

SENATE BILL NO. 196

INTRODUCED BY S. FITZPATRICK

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAW RELATED TO TRAFFIC VIOLATIONS IN WORK ZONES; CLARIFYING WORK ZONE TRAFFIC VIOLATION PENALTIES; AND AMENDING SECTION 61-8-314, MCA."

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

**Section 1.** Section 61-8-314, MCA, is amended to read:

**"61-8-314. Traffic violations in construction zone and work zone -- definitions.** (1) As used in this section, the following definitions apply:

(a) "Construction zone" means an area on a public highway or on the adjacent right-of-way where construction, repair, maintenance, or survey work is being performed by the department of transportation, a local authority, a utility company, or a private contractor under contract with the department of transportation or a local authority. A construction zone may include a work zone.

(b) "Public highway" has the same meaning as in 60-1-103.

(c) "Work zone" means the area where the construction, repair, maintenance, or survey work is actually taking place. The boundaries of the work zone must be clearly identified by the posting of signs.

(2) A person may not operate a motor vehicle in a construction zone or in a work zone on a public highway in violation of any of the provisions of part 3 of this chapter.

(3) The speed limit in a construction zone or in a work zone must be set by the department of transportation or the local authority based on traffic conditions or the condition of the construction, repair, maintenance, or survey project.

(4) (a) If the department of transportation, the local authority, the utility company, or the private contractor determines, based on traffic conditions or the condition of the construction, repair, maintenance, or survey project, that special speed limits in work zones or construction zones are warranted, then the department, the local authority, the utility company, or the private contractor shall post signs that:

(i) conform to the department of transportation's manual on uniform traffic control devices;

(ii) indicate the boundaries of the construction zone and the work zone; and

1 (iii) display the speed limit in effect within both zones.

2 (b) The department of transportation, the local authority, the utility company, or the private contractor  
3 shall clearly indicate at the boundary of a construction zone that a person who violates any of the provisions of  
4 part 3 of this chapter in the work zone is subject to the fine provided in subsection (5)(a).

5 (c) The boundaries of the work zone may not exceed 500 feet in advance of and beyond the actual  
6 construction activity.

7 (d) The department of transportation, the local authority, the utility company, or the private contractor  
8 shall remove or cover the signs when no work is in progress and no hazard exists.

9 (5) (a) A person convicted of a traffic violation in a work zone is guilty of a misdemeanor. Upon arrest  
10 and conviction;

11 (i) if a worker was present in the work zone at the time of the traffic violation, the person shall be  
12 punished by a fine of not less than double the penalty provided for the violation in part 7 of this chapter; or

13 (ii) if no worker was present in the work zone at the time of the traffic violation, the person is subject to  
14 the penalty provided for the violation in part 7 of this chapter.

15 (b) A person convicted of a traffic violation in a construction zone is guilty of a misdemeanor. Upon arrest  
16 and conviction, the person is subject to the penalty provided for the violation in part 7 of this chapter."

17 - END -