

HOUSE BILL NO. 559

INTRODUCED BY L. BANGERTER

BY REQUEST OF THE DEPARTMENT OF JUSTICE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING MOTOR VEHICLE LAWS; MODIFYING
6 DATE RESTRICTIONS ON THE CONTINUED USE OF STANDARD LICENSE PLATE DESIGNS OR PLATE
7 NUMBERS; ELIMINATING THE COUNTY PREFIX REQUIREMENTS FOR SMALL LICENSE PLATES;
8 REMOVING COLLEGIATE LICENSE PLATES AND GENERIC SPECIALTY LICENSE PLATES FROM THE
9 PERMANENT REGISTRATION ~~RESTRICTION~~ RESTRICTIONS ON CERTAIN VEHICLES; CLARIFYING
10 CERTAIN SPEEDING OFFENSES AND PENALTIES; ELIMINATING THE REQUIREMENT TO PROVIDE A LIST
11 OF AMATEUR RADIO LICENSE PLATE HOLDERS TO CERTAIN AGENCIES; AMENDING SECTIONS
12 61-3-321, 61-3-332, 61-3-337, 61-3-562, 61-8-303, 61-8-309, ~~AND 61-8-310, AND 61-8-725~~, MCA; REPEALING
13 SECTION 61-3-424, MCA; AND PROVIDING EFFECTIVE DATES."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
16

Section 1. Section 61-3-321, MCA, is amended to read:

17
18 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration**
19 **fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon
20 registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers,
21 semitrailers, and pole trailers as provided in subsections (2) through (20):

22 (2) Unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light
23 vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

- 24 (a) if the vehicle is 4 or less years old, \$217;
- 25 (b) if the vehicle is 5 through 10 years old, \$87; and
- 26 (c) if the vehicle is 11 or more years old, \$28.

27 (3) Except as provided in subsection (15), the one-time registration fee based on the declared weight
28 of a trailer, semitrailer, or pole trailer is as follows:

- 29 (a) if the declared weight is less than 6,000 pounds, \$61.25; or
- 30 (b) if the declared weight is 6,000 pounds or more, \$148.25.

- 1 (4) Except as provided in subsection (15), the one-time registration fee for motor vehicles owned and
2 operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:
- 3 (a) 2,850 pounds and over, \$10; and
4 (b) under 2,850 pounds, \$5.
- 5 (5) Except as provided in subsection (15), the one-time registration fee for off-highway vehicles other
6 than a quadricycle or motorcycle is \$61.25.
- 7 (6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is \$22.75.
- 8 (7) (a) The annual registration fee for a motor home, based on the age of the motor home, is as follows:
- 9 (i) less than 2 years old, \$282.50;
10 (ii) 2 years old and less than 5 years old, \$224.25;
11 (iii) 5 years old and less than 8 years old, \$132.50; and
12 (iv) 8 years old and older, \$97.50.
- 13 (b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee
14 under this section may permanently register the motor home upon payment of:
- 15 (i) a one-time registration fee of \$237.50;
16 (ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which must be
17 deposited in the account established under 61-6-158; ~~and~~
- 18 (iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406; AND
19 (IV) IF APPLICABLE, THE DONATION FEE FOR A GENERIC SPECIALTY LICENSE PLATE UNDER 61-3-480 OR A
20 COLLEGIATE LICENSE PLATE UNDER 61-3-465.
- 21 (8) (a) Except as provided in subsection (15), the one-time registration fee for motorcycles and
22 quadricycles registered for use on public highways is \$53.25, and the one-time registration fee for motorcycles
23 and quadricycles registered for both off-road use and for use on the public highways is \$114.50.
- 24 (b) An additional fee of \$16 must be collected for the registration of each motorcycle or quadricycle as
25 a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.
- 26 (9) Except as provided in subsection (15), the one-time registration fee for travel trailers, based on the
27 length of the travel trailer, is as follows:
- 28 (a) under 16 feet in length, \$72; and
29 (b) 16 feet in length or longer, \$152.
- 30 (10) Except as provided in subsection (15), the one-time registration fee for a motorboat, sailboat,

1 personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

2 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,
3 \$65.50;

4 (b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in
5 length, \$125.50; and

6 (c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, \$295.50.

7 (11) (a) Except as provided in subsections (11)(b) and (15), the one-time registration fee for a
8 snowmobile is \$60.50.

9 (b) (i) A snowmobile that is licensed by a Montana business and is owned exclusively for the purpose
10 of daily rental to customers is assessed:

11 (A) a fee of \$40.50 in the first year of registration; and

12 (B) if the business reregisters the snowmobile for a second year, a fee of \$20.

13 (ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently
14 registered and the business is assessed the registration fee imposed in subsection (11)(a).

15 (12) (a) The one-time registration fee for a low-speed electric vehicle is \$25.

16 (b) The one-time registration fee for a golf cart that is owned by a person who has or is applying for a
17 low-speed restricted driver's license is \$25.

18 (c) The one-time registration fee for golf carts authorized to operate on certain public streets and
19 highways pursuant to 61-8-391 is \$25. Upon receipt of the fee, the department shall issue the owner a decal,
20 which must be displayed visibly on the golf cart.

21 (13) (a) Except as provided in subsection (13)(b), a fee of \$10 must be collected when a new set of
22 standard license plates, a new single standard license plate, or a replacement set of special license plates
23 required under 61-3-332 is issued. The \$10 fee imposed under this subsection does not apply when previously
24 issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be
25 paid if the vehicle to which the plates are transferred is not currently registered.

26 (b) ~~Until January 1, 2015, an~~ An additional fee of \$15 must be collected if a vehicle owner elects to keep
27 the same license plate number from license plates issued ~~on or after January 1, 2006, but before January 1,~~
28 2010, when replacement of those plates is required under 61-3-332(3).

29 (c) The fees imposed in this subsection (13) must be deposited in the account established under
30 61-6-158, except that \$2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

1 (14) The provisions of this part with respect to the payment of registration fees do not apply to and are
2 not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled
3 by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle
4 or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(d), (1)(e), (1)(g),
5 (1)(h), (1)(i), (1)(k), (1)(l), (1)(n), or (1)(o), 15-6-203, or 15-6-215, except as provided in 61-3-520.

6 (15) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle,
7 quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile,
8 motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411, or low-speed electric vehicle
9 is transferred, the new owner shall title and register the vehicle or vessel as required by this chapter and pay the
10 fees imposed under this section.

11 (16) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

12 (17) Except as otherwise provided in this section, revenue collected under this section must be deposited
13 in the state general fund.

14 (18) The fees imposed by subsections (2) through (12) are not required to be paid by a dealer for the
15 enumerated vehicles or vessels that constitute inventory of the dealership.

16 (19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of
17 \$6 must be collected for each light vehicle registered under this part. This fee must be accounted for and
18 transmitted separately from the registration fee. The fee must be deposited in an account in the state special
19 revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities.
20 Of the \$6 fee, the department of fish, wildlife, and parks shall use \$5.37 for state parks, 25 cents for fishing
21 access sites, and 38 cents for the operation of state-owned facilities at Virginia City and Nevada City.

22 (b) A person who registers a light vehicle may, at the time of annual registration, certify that the person
23 does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election
24 not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is made, the fee may not
25 be collected.

26 (c) (i) A person who registers one or more light vehicles may, at the time of annual registration, certify
27 that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and may
28 make a written election not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is
29 made, the fee may not be collected at any subsequent annual registration unless the person makes the written
30 election to pay the additional fee on one or more of the light vehicles.

1 (ii) The written election not to pay the additional fee on a light vehicle expires if the vehicle is registered
2 to a different person.

3 (20) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle,
4 quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$5 must be
5 collected and forwarded to the state for deposit in the account established in 44-1-504.

6 (21) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by
7 61-3-721."
8

9 **Section 2.** Section 61-3-332, MCA, is amended to read:

10 **"61-3-332. Standard license plates.** (1) In addition to special license plates, collegiate license plates,
11 generic specialty license plates, and fleet license plates authorized under this chapter, a separate series of
12 standard license plates must be issued for motor vehicles, quadricycles, travel trailers, trailers, semitrailers, and
13 pole trailers registered in this state or offered for sale by a vehicle dealer licensed in this state. Standard license
14 plates issued to licensed vehicle dealers must be readily distinguishable from license plates issued to vehicles
15 owned by other persons.

16 (2) (a) Except as provided in 61-3-479 and subsections (2)(b), (3)(b), and (3)(c) of this section, all
17 standard license plates for motor vehicles, trailers, semitrailers, or pole trailers must bear a distinctive marking,
18 as determined by the department, and be furnished by the department. In years when standard license plates
19 are not reissued for a vehicle, the department shall provide a registration decal that must be affixed to the rear
20 license plate of the vehicle.

21 (b) For light vehicles that are permanently registered as provided in 61-3-562 and motor vehicles
22 described in 61-3-303(9) that are permanently registered, the department shall provide a distinctive registration
23 decal indicating that the motor vehicle is permanently registered. The registration decal must be affixed to the rear
24 license plate of the permanently registered motor vehicle.

25 (c) For a travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer that is permanently
26 registered as provided in 61-3-313(2), the department may use the word or an abbreviation for the word
27 "permanent" on the plate in lieu of issuing a registration decal for the plate.

28 (3) (a) (i) New license plates issued under 61-3-303 or this section must be a standard license plate
29 design first issued ~~within the last 35 years in 1989 or later~~ or current collegiate or generic ~~specialty~~ specialty
30 license plate designs. For the purposes of this subsection (3), all military, veteran, and amateur radio license

1 plates and any license plate with a wheelchair design, excluding collegiate or generic specialty plates with a
2 wheelchair design, are treated as standard license plates.

3 (ii) License plates issued on or after January 1, 2010, must be replaced with new license plates if, upon
4 renewal of registration under this section, the license plates are 5 or more years old or will become older than
5 5 years during the registration period. New license plates must be issued in accordance with the implementation
6 schedule adopted by the department under 61-3-315.

7 (iii) ~~Until January 1, 2015, and upon payment of the fee required in 61-3-321(13)(b), a~~ A vehicle owner
8 may elect to keep the same license plate number from license plates issued ~~on or after January 1, 2006, but~~
9 before January 1, 2010, when replacement of those plates is required under this subsection.

10 (b) A motor vehicle that is registered for a 13-month to a 24-month period, as provided in 61-3-311, may
11 display the license plate and plate design in effect at the time of registration for the entire registration period.

12 (c) A light vehicle described in subsection (2)(b) or a motor home that is permanently registered may
13 display the license plate and plate design in effect at the time of registration for the entire period that the light
14 vehicle or motor home is permanently registered.

15 (d) The provisions of this subsection (3) do not apply to a travel trailer, motorcycle, quadricycle, trailer,
16 semitrailer, or pole trailer.

17 (e) The requirements of this subsection (3) apply to collegiate license plates authorized under 61-3-461
18 through 61-3-468, generic specialty license plates authorized under 61-3-472 through 61-3-481, commemorative
19 centennial license plates authorized under 61-3-448, and special military or veteran license plates authorized
20 under 61-3-458.

21 (4) (a) All license plates must be metal and treated with a reflectorized background material according
22 to specifications prescribed by the department. The word "Montana" must be placed on each license plate and,
23 except for license plates that are 4 inches wide and 7 inches in length, the outline of the state of Montana must
24 be used as a distinctive border on each standard license plate.

25 (b) Plates for semitrailers, travel trailers, pole trailers, trailers with a declared weight of 6,000 pounds or
26 more, and motor vehicles, other than motorcycles and quadricycles, must be 6 inches wide and 12 inches in
27 length.

28 (c) Plates for motorcycles and quadricycles must be 4 inches wide and 7 inches in length.

29 (d) The department shall issue plates that are 4 inches wide and 7 inches in length for trailers with a
30 declared weight of less than 6,000 pounds unless a person registering a trailer with a declared weight of less than

1 6,000 pounds requests plates that are 6 inches wide and 12 inches in length. A person registering a trailer shall
2 pay all applicable fees for the plates chosen.

3 (5) The distinctive registration numbers for standard license plates must begin with a number one or with
4 a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers.
5 Except for special license plates, collegiate license plates, generic specialty license plates, ~~and~~ fleet license
6 plates, and standard license plates that are 4 inches wide and 7 inches in length, the distinctive registration
7 number or letter-number combination assigned to the motor vehicle must appear on the plate preceded by the
8 number of the county and appearing in horizontal order on the same horizontal baseline. The county number must
9 be separated from the distinctive registration number by a separation mark unless a letter-number combination
10 is used. The dimensions of the numerals and letters must be determined by the department, and all county and
11 registration numbers must be of equal height.

12 (6) For the use of exempt motor vehicles, trailers, semitrailers, or pole trailers and motor vehicles,
13 trailers, semitrailers, or pole trailers that are exempt from the registration fee as provided in 61-3-321, in addition
14 to the markings provided in this section, standard license plates must bear the following distinctive markings:

15 (a) For motor vehicles, trailers, semitrailers, or pole trailers owned by the state, the department may
16 designate the prefix number for the various state departments. All numbered plates issued to state departments
17 must bear the words "State Owned", and a year number may not be indicated on the plates because these
18 numbered plates are of a permanent nature and will be replaced by the department only when the physical
19 condition of numbered plates requires it.

20 (b) For motor vehicles, trailers, semitrailers, or pole trailers that are owned by the counties,
21 municipalities, and special districts, as defined in 18-8-202, organized under the laws of Montana and not
22 operating for profit, and that are used and operated by officials and employees in the line of duty and for motor
23 vehicles on loan from the United States government or the state of Montana to, or owned by, the civil air patrol
24 and used and operated by officials and employees in the line of duty, there must be placed on the standard
25 license plates assigned, in a position that the department may designate, the letter "X" or the word "EXEMPT".
26 Distinctive registration numbers for plates assigned to motor vehicles, trailers, semitrailers, or pole trailers of each
27 of the counties in the state and those of the municipalities and special districts that obtain plates within each
28 county must begin with number one and be numbered consecutively. Because these standard license plates are
29 of a permanent nature, they are subject to replacement by the department only when the physical condition of
30 the license plates requires it and a year number may not be displayed on the plates.

1 (7) For the purpose of this chapter, the several counties of the state are assigned numbers as follows:
2 Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8;
3 Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17;
4 Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25;
5 Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33;
6 Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41;
7 Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield,
8 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must
9 be assigned numbers by the department as they are formed, beginning with the number 57.

10 (8) Each type of special license plate approved by the legislature, except collegiate license plates
11 authorized in 61-3-463 and generic specialty license plates authorized in 61-3-472 through 61-3-481, must be
12 a separate series of plates, numbered as provided in subsection (5), except that the county number must be
13 replaced by a design that distinguishes each separate plate series. Unless otherwise specifically stated in this
14 section, the special plates are subject to the same rules and laws as govern the issuance of standard license
15 plates, must be placed or mounted on a motor vehicle, trailer, semitrailer, or pole trailer owned by the person who
16 is eligible to receive them, with the registration decal affixed to the rear license plate of the motor vehicle, trailer,
17 semitrailer, or pole trailer, and must be removed upon sale or other disposition of the motor vehicle, trailer,
18 semitrailer, or pole trailer.

19 (9) (a) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may and
20 a person with a low-speed restricted driver's license operating a low-speed electric vehicle or golf cart as provided
21 in 61-5-122 must, upon written application on a form prescribed by the department, be issued a special license
22 plate with a design or decal bearing a representation of a wheelchair as the symbol of a person with a disability.

23 (b) If the motor vehicle to which the license plate is attached is permanently registered, the owner of the
24 motor vehicle shall provide, upon request of a person authorized to enforce special parking laws or ordinances
25 in this or any state, evidence of continued eligibility to use the license plate in the form of a valid special parking
26 permit issued to or renewed by the vehicle owner under 49-4-304 and 49-4-305.

27 (c) A person with a permanent condition, as provided in 49-4-301(2)(b), who has been issued a special
28 license plate upon written application, as provided in this subsection (9), is not required to reapply upon
29 reregistration of the motor vehicle.

30 (10) The provisions of this section do not apply to a motor vehicle, trailer, semitrailer, or pole trailer that

1 is registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through
2 61-3-733."

3

4 **Section 3.** Section 61-3-337, MCA, is amended to read:

5 **"61-3-337. Permanently registered motor homes -- plate restriction.** The following series of license
6 plates may not be used for purposes of permanent registration of a motor home:

7 (1) Montana national guard license plates issued under 61-3-458(2)(b);

8 (2) reserve armed forces license plates issued under 61-3-458(2)(c); AND

9 (3) amateur radio operator license plates issued under 61-3-422; and

10 ~~———— (4) collegiate license plates issued under 61-3-465; and~~

11 ~~———— (5)(4) generic specialty license plates issued under 61-3-479."~~

12

13 **Section 4.** Section 61-3-562, MCA, is amended to read:

14 **"61-3-562. Permanent registration -- transfer of light vehicle ownership -- rules.** (1) (a) The owner
15 of a light vehicle 11 years old or older subject to the registration fee, as provided in 61-3-321(2), may permanently
16 register the light vehicle upon payment of a \$87.50 registration fee, the applicable registration and license fees
17 under 61-3-412, if applicable, the administrative fee and the annual one-time-only donation fee for a generic
18 specialty license plate under 61-3-480 OR COLLEGIATE LICENSE PLATES UNDER 61-3-465, and an amount equal to
19 five times the local option motor vehicle tax or flat fee on vehicles under 61-3-537 and, as applicable, either:

20 (i) (A) the original fee and four times the renewal fee for personalized plates; or

21 (B) five times the renewal fees for personalized plates; or

22 (ii) if a new set of license plates is not being issued, an insurance verification fee of \$5, which must be
23 deposited in the account established under 61-6-158.

24 (b) The following series of license plates may not be used for purposes of permanent registration of a
25 light vehicle:

26 (i) Montana national guard license plates issued under 61-3-458(2)(b);

27 (ii) reserve armed forces license plates issued under 61-3-458(2)(c); and

28 (iii) amateur radio operator license plates issued under 61-3-422; and

29 ~~———— (iv) collegiate license plates issued under 61-3-465.~~

30 (2) In addition to the fees described in subsection (1), an owner of a truck with a manufacturer's rated

1 capacity of 1 ton or less that is permanently registered shall pay five times the applicable fees imposed under
2 61-10-201.

3 (3) The owner of a motor vehicle that is permanently registered under this section is not subject to
4 additional registration fees or to other motor vehicle registration fees described in this section for as long as the
5 owner owns the vehicle.

6 (4) The county treasurer shall once each month remit to the state the amounts collected under this
7 section, other than the local option motor vehicle tax or flat fee, for the purposes of 61-3-321(2) and 61-10-201.
8 The county treasurer shall retain the local option motor vehicle tax or flat fee.

9 (5) (a) The permanent registration of a light vehicle allowed by this section may not be transferred to a
10 new owner. If the light vehicle is transferred to a new owner, the department shall cancel the light vehicle's
11 permanent registration.

12 (b) Upon transfer of a light vehicle registered under this section to a new owner, the new owner shall
13 apply for a certificate of title under 61-3-201 and 61-3-216 and register the light vehicle under 61-3-303."
14

15 **Section 5.** Section 61-8-303, MCA, is amended to read:

16 **"61-8-303. Speed restrictions.** (1) Except as provided in 61-8-309, 61-8-310, and 61-8-312, the speed
17 limit for vehicles traveling:

18 (a) on a federal-aid interstate highway outside an urbanized area of 50,000 population or more is 75
19 miles an hour at all times and the speed limit for vehicles traveling on federal-aid interstate highways within an
20 urbanized area of 50,000 population or more is 65 miles an hour at all times;

21 (b) on any other public highway of this state is 70 miles an hour during the daytime and 65 miles an hour
22 during the nighttime;

23 (c) in an urban district is 25 miles an hour.

24 (2) A vehicle subject to the speed limits imposed in subsection (1) traveling on a two-lane road may
25 exceed the speed limits imposed in subsection (1) by 10 miles an hour in order to overtake and pass a vehicle
26 and return safely to the right-hand lane.

27 (3) Subject to the maximum speed limits set forth in subsection (1), a person shall operate a vehicle in
28 a careful and prudent manner and at a reduced rate of speed no greater than is reasonable and prudent under
29 the conditions existing at the point of operation, taking into account the amount and character of traffic, visibility,
30 weather, and roadway conditions.

1 (4) Except when a special hazard exists that requires lower speed for compliance with subsection (3),
2 the limits specified in ~~61-8-312~~ and in this section or established as authorized in ~~61-8-309~~ through ~~61-8-311~~ and
3 ~~61-8-313~~ are the maximum lawful speeds allowed.

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

6 (6) The speed limits set forth in this section may be altered by the transportation commission or a local
7 authority as authorized in 61-8-309, 61-8-310, 61-8-313, and 61-8-314."

8

9 **Section 6.** Section 61-8-309, MCA, is amended to read:

10 **"61-8-309. Establishment of special speed zones.** (1) (a) If the commission determines upon the basis
11 of an engineering and traffic investigation that a speed limit set by 61-8-303 is greater or less than is reasonable
12 or safe under the conditions found to exist at an intersection, curve, or dangerous location or on a segment of
13 a highway less than 50 miles in length under its jurisdiction, the commission may set a reasonable and safe
14 special speed limit at that location.

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

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

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

27 (iii) Upon completion of an engineering and traffic investigation conducted for a local government, the
28 department of transportation shall submit a report to the commission with findings and recommendations. The
29 commission shall decide on an appropriate speed limit based on the traffic investigation within 120 days from the
30 date the investigation is submitted to the department of transportation.

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

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

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

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

18 (5) The violation of a speed limit established under this section is a misdemeanor offense and is
19 punishable as provided in 61-8-711."

20

21 **Section 7.** Section 61-8-310, MCA, is amended to read:

22 **"61-8-310. When local authorities may and shall alter limits or establish or alter area of school**
23 **zone.** (1) If a local authority in its jurisdiction determines on the basis of an engineering and traffic investigation
24 that the speed permitted under 61-8-303 and 61-8-309 through 61-8-313 is greater or less than is reasonable and
25 safe under the conditions found to exist upon a highway or part of a highway, the local authority may set a
26 reasonable and safe limit that:

27 (a) decreases the limit at an intersection;

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

29 (c) decreases the limit outside an urban district, but not to less than 35 miles an hour on a paved road
30 or less than 25 miles an hour on an unpaved road; or

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

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

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

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

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

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

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

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

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

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

28 (8) A speed limit set on an unpaved road under subsection (1)(c) must be the same for all types of motor
29 vehicles that may be operated on the road.

30 (9) The violation of a speed limit established under subsections (1)(a) through (1)(c) is a misdemeanor

1 offense and is punishable as provided in 61-8-711. The violation of a speed limit established under subsection
 2 (1)(d) is a misdemeanor offense and is punishable as provided in 61-8-726."

3

4 **SECTION 8. SECTION 61-8-725, MCA, IS AMENDED TO READ:**

5 **"61-8-725. Penalty for violation of speed limits -- no record for certain violations.** (1) A person
 6 violating the speed limit imposed pursuant to 61-8-303 shall be fined in accordance with the following schedule:

7 Amount of Fine	MPH in Excess of Speed Limit
8 \$ 20	1 - 10 (daytime)
9 20	1 - 10 (nighttime)
10 40	11 - 20
11 70	21 - 30
12 100	31+

13 (2) A violation of a speed limit imposed pursuant to 61-8-303 is not a criminal offense within the meaning
 14 of 3-1-317, 45-2-101, 46-18-236, 61-8-104, and 61-8-711 and, except as provided in subsection (4), may not be
 15 recorded or charged against a driver's record, and an insurance company may not hold a violation of a speed
 16 limit against the insured or increase premiums because of the violation if the speed limit is exceeded by no more
 17 than:

- 18 (a) 10 miles an hour during the daytime; or
- 19 (b) 5 miles an hour during the nighttime.
- 20 (3) The surcharge provided for in 3-1-317 may not be imposed for a violation of 61-8-303.

21 (4) The recordkeeping restrictions provided in subsection (2) with respect to a person's driving record
 22 do not apply to a speed limit violation or conviction that was committed by:

- 23 (a) a Montana resident in another state whose violation or conviction was reported to the department
 24 by a court or the licensing authority in the state in which the violation occurred; or
- 25 (b) a person who holds a commercial driver's license regardless of whether or not the violation occurred
 26 while the person was operating a commercial motor vehicle.

27 (5) This section does not apply to the violation of a special speed zone established under 61-8-309 or
 28 61-8-310."

29

30 **NEW SECTION. Section 9. Repealer.** The following section of the Montana Code Annotated is

1 repealed:

2 61-3-424. List of amateur radio operator license plates -- distribution to public officials.

3

4 NEW SECTION. **Section 10. Effective dates.** (1) Except as provided in subsection (2), [this act] is
5 effective on passage and approval.

6 (2) [Sections 1 and 2] are effective October 1, 2013.

7 - END -