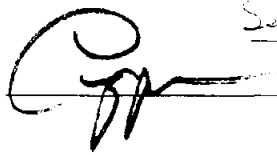


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INTRODUCED BY



*Senate* BILL NO. 360

A BILL FOR AN ACT ENTITLED: "AN ACT ENHANCING THE PUBLIC SAFETY ON MONTANA HIGHWAYS BY REVISING THE LAWS PERTAINING TO VIOLATIONS OF SPEED RESTRICTIONS; IMPOSING SPECIAL SPEED LIMITATIONS ON ALL VEHICLES EXCEEDING 10,000 POUNDS; AMENDING SECTIONS 7-14-2113, 61-8-303, AND 61-8-312, MCA; REPEALING SECTIONS 61-8-304, 61-8-305, 61-8-306, 61-8-307, 61-8-718, AND 61-11-103, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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

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

**Section 2.** 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 the vehicle 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; or

(b) drive at an appropriate reduced speed when:

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

1 (ii) approaching and going around a curve;

2 (iii) approaching a hill crest;

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

4 (v) a special hazard exists involving pedestrians or other traffic or because of weather or highway  
 5 condition. The person operating or driving the vehicle shall drive the vehicle so as not to unduly or  
 6 unreasonably endanger the life, limb, property, or other rights of a person entitled to the use of the street  
 7 or highway.

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

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

13 (b) 35 miles ~~per~~ an hour on a highway under construction or repair or on a highway being  
 14 surveyed, unless the department establishes and posts a different limit ~~due to~~ because of traffic conditions  
 15 or the condition of the construction, repair, or survey project;

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

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

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

22 ~~(5) The driver of a vehicle shall, consistent with subsection (1), drive at an appropriate reduced~~  
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 24 ~~going around a curve, when approaching a hill crest, when traveling upon a narrow or winding roadway,~~  
 25 ~~and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or~~  
 26 ~~highway condition."~~

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 28 **Section 3.** Section 61-8-312, MCA, is amended to read:

29 **"61-8-312. Special speed limitations on trucks, truck tractors, vehicles exceeding 10,000 pounds**  
 30 **and motor-driven cycles, and vehicles towing house trailers.** (1) A person may not operate a truck or truck

1 ~~tractor~~ vehicle, the gross vehicle weight or rating of which exceeds ~~8,000~~ 10,000 pounds, at a speed  
2 greater than 65 miles per an hour on ~~these~~ completed sections of interstate and ~~four-lane divided~~ highways  
3 and 60 miles per an hour on ~~these completed sections of~~ primary and secondary highways. However, the  
4 ~~truck~~ nighttime speed limit of a vehicle exceeding 10,000 pounds may not exceed that of automobiles, as  
5 stated in 61-8-303.

6 (2) A person may not operate a vehicle subject to a term permit under 61-10-124(3)(d) or a  
7 truck-trailer-trailer or truck tractor-semitrailer-trailer-trailer combination of vehicles subject to special permits  
8 under 61-10-124(6) at a speed greater than 55 miles per an hour.

9 (3) A person may not operate a motor-driven cycle at any time mentioned in 61-9-201 at a speed  
10 greater than 35 miles per an hour unless the motor-driven cycle is equipped with a headlamp or lamps that  
11 are adequate to reveal a person or vehicle at a distance of 300 feet ahead.

12 ~~(4) A person may not operate a vehicle that is towing a housetrailer at a speed greater than a~~  
13 ~~maximum of 50 miles per hour."~~

14  
15 NEW SECTION. **Section 4. Repealer.** Sections 61-8-304, 61-8-305, 61-8-306, 61-8-307,  
16 61-8-718, and 61-11-103, MCA, are repealed.

17  
18 NEW SECTION. **Section 5. Effective date.** [This act] is effective May 22, 1997.

19 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0360, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

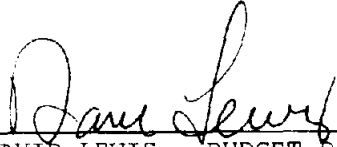
An act enhancing the public safety on Montana highways by revising the laws pertaining to violations of speed restrictions; imposing special speed limitations on all vehicles exceeding 10,000 pounds.

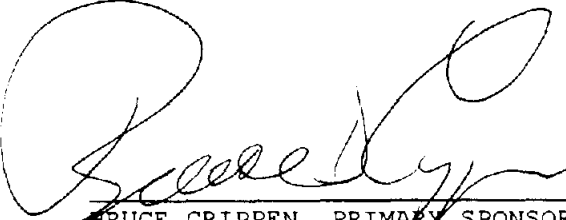
ASSUMPTIONS:

1. Highway Patrol officers would continue to issue citations for violation of this section of law at the same rate (6,825 in 1996).
2. The conviction rate for issued citations would increase based on clarification of elements within the statute.
3. Highway Patrol officers would see a slight reduction in case preparation time and court time leading to increased efficiency and time savings.

FISCAL IMPACT:

The fiscal impact to the state would be minimal.

 2-18-97  
DAVID LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

 2/18/97  
BRUCE CRIPPEN, PRIMARY SPONSOR      DATE

Fiscal Note for SB0360, as introduced

**58360**

## 1 SENATE BILL NO. 360

2 INTRODUCED BY CRIPPEN

3  
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17 **Section 2.** Section 61-8-303, MCA, is amended to read:

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20 a rate of speed no greater than is reasonable and proper under the conditions existing at the point of  
21 operation, ~~taking into account.~~ A person violates this section if the person fails to:

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

23 (i) the amount and character of traffic;

24 (ii) the condition of the brakes;

25 (iii) the weight of the vehicle;

26 (iv) the grade and width of the highway;

27 (v) the condition of the surface; and

28 (vi) freedom of obstruction to the view ahead; or

29 (b) drive at an appropriate reduced speed when:

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

- 1           (ii) approaching and going around a curve;  
 2           (iii) approaching a hill crest;  
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8           (2) When ~~no~~ a special hazard exists does not exist that requires lower speed for compliance with  
 9 subsection (1), the speed of a vehicle not in excess of the limits specified in this section or established as  
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- 12           (a) 25 miles ~~per~~ an hour in an urban district;  
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 15 or the condition of the construction, repair, or survey project;  
 16           (c) 55 miles ~~per~~ an hour in other locations during the nighttime, except that the nighttime speed  
 17 limit on completed sections of interstate highways is 65 miles ~~per~~ an hour.

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

20           (4) The speed limits set forth in this section may be altered by the transportation commission or  
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28           Section 3. Section 61-8-312, MCA, is amended to read:

29           "**61-8-312. Special speed limitations on trucks, truck tractors, vehicles exceeding 10,000 pounds**  
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9 (3) A person may not operate a motor-driven cycle at any time mentioned in 61-9-201 at a speed  
 10 greater than 35 miles ~~per an~~ hour unless the motor-driven cycle is equipped with a headlamp or lamps that  
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18 NEW SECTION. **Section 5. Effective date.** [This act] is effective ~~May 22, 1997~~ ON PASSAGE

19 AND APPROVAL.

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