

HOUSE BILL NO. 414

INTRODUCED BY E. STAFMAN, D. BAUM

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A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING LOCAL GOVERNMENT USE OF CERTAIN AUTOMATED TRAFFIC ENFORCEMENT SYSTEMS; AND AMENDING SECTIONS 61-8-203 AND 61-8-206, MCA."

WHEREAS, Kelly Fulton, was born on June 5, 1982, in Billings, Montana; and

WHEREAS, Kelly Fulton taught mathematics to students at Bozeman High School until October 2022 and was tragically killed when he was hit by a vehicle while riding his bike to work; and

WHEREAS, this act is intended to honor Kelly Fulton's memory.

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

Section 1. Section 61-8-203, MCA, is amended to read:

"61-8-203. Department of transportation to place traffic control devices on highways it maintains and approve traffic control devices on highways under its jurisdiction. (1) The department of transportation shall place and maintain traffic control devices, conforming to its manual and specifications, ~~upon~~ on all highways maintained by the department of transportation that the department considers necessary to carry out the provisions of chapter 9 and this chapter or to regulate, warn, or guide traffic.

(2) A local authority or other entity may not place or maintain a traffic control device ~~upon~~ on a highway under the jurisdiction of the department of transportation except with the department's permission.

(3) The unauthorized erection of a sign, marker, emblem, or other traffic control device on a highway under the jurisdiction of the department of transportation by any other entity is a misdemeanor and is punishable as provided in 61-8-712.

(4) The erection or maintenance of a sign, marker, emblem, or traffic control device on a highway under the jurisdiction of the department of transportation is subject to the rules and specifications that the department adopts and publishes in the interest of public safety and convenience.

1 (5) (a) An automated enforcement system designed to detect traffic violations that is attached to a
2 traffic control device may not be used to enforce traffic laws.

3 (b) Subsection (5)(a) does not apply to:

4 (i) red light cameras attached to traffic control devices at intersections; or

5 (ii) automated enforcement systems attached to traffic control devices at railroad grade crossings."

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7 **Section 2.** Section 61-8-206, MCA, is amended to read:

8 **"61-8-206. Local traffic control devices.** (1) Local authorities in their respective jurisdictions shall
9 place and maintain traffic control devices ~~upon~~on highways under their jurisdiction that they consider
10 necessary to indicate and to carry out the provisions of this chapter or local traffic ordinances or to regulate,
11 warn, or guide traffic. All traffic control devices must conform to the state manual and specifications.

12 (2) (a) An automated enforcement system designed to detect traffic violations that is attached to a
13 traffic control device may not be used to enforce traffic laws.

14 (b) Subsection (2)(a) does not apply to:

15 (i) red light cameras attached to traffic control devices at intersections; or

16 (ii) automated enforcement systems attached to traffic control devices at railroad grade crossings."

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