

1 HOUSE BILL NO. 809  
2 INTRODUCED BY D. LOGE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING TRAFFIC VIOLATION LAWS; REVISING STANDARDS  
5 FOR WORK ZONE BOUNDARIES; PROVIDING A SPECIFIC DISTANCE FOR ENHANCED PENALTIES IF A  
6 TRAFFIC VIOLATION OCCURS IN PROXIMITY TO A HIGHWAY WORKER; AND AMENDING SECTION 61-  
7 8-314, 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 61-8-314, MCA, is amended to read:

12 **"61-8-314. Traffic violations in ~~construction zone and work zone~~ -- definitions.** (1) As used in this  
13 section, the following definitions apply:

- 14 (a) "Highway worker" has the same meaning as in 61-8-301.
- 15 (b) "Public highway" has the same meaning as in 60-1-103.
- 16 (c) "Work zone" means an area on a public highway or on the adjacent right-of-way where  
17 construction, repair, maintenance, or survey work is being performed by the department of transportation, a  
18 local authority, a utility company, or a private contractor with the department of transportation or with a local  
19 authority. The boundaries of the work zone must be clearly identified by the posting of signs.

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

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

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

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



- 1 (ii) indicate the boundaries of the work zone; and
- 2 (iii) display the speed limit in effect within the work zone.

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

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

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

10 (5) A person convicted of a traffic violation in a work zone is guilty of a misdemeanor. ~~Upon~~On  
 11 arrest and conviction:

12 (a) if a highway worker was present in the work zone at the time ~~and place~~ of the traffic violation  
 13 and within 1,000 feet of the traffic violation, the person shall be punished by a fine of not less than double the  
 14 penalty provided for the violation in part 7 of this chapter; or

15 (b) if no highway worker was present in the work zone at the time and place of the traffic violation,  
 16 the person is subject to the penalty provided for the violation in part 7 of this chapter."

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