

HOUSE BILL NO. 546  
INTRODUCED BY M. PHILLIPS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ALTERATION OF SPEED LIMITS BY LOCAL AUTHORITIES; ALLOWING A LOCAL AUTHORITY TO DECREASE A SPEED LIMIT WITHIN AN URBAN DISTRICT; AND AMENDING SECTIONS 61-8-310 AND 61-8-726, MCA."

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

**Section 1.** Section 61-8-310, MCA, is amended to read:

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

(a) decreases the limit at an intersection;

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

(c) decreases the limit within an urban district, but not to less than 25 miles an hour;

~~(e)(d)~~ decreases the limit outside an urban district, but not to less than 35 miles an hour; or

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

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

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

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

highway.

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

**Section 2.** Section 61-8-726, MCA, is amended to read:

**"61-8-726. Violating speed limit near school -- penalty doubled -- disposition of fines.** (1) A person convicted of violating a special speed limit near a school imposed by a local authority pursuant to ~~61-8-310(1)(d)~~ 61-8-310(1)(e) is guilty of a misdemeanor. Upon arrest and conviction, the person shall be punished by a fine of not less than double the penalty provided for the violation in 61-8-711.

(2) The fine proceeds must be allocated as follows:

(a) 50% of the fine collected must be distributed as provided in 3-10-601, 46-17-402, or 46-18-235; and  
(b) 50% must be forwarded to the local authority that adopted the special speed limit as provided in ~~61-8-310(1)(d)~~ 61-8-310(1)(e) for the purposes of erecting signs providing notification of the penalty or for other local law enforcement needs."

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