

House BILL NO. 423

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INTRODUCED BY Krenzler W. Ryan Zeller
Koch Hurdle

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF RECKLESS ENDANGERMENT OF HIGHWAY WORKERS; DOUBLING THE FINES FOR TRAFFIC VIOLATIONS IN A HIGHWAY WORK ZONE; DEFINING "HIGHWAY WORK ZONE" AND "HIGHWAY WORKER"; AND AMENDING SECTION 61-8-715, MCA."

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

NEW SECTION. **Section 1. Highway worker.** "Highway worker" means an employee of the department of transportation, a local authority, a utility company, or a private contractor working in a highway work zone.

NEW SECTION. **Section 2. Highway work zone.** "Highway work zone" means an area on a public highway or on the adjacent right-of-way identified by advanced signing where construction, repair, maintenance, or survey work is being performed by the department of transportation, a local authority, a utility company, or a private contractor under contract with the department of transportation or a local authority.

NEW SECTION. **Section 3. Reckless endangerment of highway workers.** A person commits the offense of reckless endangerment of highway workers if the person drives a motor vehicle in a highway work zone in such a manner as to endanger persons or property or if the person removes, evades, or intentionally strikes a traffic control device in a highway work zone.

NEW SECTION. **Section 4. Violation of a traffic regulation in a highway work zone -- penalty.** (1) A person who is convicted of violating any of the provisions of part 3 of this chapter while operating a motor vehicle in a highway work zone shall be punished by double the fine provided for the violation in this part.

(2) A court may not waive, reduce, or suspend the fine imposed by this section.

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0423, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act creating the offense of reckless endangerment of highway workers; doubling the fines for traffic violations in a highway work zone; defining "Highway Work Zone" and "Highway Worker".

ASSUMPTIONS:

1. Montana Highway Patrol officers will continue to cite violators for violations included in this bill involving reckless endangerment of highway workers.
2. There will be no additional signing or work zone safety requirements for the Department of Transportation maintenance construction programs
3. Increased revenue will be generated as a result of the doubling of the highway work zone fines for the new offense of reckless endangerment of highway workers. Because this is a new offense without previous history of the number of violations, coupled with the fact that individual judges will continue to have broad discretion in sentencing, the amount of additional revenue is not able to be determined.

FISCAL IMPACT:

None.

TECHNICAL NOTES:

1. Individual specific records are not kept which allow compilation of data regarding highway work zone violations. A manual search of the records in each court would have to be completed to obtain the information.


DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

BILLIE KRENZLER, PRIMARY SPONSOR DATE

Fiscal Note for HB0423, as introduced

HB 423

1 HOUSE BILL NO. 423

2 INTRODUCED BY KRENZLER, RYAN, GILLAN, KOTTEL, HURDLE

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5 HIGHWAY WORKERS; DOUBLING THE FINES FOR TRAFFIC VIOLATIONS IN A HIGHWAY WORK ZONE;
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12 department of transportation, a local authority, a utility company, or a private contractor working in a
13 highway work zone.14
15 NEW SECTION. Section 2. Highway work zone -- NOTICE. (1) "Highway work zone" means an
16 area on a public highway or on the adjacent right-of-way identified by advanced signing where construction,
17 repair, maintenance, or survey work is being performed by the department of transportation, a local
18 authority, a utility company, or a private contractor under contract with the department of transportation
19 or a local authority.20 (2) WHEN A HIGHWAY WORK ZONE IS CREATED, THE DEPARTMENT OF TRANSPORTATION,
21 A LOCAL AUTHORITY, A UTILITY COMPANY, OR A PRIVATE CONTRACTOR SHALL POST SIGNS TO GIVE
22 MOTORISTS NOTICE OF THE PROVISIONS OF [SECTIONS 3 AND 4].23
24 NEW SECTION. Section 3. Reckless endangerment of highway workers. A person commits the
25 offense of reckless endangerment of highway workers if the person drives a motor vehicle in a highway
26 work zone in such a manner as to endanger persons or property or if the person removes, ~~evades~~ IGNORES,
27 or intentionally strikes a traffic control device in a highway work zone.28
29 NEW SECTION. Section 4. Violation of a traffic regulation in a highway work zone -- penalty. (1)
30 A person who is convicted of violating any of the provisions of part 3 of this chapter while operating a

1 motor vehicle in a highway work zone shall be punished by double the fine provided for the violation in this
2 part.

3 (2) A court may not waive, reduce, or suspend the fine imposed by this section.

4

5 **Section 5.** Section 61-8-715, MCA, is amended to read:

6 **"61-8-715. Reckless driving -- reckless endangerment of highway workers -- penalty.** (1) A person
7 convicted of reckless driving under 61-8-301(1)(a) or (1)(c) or convicted of reckless endangerment of
8 highway workers under [section 3] shall be punished upon a first conviction by imprisonment for a period
9 of not more than 90 days, ~~or~~ by a fine of not less than \$25 or more than \$300, ~~or by both such fine and~~
10 ~~imprisonment,~~ and on a second or subsequent conviction the person shall be punished by imprisonment
11 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
12 by both ~~such fine and imprisonment.~~

13 (2) A person convicted of reckless driving under 61-8-301(1)(b) shall be punished by imprisonment
14 in the county or city jail for not less than 10 days or more than 6 months to which may be added, at the
15 discretion of the court, a fine of not less than \$300 or more than \$500. On a second or subsequent
16 conviction, ~~he~~ the person shall be punished by imprisonment for a term of not less than 30 days or more
17 than 1 year to which may be added at the discretion of the court a fine of not less than \$500 or more than
18 \$1,000."

19

20 **NEW SECTION. Section 6. Codification instruction.** (1) [Section 1] is intended to be codified as
21 an integral part of Title 61, chapter 1, part 3, and the provisions of Title 61, chapter 1, part 3, apply to
22 [section 1].

23 (2) [Section 2] is intended to be codified as an integral part of Title 61, chapter 1, part 5, and the
24 provisions of Title 61, chapter 1, part 5, apply to [section 2].

25 (3) [Section 3] is intended to be codified as an integral part of Title 61, chapter 8, part 3, and the
26 provisions of Title 61, chapter 8, part 3, apply to [section 3].

27 (4) [Section 4] is intended to be codified as an integral part of Title 61, chapter 8, part 7, and the
28 provisions of Title 61, chapter 8, part 7, apply to [section 4].

29

-END-

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-END-