

HOUSE BILL NO. 531

INTRODUCED BY B. NOONEY

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A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT THE USE OF AN AUTOMATED ENFORCEMENT SYSTEM TO ENFORCE A TRAFFIC CONTROL DEVICE; PROVIDING EXCEPTIONS; ~~AND~~ AMENDING SECTIONS 61-8-203 AND 61-8-206, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 61-8-203, MCA, is amended to read:

**"61-8-203. Department of transportation to place traffic control devices on highways it maintains and approve traffic control devices on highways under its jurisdiction.** (1) The department of transportation shall place and maintain traffic control devices, conforming to its manual and specifications, upon all highways maintained by the department of transportation that the department considers necessary to carry out the provisions of ~~this chapter and chapter 9~~ and this chapter or to regulate, warn, or guide traffic.

(2) A local authority or other entity may not place or maintain a traffic control device upon a highway under the jurisdiction of the department of transportation except with the department's permission.

(3) The unauthorized erection of a sign, marker, emblem, or other traffic control device on a highway under the jurisdiction of the department of transportation by any other entity is a misdemeanor and is punishable as provided in 61-8-712.

(4) The erection or maintenance of a sign, marker, emblem, or traffic control device on a highway under the jurisdiction of the department of transportation is subject to the rules and specifications that the department adopts and publishes in the interest of public safety and convenience.

(5) (A) An automated enforcement system designed to detect traffic violations that is attached to a traffic control device may not be used to enforce traffic laws.

(B) SUBSECTION (5)(A) DOES NOT APPLY TO AUTOMATED ENFORCEMENT SYSTEMS ATTACHED TO TRAFFIC CONTROL DEVICES AT RAILROAD GRADE CROSSINGS."

**Section 2.** Section 61-8-206, MCA, is amended to read:

**"61-8-206. Local traffic control devices.** (1) Local authorities in their respective jurisdictions shall



1 place and maintain ~~such~~ traffic control devices upon highways under their jurisdiction as that they ~~may deem~~  
 2 consider necessary to indicate and to carry out the provisions of this chapter or local traffic ordinances or to  
 3 regulate, warn, or guide traffic. All ~~such~~ traffic control devices ~~hereafter erected shall~~ must conform to the state  
 4 manual and specifications.

5 (2) (A) An automated enforcement system designed to detect traffic violations that is attached to a traffic  
 6 control device may not be used to enforce traffic laws.

7 (B) SUBSECTION ~~(2)(B)~~ (2)(A) DOES NOT APPLY TO AUTOMATED ENFORCEMENT SYSTEMS ATTACHED TO TRAFFIC  
 8 CONTROL DEVICES AT RAILROAD GRADE CROSSINGS."

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 10 NEW SECTION. SECTION 3. SAVING CLAUSE. [THIS ACT] DOES NOT AFFECT ANY CONTRACTS THAT WERE  
 11 ENTERED INTO BEFORE OR ARE RENEWED AFTER [THE EFFECTIVE DATE OF THIS ACT] OR THE ABILITY TO ISSUE CITATIONS  
 12 PURSUANT TO THOSE CONTRACTS. [THIS ACT] DOES NOT AFFECT ANY RIGHTS AND DUTIES THAT MATURED, PENALTIES  
 13 THAT WERE INCURRED, OR PROCEEDINGS THAT WERE BEGUN BEFORE [THE EFFECTIVE DATE OF THIS ACT].

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 15 NEW SECTION. SECTION 4. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

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