii) the condition of the brakes;

(iii) the weight of the vehicle;

(iv) the grade and width of the highway;

(v) the condition of the surface; and

(vi) freedom of obstruction to the 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; or

(b) drive at an appropriate reduced speed when:

(i) approaching and crossing an intersection or railway grade crossing;

(ii) approaching and going around a curve;

(iii) approaching a hill crest;

(iv) traveling upon a narrow or winding roadway; or

(v) a special hazard exists with respect to pedestrians or other traffic or by reason of weather or

1 highway conditions.

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

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

7 (b) 35 miles ~~per~~ an hour on a highway under construction or repair or on a highway being
8 surveyed;

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

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

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

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

20

21 **Section 2.** Section 61-8-305, MCA, is amended to read:

22 **"61-8-305. Applicability of conservation speed limit.** (1) The provisions of 61-8-304 do not apply
23 to those public streets and highways for which a speed limit lower than that required by federal law was
24 applicable on March 2, 1974, under any other state, county, municipal, or other local law, ordinance,
25 regulation, or order.

26 ~~(2) The fuel conservation speed limits imposed by 61-8-304 remain in effect only as long as the~~
27 ~~establishment of those speed limits by the state is required by federal law as a condition to the state's~~
28 ~~continuing eligibility to receive funds authorized by the Federal Aid Highways Amendments of 1974 and~~
29 ~~all acts amendatory thereto or any other federal statute.~~

30 ~~(3)~~(2) If the speed limit of 55 miles an hour for vehicles traveling on federal-aid interstate highways

1 within an urbanized area with a population of 50,000 ~~population~~ or more is no longer required by federal
2 law as a condition to the state's continuing eligibility for federal highway funding, the speed limit within
3 an urbanized area increases to 65 miles an hour.

4 ~~(4) If there is no speed limit required by federal law as a condition to the state's continuing~~
5 ~~eligibility for federal highway funding, then the speed limit on Montana highways is subject to the basic rule~~
6 ~~and other speed restrictions in 61-8-303."~~

7

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

9 **"61-8-718. Penalty for violation of fuel conservation speed limit.** (1) A person violating the speed
10 limit imposed pursuant to 61-8-304 is guilty of the offense of unnecessary waste of a resource ~~and upon,~~

11 ~~(2) Upon conviction of a violation of 61-8-304, a person shall be fined \$5 \$20 if the speed limit~~
12 ~~is exceeded by no more than 20 miles per hour and \$20 for each additional 5 miles per hour by which the~~
13 ~~speed limit is exceeded, and no AS FOLLOWS:~~

14

15 MILES PER HOUR

16 OVER SPEED LIMIT

FINE

17

18 1 - 10 \$ 5

19 11 - 15 10

20 16 - 20 20

21 21 - 25 35

22 26 - 30 60

23 31 AND OVER 80

24

25 (3) A jail sentence may NOT be imposed FOR A CONVICTION PURSUANT TO SUBSECTION (2).

26 Bond for this offense ~~shall be \$5~~ is equal to the amount of the fine that would be imposed on conviction
27 of the offense.

28 ~~(2)(3)(4)~~ (4) A violation of 61-8-304 is not a misdemeanor pursuant to 45-2-101, 61-8-104, or
29 61-8-711."
30

1 **NEW SECTION. Section 4. Relationship between speed limits and basic rule.** (1) The maximum
2 speed limits imposed under this part do not authorize speeds higher than those required for safe operation
3 of a vehicle as required by 61-8-303(1).

4 (2) The basic rule imposed by 61-8-303(1) does not authorize speeds higher than those established
5 by the maximum speed limits imposed under this part.

6
7 **NEW SECTION. Section 5. Codification instruction.** [Section 4] is intended to be codified as an
8 integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply to
9 [section 4].

10

-END-