

1 HOUSE BILL NO. 55

2 INTRODUCED BY G. HOLLENBAUGH

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT A TRAFFIC VIOLATION IN A SPECIAL SPEED
6 ZONE IS A MISDEMEANOR OFFENSE; ESTABLISHING PENALTIES; AND AMENDING SECTIONS 61-8-309
7 AND 61-8-310, MCA."

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

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11 **Section 1.** Section 61-8-309, MCA, is amended to read:

12 **"61-8-309. Establishment of special speed zones -- penalty.** (1) (a) If the commission determines
13 upon the basis of an engineering and traffic investigation that a speed limit set by 61-8-303 is greater or less than
14 is reasonable or safe under the conditions found to exist at an intersection, curve, or dangerous location or on
15 a segment of a highway less than 50 miles in length under its jurisdiction, the commission may set a reasonable
16 and safe special speed limit at that location.

17 (b) If a local authority requests the department of transportation or an engineer, as provided in subsection
18 (1)(c)(i), to conduct an engineering and traffic investigation based on the belief that a speed limit on a highway
19 under the jurisdiction of the department of transportation is greater than is reasonable or safe, the commission
20 may not increase the speed limit under consideration as a result of the investigation.

21 (c) (i) A local authority may request at its own expense that an engineering and traffic investigation be
22 completed by a licensed professional engineer selected from a list compiled and approved by a committee as
23 provided in subsection (1)(c)(ii).

24 (ii) A committee containing two department of transportation staff appointed by the director and two
25 representatives of associations whose membership comprises cities, towns, and counties, as authorized by
26 7-5-2141 and 7-5-4141, shall review credentials submitted by licensed professional engineers and shall determine
27 who appears on the list of individuals authorized to conduct engineering and traffic investigations for local
28 governments. The list must be updated every 2 years.

29 (iii) Upon completion of an engineering and traffic investigation conducted for a local government, the
30 department of transportation shall submit a report to the commission with findings and recommendations. The

1 commission shall decide on an appropriate speed limit based on the traffic investigation within 120 days from the
2 date the investigation is submitted to the department of transportation.

3 (d) A local authority may request a temporary special reduced or increased speed zone for a route or
4 route segment that is under consideration for a reduced or increased speed limit under subsection (1)(a), (1)(b),
5 or (1)(c). If a local authority makes multiple requests for temporary special reduced or increased speed zones,
6 the local authority shall prioritize the requests. The department of transportation shall conduct a preliminary visual
7 and engineering review of a route or a route segment for which a temporary special speed zone is requested.
8 The reviewing party must include a representative of the local authority. Upon completion of the preliminary
9 review, if the department of transportation concurs with the local authority that a temporary special reduced or
10 increased speed limit is warranted, a temporary special reduced or increased speed zone may be established
11 upon formal approval by the commission. The temporary special reduced or increased speed limit remains in
12 effect until a complete traffic and engineering study has been done on the route or route segment and the
13 commission has made a determination on changing the speed limit.

14 (2) The department of transportation shall erect and maintain appropriate signs giving notice of special
15 limits. When the signs are erected, the limits are effective for those zones at all times or at other times that the
16 commission sets.

17 (3) The authority of the commission under this section includes the authority to set reduced nighttime
18 speed limits on curves and other dangerous locations.

19 (4) This section does not authorize the commission to set a statewide speed limit.

20 (5) A person convicted of a traffic violation in a special speed zone is guilty of a misdemeanor. Upon
21 arrest and conviction, the person is subject to the penalty provided for in 61-8-711."

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23 **Section 2.** Section 61-8-310, MCA, is amended to read:

24 **"61-8-310. When local authorities may and shall alter limits or establish or alter area of school**
25 **zone -- penalty.** (1) If a local authority in its jurisdiction determines on the basis of an engineering and traffic
26 investigation that the speed permitted under 61-8-303 and 61-8-309 through 61-8-313 is greater or less than is
27 reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority
28 may set a reasonable and safe limit that:

29 (a) decreases the limit at an intersection;

30 (b) increases the limit within an urban district, but not to more than 65 miles an hour during the nighttime;

1 (c) decreases the limit outside an urban district, but not to less than 35 miles an hour; or
2 (d) decreases the limit in a school zone or in an area near a senior citizen center, as defined in 23-5-112,
3 or a designated crosswalk that is close to a school or a senior citizen center to not less than 80%, rounded down
4 to the nearest whole number evenly divisible by 5, of the limit that would be set on the basis of an engineering
5 and traffic investigation, but not less than 15 miles an hour. If warranted by an engineering and traffic
6 investigation, a local authority may adopt variable speed limits to adapt to traffic conditions by time of day,
7 provided that the variable limits comply with the provisions of 61-8-206.

8 (2) A board of county commissioners may set limits, as provided in subsection (1)(c), without an
9 engineering and traffic investigation on a county road.

10 (3) A local authority in its jurisdiction may determine the proper speed for all arterial streets and shall set
11 a reasonable and safe limit on arterial streets that may be greater or less than the speed permitted under
12 61-8-303 for an urban district.

13 (4) (a) An altered limit established as authorized under this section is effective at all times or at other
14 times determined by the authority when appropriate signs giving notice of the altered limit are erected upon the
15 highway.

16 (b) If a local authority decreases a speed limit in a school zone, the local authority shall erect signs
17 conforming with the manual adopted by the department of transportation under 61-8-202 giving notice that the
18 school zone has been entered, of the altered speed limit and the penalty provided in 61-8-726, and that the
19 school zone has ended.

20 (5) Except as provided in subsection (1)(d), the commission has exclusive jurisdiction to set special
21 speed limits on all federal-aid highways or extensions of federal-aid highways in all municipalities or urban areas.
22 The commission shall set these limits in accordance with 61-8-309.

23 (6) A local authority establishing or altering the area of a school zone shall consult with the department
24 of transportation and the commission if the school zone includes a state highway or a federal-aid highway or
25 extension of a federal-aid highway.

26 (7) A local authority shall consult with district officials for a school when:

27 (a) establishing or altering the area of a school zone near the school; or

28 (b) setting a speed limit pursuant to subsection (1)(d) in a school zone near the school.

29 (8) A person convicted of a traffic violation under this section is guilty of a misdemeanor. Upon arrest
30 and conviction, the person is subject to the penalty provided for in 61-8-711 or, if the violation occurred in a school

1 zone, the penalty provided for in 61-8-726."

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