1	HOUSE BILL NO. 99
2	INTRODUCED BY TREXLER
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A SEPARATE PENALTY FOR SPEEDING IN A
5	CONSTRUCTION ZONE."
6	
7	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
8	
9	NEW SECTION. Section 1. Penalty for speeding in construction zone. A person convicted of a
10	violation of 61-8-303(2)(b) is guilty of a misdemeanor. Upon arrest and conviction, the person shall be
11	punished by a fine of not less than \$20 or more than \$200.
12	
13	NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
14	integral part of Title 61, chapter 8, part 7, and the provisions of Title 61, chapter 8, part 7, apply to
15	[section 1].
16	-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0099, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act creating a separate penalty for speeding in a construction zone.

FISCAL IMPACT: There is no fiscal impact to the state

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES: There may be a fiscal impact at the county and/or the city level.

DAVE LEWIS, BUDGET DIRECTOR

Office of Budget and Program Planning

TREXLER, PRIMARY SPONSOR DATE CLÌFF

Fiscal Note for <u>HB0099</u>, as introduced

HB 99

1	HOUSE BILL NO. 99							
2	INTRODUCED BY TREXLER							
3								
4	A BILL FOR AN ACT ENTITLED: "AN ACT GREATING A SEPARATE PENALTY FOR SPEEDING IN A							
5	CONSTRUCTION ZONE. ESTABLISHING SPEED REGULATIONS IN A CONSTRUCTION ZONE AND A WOR							
6	ZONE; DEFINING "CONSTRUCTION ZONE" AND "WORK ZONE"; DOUBLING THE PENALTY FOR SPEEDIN							
7	IN A WORK ZONE; AND AMENDING SECTION 61-8-303, MCA."							
8								
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:							
10	Refer to Introduced [First Reading] Bill							
11	Strike everything after the enacting clause and insert:							
12								
13	NEW SECTION. Section 1. Speed restrictions in construction zone and work zone definitions.							
14	(1) As used in this section, the following definitions apply:							
15	(a) "Construction zone" means an area on a public highway or on the adjacent right-of-way where							
16	construction, repair, maintenance, or survey work is being performed by the department of transportation,							
17	a local authority, a utility company, or a private contractor under contract with the department of							
18	transportation or a local authority. A construction zone does not include a work zone.							
19	(b) "Public highway" has the same meaning as in 60-1-103.							
20	(c) "Work zone" means the area where the construction, repair, maintenance, or survey work is							
21	actually taking place. A work zone connects to but is not part of a construction zone.							
22	(2) A person may not operate a motor vehicle in a construction zone or in a work zone on a public							
23	highway in excess of the speed limit posted in the construction zone or the work zone. The speed limit							
24	must be set by the department of transportation or the local authority based on traffic conditions or the							
25	condition of the construction, repair, maintenance, or survey project.							
26	(3) (a) The department of transportation, the local authority, the utility company, or the private							
27	contractor shall post signs that conform to the department of transportation's manual on uniform traffic							
28	control devices and that indicate the boundaries of the construction zone and the work zone and the speed							
29	limit in effect within both zones.							
30	(b) The department of transportation, the local authority, the utility company, or the private							
	Legislative SECOND READING							
	Services - 1 - HB 99							

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contractor shall clearly indicate at the boundary of a work zone that a person who violates the speed
 restriction in the work zone is subject to the fine provided in subsection (4)(a).

3 (c) The boundaries of the work zone may not exceed 500 feet in advance of and beyond the actual
4 construction activity.

5 (4) (a) A person convicted of a violation of a speed restriction in a work zone is guilty of a 6 misdemeanor. Upon arrest and conviction, the person shall be punished by a fine of not less than double 7 the penalty provided for in 61-8-711(2).

8 (b) A person convicted of a violation of a speed restriction in a construction zone is guilty of a 9 misdemeanor. Upon arrest and conviction, the person is subject to the penalty provided for in 61-8-711(2).

10 11

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

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

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

23

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

24 (b)- 35 miles per hour on a highway under construction or repair or on a highway being surveyed,

unless the department establishes and posts a different limit due to traffic conditions or the condition of
 the construction, repair, or survey project;

27 (o)(b) 55 miles per hour in other locations during the nighttime, except that the nighttime speed
 28 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.



- 2 -

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1	(4) The speed limits set forth in this section may be altered by the transportation commission or						
2	a local authority as authorized in 61-8-309, 61-8-310, and 61-8-313, and [section 1].						
3	(5) The driver of a vehicle shall, consistent with subsection (1), drive at an appropriate reduced						
4	speed when approaching and crossing an intersection or railway grade crossing, when approaching and						
5	going around a curve, when approaching a hill crest, when traveling upon a narrow or winding roadway,						
6	and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or						
7	highway condition."						
8							
9	NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an						
10	integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply to						
11	[section 1].						
12	-END-						



Legislative Services Division

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1	HOUSE BILL NO. 99
2	INTRODUCED BY TREXLER
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A SEPARATE PENALTY FOR SPEEDING IN A
5	CONSTRUCTION ZONE. ESTABLISHING SPEED REGULATIONS IN A CONSTRUCTION ZONE AND A WORK
6	ZONE; DEFINING "CONSTRUCTION ZONE" AND "WORK ZONE"; DOUBLING THE PENALTY FOR SPEEDING
7	IN A WORK ZONE; AND AMENDING SECTION 61-8-303, MCA."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Refer to Introduced (First Reading) Bill
11	Strike everything after the enacting clause and insert:
12	
13	<u>NEW SECTION.</u> Section 1. Speed restrictions in construction zone and work zone definitions.
14	(1) As used in this section, the following definitions apply:
15	(a) "Construction zone" means an area on a public highway or on the adjacent right-of-way where
16	construction, repair, maintenance, or survey work is being performed by the department of transportation,
17	a local authority, a utility company, or a private contractor under contract with the department of
18	transportation or a local authority. A construction zone does not include a work zone.
19	(b) "Public highway" has the same meaning as in 60-1-103.
20	(c) "Work zone" means the area where the construction, repair, maintenance, or survey work is
21	actually taking place. A work zone connects to but is not part of a construction zone.
22	(2) A person may not operate a motor vehicle in a construction zone or in a work zone on a public
23	highway in excess of the speed limit posted in the construction zone or the work zone. The speed limit
24	must be set by the department of transportation or the local authority based on traffic conditions or the
25	condition of the construction, repair, maintenance, or survey project.
26	(3) (a) The department of transportation, the local authority, the utility company, or the private
27	contractor shall post signs that conform to the department of transportation's manual on uniform traffic
28	control devices and that indicate the boundaries of the construction zone and the work zone and the speed
29	limit in effect within both zones.
30	(b) The department of transportation, the local authority, the utility company, or the private
	Legislative Services - 1 - HB 99

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contractor shall clearly indicate at the boundary of a work zone that a person who violates the speed
 restriction in the work zone is subject to the fine provided in subsection (4)(a).

3 (c) The boundaries of the work zone may not exceed 500 feet in advance of and beyond the actual
4 construction activity.

5 (4) (a) A person convicted of a violation of a speed restriction in a work zone is guilty of a 6 misdemeanor. Upon arrest and conviction, the person shall be punished by a fine of not less than double 7 the penalty provided for in 61-8-711(2).

(b) A person convicted of a violation of a speed restriction in a construction zone is guilty of a
misdemeanor. Upon arrest and conviction, the person is subject to the penalty provided for in 61-8-711(2).

11

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

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

19 (2) When no special hazard exists that requires lower speed for compliance with subsection (1), 20 the speed of a vehicle not in excess of the limits specified in this section or established as authorized in 21 61-8-309 through 61-8-311 and 61-8-313 is lawful, but a speed in excess of the following limits is 22 unlawful:

23

(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 curveyed,
 unless the department establishes and posts a different limit due to traffic conditions or the condition of
 the construction, repair, or survey project;

(a)(b) 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.



- 1 (4) The speed limits set forth in this section may be altered by the transportation commission or 2 a local authority as authorized in 61-8-309, 61-8-310, and 61-8-313, and [section 1].
- 3 (5) The driver of a vehicle shall, consistent with subsection (1), drive at an appropriate reduced 4 speed when approaching and crossing an intersection or railway grade crossing, when approaching and 5 going around a curve, when approaching a hill crest, when traveling upon a narrow or winding roadway, 6 and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or 7 highway condition."
- 8

9 <u>NEW SECTION.</u> Section 3. Codification instruction. [Section 1] is intended to be codified as an 10 integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply to 11 [section 1].

12

-END-

APPROVED BY COM ON HIGHWAYS & TRANSPORTATION

1	HOUSE BILL NO. 99
2	INTRODUCED BY TREXLER
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE TRAFFIC REGULATIONS IN A HIGHWAY
5	CONSTRUCTION AREA; CREATING A SEPARATE PENALTY FOR SPEEDING IN A CONSTRUCTION ZONE.
6	ESTABLISHING SPEED REGULATIONS IN A CONSTRUCTION ZONE AND A WORK ZONE; CREATING THE
7	OFFENSE OF RECKLESS ENDANGERMENT OF HIGHWAY WORKERS; DEFINING "HIGHWAY WORKER",
8	"CONSTRUCTION ZONE", AND "WORK ZONE"; DOUBLING THE PENALTY PENALTIES FOR SPEEDING
9	TRAFFIC VIOLATIONS IN A WORK ZONE; AND AMENDING SECTION SECTIONS 61-8-303 AND 61-8-715,
10	MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
11	
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	Refer to Introduced [First Reading] Bill
14	Strike everything after the enacting clause and insert:
15	
16	<u>NEW SECTION.</u> Section 1. Speed restrictions <u>TRAFFIC VIOLATIONS</u> in construction zone and
17	work zone definitions. (1) As used in this section, the following definitions apply:
18	(a) "Construction zone" means an area on a public highway or on the adjacent right-of-way where
19	construction, repair, maintenance, or survey work is being performed by the department of transportation,
20	a local authority, a utility company, or a private contractor under contract with the department of
21	transportation or a local authority. A construction zone does not MAY include a work zone.
22	(b) "Public highway" has the same meaning as in 60-1-103.
23	(c) "Work zone" means the area where the construction, repair, maintenance, or survey work is
24	actually taking place. A work-zone connects to but is not part of a construction zone.
25	(2) A person may not operate a motor vehicle in a construction zone or in a work zone on a public
26	highway in excess of the speed limit posted in the construction zone or the work zone. <u>VIOLATION OF ANY</u>
27	OF THE PROVISIONS OF PART 3 OF THIS CHAPTER.
28	(3) The speed limit IN A CONSTRUCTION ZONE OR IN A WORK ZONE must be set by the
29	department of transportation or the local authority based on traffic conditions or the condition of the
30	construction, repair, maintenance, or survey project.



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1	(3)(4) (a) The department of transportation, the local authority, the utility company, or the private							
2	contractor shall post signs that conform to the department of transportation's manual on uniform traffic							
3	control devices and that indicate the boundaries of the construction zone and the work zone and the speed							
4	limit in effect within both zones.							
5	(b) The department of transportation, the local authority, the utility company, or the private							
6	contractor shall clearly indicate at the boundary of a work <u>CONSTRUCTION</u> zone that a person who violates							
7	the speed restriction ANY OF THE PROVISIONS OF PART 3 OF THIS CHAPTER in the work zone is subject							
8	to the fine provided in subsection (4)(5)(a).							
9	(c) The boundaries of the work zone may not exceed 500 feet in advance of and beyond the actual							
10	construction activity.							
11	(4)(5) (a) A person convicted of a <u>TRAFFIC</u> violation of a speed restriction in a work zone is guilty							
12	of a misdemeanor. Upon arrest and conviction, the person shall be punished by a fine of not less than							
13	double the penalty provided for in 61-8-711(2) THE VIOLATION IN PART 7 OF THIS CHAPTER.							
14	(b) A person convicted of a <u>TRAFFIC</u> violation of a speed restriction in a construction zone is guilty							
15	of a misdemeanor. Upon arrest and conviction, the person is subject to the penalty provided for in							
16	61-8-711(2) THE VIOLATION IN PART 7 OF THIS CHAPTER.							
16 17	61-8-711(2) THE VIOLATION IN PART 7 OF THIS CHAPTER.							
	61-8-711(2) THE VIOLATION IN PART 7 OF THIS CHAPTER. NEW SECTION. SECTION 2. RECKLESS ENDANGERMENT OF HIGHWAY WORKERS							
17								
17 18	NEW SECTION. SECTION 2. RECKLESS ENDANGERMENT OF HIGHWAY WORKERS							
17 18 19	NEW SECTION. SECTION 2. RECKLESS ENDANGERMENT OF HIGHWAY WORKERS DEFINITION. (1) AS USED IN THIS SECTION, "HIGHWAY WORKER" MEANS AN EMPLOYEE OF THE							
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17 18 19 20 21 22 23	NEW SECTION. SECTION 2. RECKLESS ENDANGERMENT OF HIGHWAY WORKERS DEFINITION. (1) AS USED IN THIS SECTION, "HIGHWAY WORKER" MEANS AN EMPLOYEE OF THE DEPARTMENT OF TRANSPORTATION, A LOCAL AUTHORITY, A UTILITY COMPANY, OR A PRIVATE CONTRACTOR. (2) A PERSON COMMITS THE OFFENSE OF RECKLESS ENDANGERMENT OF HIGHWAY WORKERS IF THE PERSON DRIVES A MOTOR VEHICLE IN A HIGHWAY CONSTRUCTION ZONE IN SUCH A MANNER							
17 18 19 20 21 22 23 24	NEW SECTION. SECTION 2. RECKLESS ENDANGERMENT OF HIGHWAY WORKERS DEFINITION. (1) AS USED IN THIS SECTION, "HIGHWAY WORKER" MEANS AN EMPLOYEE OF THE DEPARTMENT OF TRANSPORTATION, A LOCAL AUTHORITY, A UTILITY COMPANY, OR A PRIVATE CONTRACTOR. (2) A PERSON COMMITS THE OFFENSE OF RECKLESS ENDANGERMENT OF HIGHWAY WORKERS IF THE PERSON DRIVES A MOTOR VEHICLE IN A HIGHWAY CONSTRUCTION ZONE IN SUCH A MANNER AS TO ENDANGER PERSONS OR PROPERTY OR IF THE PERSON REMOVES, IGNORES, OR							
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 17 18 19 20 21 22 23 24 25 26 27 	NEW SECTION. SECTION 2. RECKLESS ENDANGERMENT OF HIGHWAY WORKERS DEFINITION. (1) AS USED IN THIS SECTION, "HIGHWAY WORKER" MEANS AN EMPLOYEE OF THE DEPARTMENT OF TRANSPORTATION, A LOCAL AUTHORITY, A UTILITY COMPANY, OR A PRIVATE CONTRACTOR. (2) A PERSON COMMITS THE OFFENSE OF RECKLESS ENDANGERMENT OF HIGHWAY WORKERS IF THE PERSON DRIVES A MOTOR VEHICLE IN A HIGHWAY CONSTRUCTION ZONE IN SUCH A MANNER AS TO ENDANGER PERSONS OR PROPERTY OR IF THE PERSON REMOVES, IGNORES, OR INTENTIONALLY STRIKES A TRAFFIC CONTROL DEVICE IN A HIGHWAY CONSTRUCTION ZONE. Section 3. Section 61-8-303, MCA, is amended to read:							
 17 18 19 20 21 22 23 24 25 26 27 28 	NEW SECTION. SECTION 2. RECKLESS ENDANGERMENT OF HIGHWAY WORKERS DEFINITION. (1) AS USED IN THIS SECTION, "HIGHWAY WORKER" MEANS AN EMPLOYEE OF THE DEPARTMENT OF TRANSPORTATION, A LOCAL AUTHORITY, A UTILITY COMPANY, OR A PRIVATE CONTRACTOR. (2) A PERSON COMMITS THE OFFENSE OF RECKLESS ENDANGERMENT OF HIGHWAY WORKERS IF THE PERSON DRIVES A MOTOR VEHICLE IN A HIGHWAY CONSTRUCTION ZONE IN SUCH A MANNER AS TO ENDANGER PERSONS OR PROPERTY OR IF THE PERSON REMOVES, IGNORES, OR INTENTIONALLY STRIKES A TRAFFIC CONTROL DEVICE IN A HIGHWAY CONSTRUCTION ZONE. Section 3. 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							



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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 the view ahead. The
person operating or driving the vehicle shall drive the vehicle 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.

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

9

(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,
 unless the department establishes and posts a different limit due to traffic conditions or the condition of

12 the construction, repair, or survey project;

13 (o)(b) 55 miles per hour in other locations during the nighttime, except that the nighttime speed
 14 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.

17 (4) The speed limits set forth in this section may be altered by the transportation commission or
18 a local authority as authorized in 61-8-309, 61-8-310, and 61-8-313, and [section 1].

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

24

25

SECTION 4. SECTION 61-8-715, MCA, IS AMENDED TO READ:

"61-8-715. Reckless driving -- reckless endangerment of highway workers -- penalty. (1) A person
 convicted of reckless driving under 61-8-301(1)(a) or (1)(c) or convicted of reckless endangerment of
 highway workers under [section 2] shall be punished upon a first conviction by imprisonment for a period
 of not more than 90 days, or by fine of not less than \$25 or more than \$300, or by both such fine and
 imprisonment, and on On a second or subsequent conviction the person shall be punished by imprisonment



for not less than 10 days or more than 6 months, Θ by a fine of not less than \$50 or more than \$500, or by both such fine and imprisonment.

3 (2) A person convicted of reckless driving under 61-8-301(1)(b) shall be punished by imprisonment 4 in the county or city jail for not less than 10 days or more than 6 months to which may be added, at the 5 discretion of the court, a fine of not less than \$300 or more than \$500. On a second or subsequent 6 conviction, he the person shall be punished by imprisonment for a term of not less than 30 days or more 7 than 1 year to which may be added at the discretion of the court a fine of not less than \$500 or more than 8 \$1,000."

9

<u>NEW SECTION.</u> Section 5. Codification instruction. [Section SECTIONS 1 AND 2] is ARE intended
 to be codified as an integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8,
 part 3, apply to [section SECTIONS 1 AND 2].

13

 14
 NEW SECTION.
 SECTION 6. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND

 15
 APPROVAL.

16

-END-



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1	HOUSE BILL NO. 99
2	INTRODUCED BY TREXLER
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE TRAFFIC REGULATIONS IN A HIGHWAY
5	CONSTRUCTION AREA; CREATING A SEPARATE PENALTY FOR SPEEDING IN A CONSTRUCTION ZONE.
6	ESTABLISHING SPEED REGULATIONS IN A CONSTRUCTION ZONE AND A WORK ZONE; CREATING THE
7	OFFENSE OF RECKLESS ENDANGERMENT OF HIGHWAY WORKERS; DEFINING "HIGHWAY WORKER",
8	"CONSTRUCTION ZONE", AND "WORK ZONE"; DOUBLING THE PENALTY PENALTIES FOR SPEEDING
9	TRAFFIC VIOLATIONS IN A WORK ZONE; AND AMENDING SECTION SECTIONS 61-8-303 AND 61-8-715,
10	MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
11	
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	Refer to Introduced [First Reading] Bill
14	Strike everything after the enacting clause and insert:
15	
16	NEW SECTION. Section 1. Speed restrictions TRAFFIC VIOLATIONS in construction zone and
17	work zone definitions. (1) As used in this section, the following definitions apply:
18	(a) "Construction zone" means an area on a public highway or on the adjacent right-of-way where
19	construction, repair, maintenance, or survey work is being performed by the department of transportation,
20	a local authority, a utility company, or a private contractor under contract with the department of
21	transportation or a local authority. A construction zone does not MAY include a work zone.
22	(b) "Public highway" has the same meaning as in 60-1-103.
23	(c) "Work zone" means the area where the construction, repair, maintenance, or survey work is
24	actually taking place. A work zone connects to but is not part of a construction zone.
25	(2) A person may not operate a motor vehicle in a construction zone or in a work zone on a public
26	highway in excess of the speed limit posted in the construction zone or the work zone. <u>VIOLATION OF ANY</u>
27	OF THE PROVISIONS OF PART 3 OF THIS CHAPTER.
28	(3) The speed limit IN A CONSTRUCTION ZONE OR IN A WORK ZONE must be set by the
28 29	
	(3) The speed limit IN A CONSTRUCTION ZONE OR IN A WORK ZONE must be set by the



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1	(3) (a) The department of transportation, the local authority, the utility company, or the private
2	contractor shall post signs that conform to the department of transportation's manual on uniform traffic
3	control devices and that indicate the boundaries of the construction zone and the work zone and the speed
4	limit in effect within both zones.
5	(b) The department of transportation, the local authority, the utility company, or the private
6	contractor shall clearly indicate at the boundary of a work <u>CONSTRUCTION</u> zone that a person who violates
7	t he speed restriction ANY OF THE PROVISIONS OF PART 3 OF THIS CHAPTER in the work zone is subject
8	to the fine provided in subsection (4)<u>(5)</u>(a) .
9	(c) The boundaries of the work zone may not exceed 500 feet in advance of and beyond the actual
10	construction activity.
11	(4)[5] (a) A person convicted of a <u>TRAFFIC</u> violation of a speed restriction in a work zone is guilty
12	of a misdemeanor. Upon arrest and conviction, the person shall be punished by a fine of not less than
13	double the penalty provided for in 61-8-711(2) THE VIOLATION IN PART 7 OF THIS CHAPTER.
14	(b) A person convicted of a <u>TRAFFIC</u> violation of a speed restriction in a construction zone is guilty
15	of a misdemeanor. Upon arrest and conviction, the person is subject to the penalty provided for in
16	61 8 711(2) THE VIOLATION IN PART 7 OF THIS CHAPTER.
17	
18	NEW SECTION. SECTION 2. RECKLESS ENDANGERMENT OF HIGHWAY WORKERS
19	DEFINITION. (1) AS USED IN THIS SECTION, "HIGHWAY WORKER" MEANS AN EMPLOYEE OF THE
20	DEPARTMENT OF TRANSPORTATION, A LOCAL AUTHORITY, A UTILITY COMPANY, OR A PRIVATE
21	CONTRACTOR.
22	(2) A PERSON COMMITS THE OFFENSE OF RECKLESS ENDANGERMENT OF HIGHWAY WORKERS
23	IF THE PERSON DRIVES A MOTOR VEHICLE IN A HIGHWAY CONSTRUCTION ZONE IN SUCH A MANNER
24	AS TO ENDANGER PERSONS OR PROPERTY OR IF THE PERSON REMOVES, IGNORES, OR
25	INTENTIONALLY STRIKES A TRAFFIC CONTROL DEVICE IN A HIGHWAY CONSTRUCTION ZONE.
26	
27	Section 3. 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 the vehicle in a careful and prudent manner and at
30	a rate of speed no greater than is reasonable and proper under the conditions existing at the point of



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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 the view ahead. The
person operating or driving the vehicle shall drive the vehicle 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.

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

9

(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,
 unless the department establishes and posts a different limit due to traffic conditions or the condition of

12 the construction, repair, or survey project;

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

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

17 (4) The speed limits set forth in this section may be altered by the transportation commission or
18 a local authority as authorized in 61-8-309, 61-8-310, and 61-8-313, and [section 1].

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

24 25

SECTION 4. SECTION 61-8-715, MCA, IS AMENDED TO READ:

"61-8-715. Reckless driving -- reckless endangerment of highway workers -- penalty. (1) A person
 convicted of reckless driving under 61-8-301(1)(a) or (1)(c) or convicted of reckless endangerment of
 highway workers under [section 2] shall be punished upon a first conviction by imprisonment for a period
 of not more than 90 days, or by fine of not less than \$25 or more than \$300, or by both such fine and
 imprisonment, and on On a second or subsequent conviction the person shall be punished by imprisonment



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1 for not less than 10 days or more than 6 months, or by a fine of not less than \$50 or more than \$500, or

2 by both such fine and imprisonment.

3 (2) A person convicted of reckless driving under 61-8-301(1)(b) shall be punished by imprisonment 4 in the county or city jail for not less than 10 days or more than 6 months to which may be added, at the 5 discretion of the court, a fine of not less than \$300 or more than \$500. On a second or subsequent 6 conviction, he the person shall be punished by imprisonment for a term of not less than 30 days or more 7 than 1 year to which may be added at the discretion of the court a fine of not less than \$500 or more than 8 \$1,000."

9

10 <u>NEW SECTION.</u> Section 5. Codification instruction. [Section <u>SECTIONS</u> 1 <u>AND 2] is ARE</u> intended 11 to be codified as an integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, 12 part 3, apply to [section <u>SECTIONS</u> 1 <u>AND 2]</u>.

13

 14
 NEW SECTION. SECTION 6. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND

 15
 APPROVAL.

16

-END-





CONFERENCE COMMITTEE

on House Bill 99 Report No. 1, April 17, 1997

Page 1 of 2

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered House Bill 99 (reference copy -- salmon) and recommend that House Bill 99 be amended as follows:

1. Title, line 9. Following: "ZONE;" Insert: "PROVIDING FOR DELAYED ENFORCEMENT OF RECKLESS ENDANGERMENT OF HIGHWAY WORKERS;" 2. Title, line 10. Following: "DATE" Insert: "AND A TERMINATION DATE" 3. Page 2, line 23. Following: "PERSON" Insert: "purposely, knowingly, or negligently" 4. Page 2, line 24. Following: "PERSON" Insert: "purposely" 5. Page 2, line 25. Following: "ZONE" Insert: "for reasons other than: (a) avoidance of an obstacle; (b) an emergency; or (c) to protect the health or safety of an occupant of the vehicle or another person" 6. Page 4 Following: line 8 Insert: "(3)(a) For a 6-month grace period following [the effective date of this act], a peace officer shall issue one warning citation to a person found recklessly endangering a highway worker as the offense is described in [section 2]. If that person is found recklessly endangering a highway

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worker a second or subsequent time during the grace period, the person is subject to the penalties provided in this section. (b) At the expiration of the grace period, the penalties provided in this section apply to all convictions of reckless endangerment of a highway worker. (c) The grace period provided in subsection (3) (a) applies only to reckless endangerment of a highway worker as defined in [section 2] and does not affect the penalties for or enforcement of any other violation of traffic regulations provided in Title 61."

7. Page 4. Following: line 15

Insert: "<u>NEW SECTION.</u> Section 7. Termination. [Section 4(3)] terminates 6 months following [the effective date of this act]."

And this Conference Committee report be adopted.

For the House:

For the Senate:

Rep. Trexler /Chair

Rep. Cocchiarella

Bookout

Sénator Mohl, Chair

Senator Baer

Senator Nelson

821011CC.Hgd

1	HOUSE BILL NO. 99
2	INTRODUCED BY TREXLER
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE TRAFFIC REGULATIONS IN A HIGHWAY
5	CONSTRUCTION AREA; CREATING A SEPARATE PENALTY FOR SPEEDING IN A CONSTRUCTION ZONE.
6	ESTABLISHING SPEED REGULATIONS IN A CONSTRUCTION ZONE AND A WORK ZONE; CREATING THE
7	OFFENSE OF RECKLESS ENDANGERMENT OF HIGHWAY WORKERS; DEFINING "HIGHWAY WORKER",
8	"CONSTRUCTION ZONE", AND "WORK ZONE"; DOUBLING THE PENALTY PENALTIES FOR SPEEDING
9	TRAFFIC VIOLATIONS IN A WORK ZONE; PROVIDING FOR DELAYED ENFORCEMENT OF RECKLESS
10	ENDANGERMENT OF HIGHWAY WORKERS; AND AMENDING SECTION SECTIONS 61-8-303 AND
11	61-8-715, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."
12	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	Refer to Introduced [First Reading] Bill
15	Strike everything after the enacting clause and insert:
16	
17	NEW SECTION. Section 1. Speed restrictions TRAFFIC VIOLATIONS in construction zone and
18	work zone definitions. (1) As used in this section, the following definitions apply:
19	(a) "Construction zone" means an area on a public highway or on the adjacent right-of-way where
20	construction, repair, maintenance, or survey work is being performed by the department of transportation,
21	a local authority, a utility company, or a private contractor under contract with the department of
22	transportation or a local authority. A construction zone does not MAY include a work zone.
23	(b) "Public highway" has the same meaning as in 60-1-103.
24	(c) "Work zone" means the area where the construction, repair, maintenance, or survey work is
25	actually taking place. A work zone connects to but is not part of a construction zone.
26	(2) A person may not operate a motor vehicle in a construction zone or in a work zone on a public
27	highway in excess of the speed limit posted in the construction zone or the work zone. <u>VIOLATION OF ANY</u>
28	OF THE PROVISIONS OF PART 3 OF THIS CHAPTER.
2 9	(3) The speed limit IN A CONSTRUCTION ZONE OR IN A WORK ZONE must be set by the
30	department of transportation or the local authority based on traffic conditions or the condition of the



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construction, repair, maintenance, or survey project. 1 2 (3) (4) (a) The department of transportation, the local authority, the utility company, or the private contractor shall post signs that conform to the department of transportation's manual on uniform traffic 3 4 control devices and that indicate the boundaries of the construction zone and the work zone and the speed 5 limit in effect within both zones. 6 (b) The department of transportation, the local authority, the utility company, or the private contractor shall clearly indicate at the boundary of a work CONSTRUCTION zone that a person who violates 7 8 the speed restriction ANY OF THE PROVISIONS OF PART 3 OF THIS CHAPTER in the work zone is subject 9 to the fine provided in subsection (4)(5)(a). 10 (c) The boundaries of the work zone may not exceed 500 feet in advance of and beyond the actual 11 construction activity. 12 (4)(5) (a) A person convicted of a TRAFFIC violation of a speed restriction in a work zone is guilty of a misdemeanor. Upon arrest and conviction, the person shall be punished by a fine of not less than 13 double the penalty provided for in 61.8-711(2) THE VIOLATION IN PART 7 OF THIS CHAPTER. 14 (b) A person convicted of a TRAFFIC violation of a speed restriction in a construction zone is guilty 15 16 of a misdemeanor. Upon arrest and conviction, the person is subject to the penalty provided for in 17 61-8-711(2) THE VIOLATION IN PART 7 OF THIS CHAPTER. 18 SECTION 2. RECKLESS ENDANGERMENT OF HIGHWAY WORKERS --19 NEW SECTION. 20 DEFINITION. (1) AS USED IN THIS SECTION, "HIGHWAY WORKER" MEANS AN EMPLOYEE OF THE 21 DEPARTMENT OF TRANSPORTATION, A LOCAL AUTHORITY, A UTILITY COMPANY, OR A PRIVATE 22 CONTRACTOR. 23 (2) A PERSON COMMITS THE OFFENSE OF RECKLESS ENDANGERMENT OF HIGHWAY WORKERS 24 IF THE PERSON PURPOSELY, KNOWINGLY, OR NEGLIGENTLY DRIVES A MOTOR VEHICLE IN A HIGHWAY 25 CONSTRUCTION ZONE IN SUCH A MANNER AS TO ENDANGER PERSONS OR PROPERTY OR IF THE 26 PERSON PURPOSELY REMOVES, IGNORES, OR INTENTIONALLY STRIKES A TRAFFIC CONTROL DEVICE IN A HIGHWAY CONSTRUCTION ZONE FOR REASONS OTHER THAN: 27 28 (A) AVOIDANCE OF AN OBSTACLE; 29 (B) AN EMERGENCY; OR 30 (C) TO PROTECT THE HEALTH OR SAFETY OF AN OCCUPANT OF THE VEHICLE OR ANOTHER



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1	PERSON.							
2								
3	Section 3. Section 61-8-303, MCA, is amended to read:							
4	"61-8-303. Speed restrictions basic rule. (1) A person operating or driving a vehicle of any							
5	character on a public highway of this state shall drive the vehicle in a careful and prudent manner and at							
6	a rate of speed no greater than is reasonable and proper under the conditions existing at the point of							
7	operation, taking into account the amount and character of traffic, condition of brakes, weight of vehicle,							
8	grade and width of highway, condition of surface, and freedom of obstruction to the view ahead. The							
9	person operating or driving the vehicle shall drive the vehicle so as not to unduly or unreasonably endanger							
10	the life, limb, property, or other rights of a person entitled to the use of the street or highway.							
11	(2) When no special hazard exists that requires lower speed for compliance with subsection (1),							
12	the speed of a vehicle not in excess of the limits specified in this section or established as authorized in							
13	61-8-309 through 61-8-311 and 61-8-313 is lawful, but a speed in excess of the following limits is							
14	unlawful:							
15	(a) 25 miles per hour in an urban district;							
16	(b) 35 miles per hour on a highway under construction or repair or on a highway being surveyed,							
17	unless the department establishes and posts a different limit due to traffic conditions or the condition of							
18	the construction, repair, or survey project;							
19	(c)(b) 55 miles per hour in other locations during the nighttime, except that the nighttime speed							
20	limit on completed sections of interstate highways is 65 miles per hour.							
21	(3) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime"							
22	means at any other hour.							
23	(4) The speed limits set forth in this section may be altered by the transportation commission or							
24	a local authority as authorized in 61-8-309, 61-8-310, and 61-8-313 <u>, and [section 1]</u> .							
25	(5) The driver of a vehicle shall, consistent with subsection (1), drive at an appropriate reduced							
26	speed when approaching and crossing an intersection or railway grade crossing, when approaching and							
27	going around a curve, when approaching a hill crest, when traveling upon a narrow or winding roadway,							
28	and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or							
29	highway condition."							
30								



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SECTION 4. SECTION 61-8-715, MCA, IS AMENDED TO READ:

"61-8-715. Reckless driving -- reckless endangerment of highway workers -- penalty. (1) A person
convicted of reckless driving under 61-8-301(1)(a) or (1)(c) or convicted of reckless endangerment of
highway workers under [section 2] shall be punished upon a first conviction by imprisonment for a period
of not more than 90 days, or by fine of not less than \$25 or more than \$300, or by both such fine and
imprisonment, and on On a second or subsequent conviction the person shall be punished by imprisonment
for not less than 10 days or more than 6 months, or by a fine of not less than \$50 or more than \$500, or
by both such fine and imprisonment.

9 (2) A person convicted of reckless driving under 61-8-301(1)(b) shall be punished by imprisonment 10 in the county or city jail for not less than 10 days or more than 6 months to which may be added, at the 11 discretion of the court, a fine of not less than \$300 or more than \$500. On a second or subsequent 12 conviction, he the person shall be punished by imprisonment for a term of not less than 30 days or more 13 than 1 year to which may be added at the discretion of the court a fine of not less than \$500 or more than 14 \$1,000.

(3) (A) FOR A 6-MONTH GRACE PERIOD FOLLOWING [THE EFFECTIVE DATE OF THIS ACT], A 15 PEACE OFFICER SHALL ISSUE ONE WARNING CITATION TO A PERSON FOUND RECKLESSLY 16 17 ENDANGERING A HIGHWAY WORKER AS THE OFFENSE IS DESCRIBED IN [SECTION 2]. IF THAT PERSON 18 IS FOUND RECKLESSLY ENDANGERING A HIGHWAY WORKER A SECOND OR SUBSEQUENT TIME DURING THE GRACE PERIOD, THE PERSON IS SUBJECT TO THE PENALTIES PROVIDED IN THIS SECTION. 19 20 (B) AT THE EXPIRATION OF THE GRACE PERIOD, THE PENALTIES PROVIDED IN THIS SECTION 21 APPLY TO ALL CONVICTIONS OF RECKLESS ENDANGERMENT OF A HIGHWAY WORKER. 22 (C) THE GRACE PERIOD PROVIDED IN SUBSECTION (3)(A) APPLIES ONLY TO RECKLESS

23 ENDANGERMENT OF A HIGHWAY WORKER AS DEFINED IN [SECTION 2] AND DOES NOT AFFECT THE
 24 PENALTIES FOR OR ENFORCEMENT OF ANY OTHER VIOLATION OF TRAFFIC REGULATIONS PROVIDED
 25 IN TITLE 61."

26

27 <u>NEW SECTION.</u> Section 5. Codification instruction. [Section SECTIONS 1 AND 2] is ARE intended 28 to be codified as an integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, 29 part 3, apply to [section SECTIONS 1 AND 2].

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1	NEW	SECTION.	SECTION 6.	EFFECTIVE DAT	E. [THIS ACT]	IS EFFECTIVE	ON PAS	<u>SAGE AND</u>
2	APPROVAL.							
3								
4	NEW	SECTION.	SECTION 7	. TERMINATIO	N. (SECTION	4(3)] TERMI	NATES 6	MONTHS
5	FOLLOWING	ITHE EFFE	CTIVE DATE C	OF THIS ACT].				
6				-END	-			

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