

## 1 SENATE BILL NO. 64

2 INTRODUCED BY CRIPPEN

3 BY REQUEST OF THE GOVERNOR AND THE DEPARTMENT OF JUSTICE

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT ENHANCING THE PUBLIC SAFETY ON MONTANA ROADWAYS  
6 BY IMPOSING A DAYTIME SPEED LIMIT ON FEDERAL-AID INTERSTATE AND OTHER PUBLIC HIGHWAYS  
7 OF THE STATE; ESTABLISHING A PENALTY SCHEDULE AND PROVIDING MISDEMEANOR PENALTIES FOR  
8 MOST VIOLATIONS; AMENDING SECTIONS 7-14-2113, 61-8-304, AND 61-8-718, MCA; REPEALING  
9 SECTIONS 61-8-305, 61-8-306, 61-8-307, AND 61-11-103, MCA; AND PROVIDING AN EFFECTIVE  
10 DATE."

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

13  
14 **Section 1.** Section 7-14-2113, MCA, is amended to read:

15 "7-14-2113. **County authority to establish speed limits.** A board of county commissioners may,  
16 by ordinance, establish a special speed limit in accordance with ~~61-8-306~~ and 61-8-310 on any county  
17 road."

18  
19 **Section 2.** Section 61-8-304, MCA, is amended to read:

20 "**61-8-304. ~~Fuel conservation~~ Daytime speed limit -- exception to the basic rule.** (1) ~~In order to~~  
21 ~~insure conservation of a resource, Except as provided in 61-8-312, the daytime~~ speed limit for vehicles  
22 traveling on a federal-aid interstate highway ~~outside an urbanized area of 50,000 population or more~~ is ~~65~~  
23 75 miles an hour and the daytime speed limit for vehicles traveling on ~~federal-aid interstate highways within~~  
24 ~~an urbanized area of 50,000 population or more or on~~ any other public highway of this state is ~~55~~ 65 miles  
25 an hour, except as provided ~~under~~ in 61-8-309.

26 (2) ~~A speed limit imposed pursuant to this section is an exception to the requirements of 61-8-303~~  
27 ~~and 61-8-312, and a speed in excess of the speed limit established pursuant to this section is unlawful~~  
28 notwithstanding any provision of 61-8-303 ~~and 61-8-312.~~"

29  
30 **Section 3.** Section 61-8-718, MCA, is amended to read:

1           **"61-8-718. Penalty for violation of fuel conservation daytime speed limit.** (1) ~~A Except as provided~~  
 2 ~~in subsection (2), a person violating the speed limit imposed pursuant to 61-8-304 is guilty of the offense~~  
 3 ~~of unnecessary waste of a resource and upon conviction shall be fined \$5, and no jail sentence may be~~  
 4 ~~imposed. Bond for this offense shall be \$5, a misdemeanor and shall be fined in accordance with the~~  
 5 ~~following schedule:~~

<u>Amount of Fine</u>	<u>Speed on Federal-Aid Interstate Highway</u>	<u>Speed on Other Public Highways</u>
<u>\$ 40</u>	<u>86-90 mph</u>	<u>76-80 mph</u>
<u>55</u>	<u>91-95 mph</u>	<u>81-85 mph</u>
<u>75</u>	<u>96-100 mph</u>	<u>86-90 mph</u>
<u>100</u>	<u>101+ mph</u>	<u>91+ mph</u>

12  
 13           (2) ~~A If the speed limit imposed pursuant to 61-8-304 is exceeded by no more than 10 miles an~~  
 14 ~~hour, the driver of the vehicle shall upon conviction be fined \$25. violation of 61-8-304 is not a~~  
 15 ~~misdemeanor pursuant to 45-2-101, 61-8-104, or 61-8-711. A violation under this subsection may not be~~  
 16 ~~recorded or charged against the driver's record, and an insurance company may not hold a violation against~~  
 17 ~~the insured or increase premiums because of a violation under this subsection."~~

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

22           (2) The basic rule imposed by 61-8-303, requiring careful and prudent operation of a vehicle, does  
 23 not authorize speeds higher than those established by the maximum numerical speed limits imposed under  
 24 this part.

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

29  
 30           **NEW SECTION. Section 6. Repealer.** Sections 61-8-305, 61-8-306, 61-8-307, and 61-11-103,

1 MCA, are repealed.

2

3 NEW SECTION. Section 7. **Effective date.** [This act] is effective May 22, 1997.

4

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0064, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act enhancing the public safety on Montana roadways by imposing a daytime speed limit on federal-aid interstate and other public highways of the state; establishing a penalty schedule and providing misdemeanor penalties for most violations.

ASSUMPTIONS:

1. The Montana Highway Patrol (MHP) issued an average of 60,000 \$5 citations per year prior to the repeal of the speed limit law generating annual revenues of \$300,000.
2. The MHP issued an average of 3,000 basic rule citations per year prior to the repeal of the speed limit law generating annual revenues of \$210,000.
3. The MHP issued 12,000 basic rule citations in 1996 for \$840,000 in revenues.
4. If SB0064 is passed as introduced:
  - a. It is estimated that 40,000 citations would be issued per year. Of the 40,000 citations issued 60 percent or 24,000 would be for the minimal \$25 fine, and 40 percent or 16,000 would be for an average fine of \$70.00 per year. Annual revenues generated would be \$1,720,000.
  - b. Revenues generated from the issuance of basic rule citations would revert to the pre-December 8, 1995, repeal of the speed limit law level of \$210,000 annually.  
Basic rule 1996 revenues of \$840,000 minus basic rule 1995 revenues of \$210,000 = \$630,000.
  - c. Based on the two assumptions made above, projected annual new revenues would be \$1,090,000 (\$1,720,000 minus \$630,000).
5. There would be no additional costs or expenses incurred by the Highway Patrol Division.
6. Revenues would be distributed in accordance with 3-10-601(3), MCA, with 50 percent to the state treasurer for deposit in the state general fund and 50 percent to the county general fund.

FISCAL IMPACT:

Revenues:

	<u>FY98</u>	<u>FY99</u>
	<u>Difference</u>	<u>Difference</u>
General Fund(01)	545,000	545,000

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

In addition, general fund revenue for the counties would increase by about \$545,000 per year.

Dave Lewis 1-8-97  
 DAVE LEWIS, BUDGET DIRECTOR      DATE  
 Office of Budget and Program Planning

Bruce Crippen 1-9-97  
 BRUCE CRIPPEN, PRIMARY SPONSOR      DATE

STATE OF MONTANA - FISCAL NOTE

Revised Fiscal Note for SB0064, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act enhancing the public safety on Montana roadways by imposing a daytime speed limit on federal-aid interstate and other public highways of the state; establishing a penalty schedule and providing misdemeanor penalties for most violations.

ASSUMPTIONS:


**Department of Justice, Montana Highway Patrol:**


1. The Montana Highway Patrol (MHP) issued an average of 60,000 \$5 citations per year prior to the repeal of the speed limit law generating annual revenues of \$300,000.
2. The MHP issued an average of 3,000 basic rule citations per year prior to the repeal of the speed limit law generating annual revenues of \$210,000.
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  - b. Revenues generated from the issuance of basic rule citations would revert to the pre-December 8, 1995, repeal of the speed limit law level of \$210,000 annually.  
Basic rule 1996 revenues of \$840,000 minus basic rule 1995 revenues of \$210,000 = \$630,000.
  - c. Based on the two assumptions made above, projected annual new revenues would be \$1,090,000 (\$1,720,000 minus \$630,000).
5. There would be no additional costs or expenses incurred by the Highway Patrol Division.
6. Revenues would be distributed in accordance with 3-10-601(3), MCA, with 50 percent to the state treasurer for deposit in the state general fund and 50 percent to the county general fund.

**Montana Department of Transportation (MDT):**

7. MDT would be responsible for physically changing all signs on the state system.
8. The costs are estimated assuming the work would be accomplished by contract through the construction program for the following reason. If the work is accomplished through the construction program it will be contracted. If the work is accomplished through the maintenance program current staff can not handle the workload and they would have to contract the project. Engineering has the current unit bid costs and whether it is contracted through maintenance or the construction program the costs would be similar.
9. Maintenance would maintain the signs after they are erected.
10. The current bill would require existing sign faces to be replaced and the addition of one sign and post for each location. This would allow for one speed limit sign for automobiles showing day and night time speed limits and a second sign for the truck speed limit.
11. Signs would need to be changed at 1,470 locations through out the state, and a second sign and post added at each of the 1,470 locations at an average cost of \$950 per location. (1470 x \$950 = \$1,396,500)  
(Calculations and drawings are available in the Engineering Division office.)

(Continued)

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

  
BRUCE CRIPPEN, PRIMARY SPONSOR      DATE  
1/22/97

Rev. Fiscal Note for SB0064, as introduced

Rev. SB 64 #2

12. MDT would have to maintain and repair the newly erected 1,470 signs and supports. Approximately 17 percent, 250 signs, would have to be replaced yearly due to accident and/or vandalism. Figures are based on fiscal 1996 maintenance management system data. The average cost per sign in fiscal 1998 is estimated to be \$382.50 and \$394 in fiscal 1999. Fiscal 1998 cost of \$382.50 x 250 signs = \$95,625. Fiscal 1999 cost of \$394 x 250 = \$98,500.
13. Average replacement was assumed to be 20 square feet single post design.
14. The additional signs, maintenance, and care are not part of the department's current budget base.
15. Cost of signs will increase by three percent per year.
16. The federal funds used for the construction portion would reduce the amount of federal funding to be applied to the construction of highways.

FISCAL IMPACT:

**Department of Justice, Montana Highway Patrol (MHP):**

	<u>FY98</u>	<u>FY99</u>
<u>Revenues:</u>	<u>Difference</u>	<u>Difference</u>
General Fund(01)	545,000	545,000

**Montana Department of Transportation (MDT):**

Expenditures:

Construction Expenses	1,396,500	0
Maintenance Expenses	<u>95,625</u>	<u>98,500</u>
Total	1,492,125	98,500

Funding:

Highway Special Revenue (02)		
Construction	279,300	0
Maintenance	<u>95,925</u>	<u>98,500</u>
Total SSR	374,925	98,500
Federal Special Revenue (03)	<u>1,117,200</u>	<u>0</u>
Total	1,492,125	98,500

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

General fund revenues for the counties would increase by about \$545,000 per year.

This bill may require local governments to spend additional sums for which no specific means of financing are provided. Section 1-2-114, MCA, provides that bills which have such an impact may not be introduced. There is no way to estimate the cost to acquire and install revised speed limit signs in each county. The cost would vary depending on the number of roads and signing requirements.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The Department of Transportation would be required to maintain 1,470 additional speed limit signs statewide. Each year a portion of the additional signs would have to be replaced due to vandalism, accidents, poor reflectivity and other damages. The additional signs would require cleaning and bolt tightening as needed. The speed limit sign itself has a useful life of 10 to 14 years.

ON MOTION RECONSIDER  
ADVERSE COMMITTEE REPORT

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**Section 2.** Section 61-8-304, MCA, is amended to read:

**"61-8-304. ~~Fuel conservation~~ Daytime speed limit -- exception to the basic rule.** (1) ~~In order to insure conservation of a resource, Except as provided in 61-8-312, the daytime speed limit for vehicles traveling on a federal-aid interstate highway outside an urbanized area of 50,000 population or more is 65 75 80 miles an hour and the daytime speed limit for vehicles traveling on federal-aid interstate highways within an urbanized area of 50,000 population or more or on any other public highway of this state is 55 65 80 miles an hour, except as provided under in 61-8-309.~~

(2) ~~A speed limit imposed pursuant to this section is an exception to the requirements of 61-8-303 and 61-8-312, and a speed in excess of the speed limit established pursuant to this section is unlawful notwithstanding any provision of 61-8-303 and 61-8-312.~~"

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

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 4 imposed. Bond for this offense shall be \$5, a misdemeanor and shall be fined in accordance with the  
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