

HOUSE BILL NO. 312

INTRODUCED BY J. HINKLE, M. NIKOLAKAKOS, J. SECKINGER, C. HINKLE, K. WALSH, G. OBLANDER, L.

DEMING, G. NIKOLAKAKOS, J. DARLING

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SPEED LIMIT LAWS; INCREASING DAYTIME AND NIGHTTIME SPEED LIMITS ON NATIONAL HIGHWAYS THAT HAVE BEEN EXPANDED TO FOUR LANES; ~~EXCEPT IN PROVIDING AN EXCEPTION FOR~~ SPECIAL SPEED ZONES; AND AMENDING SECTIONS 61-8-303 AND 61-8-725, MCA."

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

**Section 1.** Section 61-8-303, MCA, is amended to read:

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

(a) on an interstate highway outside an urbanized area of 50,000 population or more is 80 miles an hour at all times and the speed limit for vehicles traveling on interstate highways within an urbanized area of 50,000 population or more is 65 miles an hour at all times;

(b) on any portion of a national highway that is 10 miles or greater that has been expanded to four lanes, and that is at least 15 miles long-not subject to a permanent special speed zone, as provided in 61-8-309 and 61-8-310, is 75 miles an hour during the daytime and 70 miles an hour during the nighttime, unless the area is a special speed zone;

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

(e)(d) in an urban district is 25 miles an hour.

(2) A vehicle subject to the speed limits imposed in subsection (1) may exceed the speed limits imposed in subsection (1) by 10 miles an hour in order to overtake and pass a vehicle and return safely to the right-hand lane under the following circumstances:

(a) while traveling on a two-lane road; and

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- 2025

69th Legislature 2025

Drafter: Casey Pallister,

HB0312.001.001

1 (b) in a designated passing zone.

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

6 (4) Except when a special hazard exists that requires lower speed for compliance with subsection  
7 (3), the limits specified in this section are the maximum lawful speeds allowed.

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

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

12 (7) A person who violates this section is subject to the penalties provided in 61-8-725."  
13

14 **Section 2.** Section 61-8-725, MCA, is amended to read:

15 **"61-8-725. Penalty for violation of speed limits -- no record for certain violations.** (1) A person  
16 shall be fined for violating the maximum speed limit in accordance with the following schedules:

17 (a) for a violation of 61-8-303(1)(a):

Amount of Fine	MPH in Excess of Speed Limit
\$40	1 - 10 (daytime)
40	1 - 10 (nighttime)
70	11 - 20
120	21 - 30
200	31+

18 (b) for a violation of 61-8-303(1)(b) or (1)(c), 61-8-309, or 61-8-312:

Amount of Fine	MPH in Excess of Speed Limit
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\$20	1 - 10 (daytime)
20	1 - 10 (nighttime)
70	11 - 20
120	21 - 30
200	31+

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

(i) 10 miles an hour during the daytime; or

(ii) 5 miles an hour during the nighttime.

(b) If a driver is guilty of exceeding 90 miles an hour in violation of 61-8-303(1)(a), the violation may be recorded or charged against a driver's record and an insurance company may hold the violation against an insured driver's premium.

(3) The surcharge provided for in 3-1-317 may not be imposed for a violation of 61-8-303.

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

(a) a Montana resident in another state whose violation or conviction was reported to the department by a court or the licensing authority in the state in which the violation occurred; or

(b) a person who holds a commercial driver's license regardless of whether or not the violation occurred while the person was operating a commercial motor vehicle.

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

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