**** BILL NO. ****

INTRODUCED BY ****

BY REQUEST OF THE ****

Working draft for review at TIC Sept 11, 2026

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A PILOT PROGRAM USING AUTOMATED SAFETY ENFORCEMENT SYSTEMS IN WORK ZONES AND SCHOOL ZONES; LIMITING THE USE OF RECORDED IMAGES; ESTABLISHING REPORTING REQUIREMENTS; AND AMENDING SECTIONS 20-10-101, 46-5-117, 61-8-203, 61-8-206, AND 61-8-314, MCA."

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

NEW SECTION. **Section 1. Automated safety enforcement systems -- pilot program -- penalty -- limits on use of recorded images -- reporting requirements -- definitions.** (1) The department of transportation is authorized to conduct a pilot program for automated traffic safety enforcement during the fiscal year beginning July 1, 2027 and ending June 30, 2028.

(2) The installation and use of an automated safety enforcement system is subject to all of the following:

(a) An automated safety enforcement system may only be used in a school zone as defined by 61-1-101 or in a work zone as defined by 61-8-314;

(b) A sign must be placed not fewer than two hundred feet or more than five hundred feet before the start of a school zone or work zone where an automated safety enforcement system is installed and used, indicating that the school zone or work zone is monitored by an automated safety enforcement system;

(c) Automated safety enforcement systems must be piloted in an equitable manner to avoid causing a disparate impact on specific communities;

(d) Not more than 5 automated safety enforcement systems may be installed and used at the same time within each transportation district provided for in 2-15-2502;

(3) Except for an individual operating an authorized emergency vehicle or police vehicle pursuant

to 61-8-102, driving in excess of a posted speed limit by 10 miles per hour or more, on the basis of recorded data from an automated safety enforcement system, is a violation of this section, and all of the following apply:

(a) A written warning must be mailed to the address of the registered owner of the vehicle, using a standardized form that is created by the department of transportation and that includes data recorded by the automated safety enforcement system;

Changed the penalty for second violation to a misdemeanor fine

(b) For a second or subsequent violation that occurs within the pilot program timeframe, a person shall be issued a written warning and a misdemeanor citation pursuant to either 61-8-314 or 61-8-351; and

(traffic violations in work zone)

(meeting or passing a school bus)

(c) Each mailed warning must include:

(i) an internet link to a webpage that provides vehicle owners access to information about [this act] and the pilot program implementation;

(ii) the name and address of the registered owner of the motor vehicle involved in the alleged violation;

(iii) the license plate number of the motor vehicle involved in the alleged violation;

(iv) the date, time, and location of the alleged violation;

(v) the prescribed consequence for the alleged violation, pursuant to this section; and

(vi) information on how the registered owner may respond to the alleged violation.

(4) All of the following apply to a recorded image and any other data collected by an automated safety enforcement system:

(a) The recorded image and data may be used only for the purpose of communicating a violation of this section;

(b) Except to the extent necessary to enforce this section, the recorded image and data are confidential and exempt from disclosure under the Freedom of Information Act, 5 U.S.C. 552 and the provisions of Title 2, chapter 6, parts 10 through 12, except to the person to whom the license plate is registered;

(c) The recorded image and data must not be shared with or sold to any private or public third party not involved with installing and using the automated safety enforcement system; and

(d) Recorded images obtained through the use of automated safety enforcement systems must be destroyed within one year of final disposition of citation pursuant to subsection (3).

(5) By no later than September 1 of an even-numbered year preceding a legislative session, the

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results of the pilot program shall be reported to the transportation interim committee established in 5-5-233 and to the natural resources and transportation budget committee established in 5-12-501(c) and be made publicly available on the state department of transportation website, including but not limited to:

(a) the total number of warnings issued under this section;

(b) the age range of the individuals issued warnings under this section;

(c) the geographic locations where automated safety enforcement systems were installed and used under this section;

(d) the number of warnings issued at each geographic location; and

(e) data from each geographic location for the two years prior to the automated safety enforcement system being installed, including the incidence of crashes, speeding, reckless driving, reckless endangerment of emergency personnel, reckless endangerment of a highway worker, or community complaints.

(6) Fines collected pursuant to subsection (3)(b) must be deposited in the highway restricted account established in 15-70-126. Added requirement for fines to be deposited

(7) For the purposes of this section, the following definitions apply:

(a) "Automated safety enforcement system" means an electronic device with one or more sensors working in conjunction with a speed measuring device that is able to automatically detect vehicles exceeding the posted speed limit and produces a recorded image that shows:

(i) a clear and legible identification of only the vehicle's license plate;

(ii) location; and

(iii) date and time.

(b) "Recorded image" means a photograph, microphotograph, electronic image, or electronic video that shows the front or rear of the motor vehicle clearly enough to identify the license plate of the motor vehicle.

Section 2. Section 20-10-101, MCA, is amended to read:

"**20-10-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Bus route" means a route approved by the board of trustees of a school district and by the county transportation committee.

(2) "Eligible transportee" means a public school pupil who:

(a) is 5 years of age or older and has not reached the age of 21 on or before September 10 of the current school year or who is a preschool child with a disability between the ages of 3 and 6;

(b) is a resident of the state of Montana;

(c) regardless of district and county boundaries:

(i) resides at least 3 miles, over the shortest practical route, from the nearest operating public elementary school or public high school, whichever the case may be; or

(ii) has transportation identified as a related service in an individualized education program as developed and implemented in accordance with the Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq.; and

(d) is considered to reside with a parent or guardian who maintains legal residence within the boundaries of the district furnishing the transportation regardless of where the eligible transportee actually lives when attending school.

(3) (a) "Individual transportation" means transportation by which a district is relieved of actually conveying a pupil.

(b) The term may include paying the parent or guardian for conveying the pupil, reimbursing the parent or guardian for the pupil's board and room, or providing supervised correspondence study or supervised home study.

(4) "Passenger seating position" means, as defined in 49 CFR 571.222, the space on a school bus allocated for one passenger.

(5) (a) "School bus" means, except as provided in subsection (5)(b), any motor vehicle that complies with the bus standards established by the board of public education as verified by the department of justice's semiannual inspection of school buses and the superintendent of public instruction and:

(i) is owned by a district or other public agency and operated for the transportation of pupils to or from school or owned by a carrier under contract with a district or public agency to provide transportation of pupils to or from school; or

(ii) is district-owned, is designed to carry 10 or fewer passengers, has an overall safety rating of five stars from the national highway traffic safety administration at the time of purchase, and is insured in

accordance with minimum coverage requirements set forth in 20-10-109.

(b) A school bus does not include a vehicle that is:

(i) privately owned and not operated for compensation under this title;

(ii) privately owned and operated for reimbursement under 20-10-142;

(iii) either district-owned or privately owned, designed to carry not more than nine passengers, and used to transport pupils to or from activity events or to transport pupils to their homes in case of illness or other emergency situations and that was purchased prior to July 1, 2017;

(iv) an over-the-road passenger coach used only to transport pupils to activity events; or

(v) a passenger vehicle as defined in 20-10-129.

(6) "School zone" has the same definition as provided in 61-1-101.

~~(6)~~(7) "Transportation" means:

(a) a district's conveyance of a pupil by a school bus between the pupil's legal residence or an officially designated bus stop and the school designated by the trustees for the pupil's attendance; or

(b) individual transportation.

~~(7)~~(8) "Transportation service area" means the geographic area of responsibility for school bus transportation for each district that operates a school bus transportation program."

Section 3. Section 46-5-117, MCA, is amended to read:

"**46-5-117. Use of license plate reader prohibited -- exceptions -- definition -- penalty.** (1) Except as provided in subsection (2), an agency or employee of the state or any subdivision of the state may not use, either directly or indirectly, a license plate reader on any public highway.

(2) (a) The department of transportation or an incorporated city or town may use a license plate reader:

(i) to collect data for planning. If data is collected under this subsection (2)(a)(i), the department of transportation or city or town shall ensure and maintain the anonymity of the vehicle, the vehicle owner, the driver of the vehicle, and any passengers in the vehicle. Data collected under this subsection (2)(a)(i) without a search warrant or outside of judicially recognized exceptions to search warrant requirements may not be used to investigate or prosecute an individual or as evidence in court~~.~~;

(ii) in a regulated parking system, but only to identify a vehicle's location and license plate number to enforce parking restrictions~~.~~;

(iii) in a school zone as defined by 61-1-101 or in a work zone as defined by 61-8-314, but only as part of a pilot program pursuant to [section 1] to test the effectiveness of automated safety enforcement systems.

(b) The department of transportation may use a device and equipment, including license plate readers, if necessary, to implement 61-10-101 through 61-10-104, 61-10-106 through 61-10-110, and 61-10-154 if the devices or equipment are used in screening operations associated with:

(i) virtual ports of entry;

(ii) weigh station ramps using automated weigh station screening systems;

(iii) virtual weigh stations using weigh-in-motion technology; or

(iv) an automatic vehicle identification system that enables participating transponder-equipped vehicles to be prescreened throughout the nation at designated weigh stations, port-of-entry facilities, or agricultural interdiction facilities.

(c) Nothing in this section prohibits an agency of the state or any subdivision of the state from using its own vehicles, aircraft, or equipment, including a license plate reader, to track, monitor, or otherwise maintain information about the agency's or subdivision's vehicles, aircraft, or equipment.

(d) State or local law enforcement may use a device and equipment, including license plate readers, if necessary, if the following requirements are met:

(i) A state or local law enforcement agency that uses an automatic license plate reader system shall adopt and publicize a written policy governing its use before the automatic license plate reader system is operational. The policy must address the following:

(A) use of any database to compare data obtained by the automatic license plate reader system;

(B) retention of data associated with the automatic license plate reader system;

(C) sharing of the data with another law enforcement agency;

(D) training of automatic license plate reader system operators;

(E) supervisory oversight of automatic license plate reader system use;

(F) access to and security of data;

(G) access to data obtained by automatic license plate reader systems not operated by the law enforcement agency; and

(H) any other subjects related to automatic license plate reader system use by the law enforcement agency.

(ii) At least once every year, the law enforcement agency shall audit its automatic license plate reader system use and effectiveness and report the findings to the head of the law enforcement agency responsible for operating the system.

(iii) Data obtained by a law enforcement agency in accordance with this subsection (2)(d) must be obtained, accessed, preserved, or disclosed only for law enforcement or criminal justice purposes.

(iv) A law enforcement agency that uses a license plate reader system shall:

(A) maintain a record of users who access license plate reader data. The record must be maintained indefinitely.

(B) keep system maintenance and calibration schedules and records on file.

(v) Operation of a license plate reader by a law enforcement agency and access to data collected by a license plate reader operated by a law enforcement agency must be for official law enforcement purposes only. A license plate reader must be used by a law enforcement agency only to scan, detect, and identify a license plate number for the purpose of identifying a vehicle that is:

(A) stolen;

(B) associated with a wanted, missing, or endangered person;

(C) registered to a person against whom there is an outstanding warrant;

(D) in violation of commercial trucking requirements;

(E) involved in case-specific criminal investigative surveillance;

(F) involved in a homicide, shooting, or other major crime or incident;~~ or~~

(G) in the vicinity of a recent crime and may be connected to that crime~~.~~; or

(H) driving recklessly in a school zone as defined by 61-1-101 or in a work zone as defined by 61-8-314.

(vi) A positive match by a license plate reader alone does not constitute reasonable suspicion as grounds for a law enforcement officer to stop a vehicle. The officer shall:

(A) develop independent reasonable suspicion for the stop; or

(B) immediately confirm visually that the license plate on a vehicle matches the image of the license plate displayed on the license plate reader and confirm by other means that the license plate number meets one of the criteria specified in subsection (2)(d)(v).

(vii) A law enforcement agency that uses an automatic license plate reader system in accordance with this section shall update the system from the databases specified pursuant to subsection (2)(d)(i) every 24 hours if an update is available or as soon as practicable after an update becomes available.

(viii) A license plate reader may be installed for the sole purpose of recording and checking license plates.

(3) A public employee or public officer, as the terms are defined in 2-2-102, who violates the provisions of this section is subject to the applicable penalties provided for in Title 2, chapter 2.

(4) As used in this section, the following definitions apply:

(a) "Law enforcement agency" means:

(i) an agency or officer of the state of Montana or of a political subdivision that is empowered by the laws of this state to conduct investigations or to make arrests; and

(ii) an attorney, including the attorney general, who is authorized by the laws of this state to prosecute or to participate in the prosecution of a person who is arrested or who may be subject to a civil action related to or concerning an arrest.

(b) "License plate reader" means a device principally designed and primarily used for determining the ownership of a motor vehicle, the mileage or route traveled by a motor vehicle, the location or identity of a motor vehicle, or the identity of a motor vehicle's occupants on the public highways, as defined in 60-1-103, through the use of a camera or other imaging device or any other device, including but not limited to a transponder, cellular telephone, global positioning satellite, automated electronic toll collection system, automated license plate recognition system, or radio frequency identification device that by itself or in conjunction with other devices or information can be used to determine the ownership of a motor vehicle or the identity of a motor vehicle's occupants or the mileage, location, or route traveled by the motor vehicle."

Section 4. 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 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 safety 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 safety enforcement systems attached to traffic control devices at railroad grade crossings, in school zones as defined by 61-1-101, or in work zones as defined by 61-8-314.

(6) For the purposes of this part, "automated safety enforcement system" has the same definition as provided in [section 1]."

Section 5. Section 61-8-206, MCA, is amended to read:

"**61-8-206. Local traffic control devices.** (1) Local authorities in their respective jurisdictions shall place and maintain traffic control devices upon highways under their jurisdiction that they consider necessary to indicate and to carry out the provisions of this chapter or local traffic ordinances or to regulate, warn, or guide traffic. All traffic control devices must conform to the state manual and specifications.

(2) (a) An automated safety 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 (2)(a) does not apply to automated safety enforcement systems attached to traffic control devices at railroad grade crossings, in school zones as defined by 61-1-101, or in work zones as defined by 61-8-314."

Section 6. Section 61-8-314, MCA, is amended to read:

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

(a) "Highway worker" has the same meaning as in 61-8-301.

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

(c) "Work 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 with the department of transportation or with a local authority. 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 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 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 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 work zone; ~~and~~

(iii) display the speed limit in effect within the work zone~~.~~; and

(iv) if applicable, indicate the use of automated safety enforcement systems in the work zone pursuant to [section 1].

(b) The department of transportation, the local authority, the utility company, or the private contractor shall clearly indicate at the boundary of a work zone that a person who violates any of the provisions

of part 3 of this chapter in the work zone is subject to the fine provided in subsection (5)(a).

(c) The department of transportation, the local authority, the utility company, or the private contractor shall remove or cover the signs and turn off automated safety enforcement systems when no work is in progress and no hazard exists.

Updated terminology for consistency

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

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

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

NEW SECTION. **Section 7. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 61, chapter 8, part 2, and the provisions of Title 61, chapter 8, part 2, apply to [section 1].

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