

SENATE BILL NO. 222

INTRODUCED BY ESP

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A REDUCTION IN SPEED OF AT LEAST ~~25~~ 20 MILES  
5 PER HOUR BELOW THE POSTED SPEED LIMIT IN CERTAIN SITUATIONS WHEN APPROACHING AN  
6 EMERGENCY OR POLICE VEHICLE ON A PUBLIC HIGHWAY WITH A POSTED SPEED LIMIT OF 50 MILES  
7 PER HOUR OR GREATER; AND AMENDING SECTIONS 61-8-346 AND 61-9-402, 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 61-8-346, MCA, is amended to read:

12 **"61-8-346. Operation of vehicles on approach of authorized emergency vehicles or police vehicles**  
13 **-- approaching stationary emergency vehicles or police vehicles.** (1) Upon the immediate approach of an  
14 authorized emergency vehicle making use of audible and visual signals meeting the requirements of 61-9-402  
15 or of a police vehicle properly and lawfully making use of an audible signal only, the operator of every other  
16 vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible  
17 to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position  
18 until the authorized emergency vehicle or police vehicle has passed, except when otherwise directed by a police  
19 officer or highway patrol officer.

20 (2) This section does not relieve the driver of an authorized emergency vehicle or police vehicle from  
21 the duty to drive with due regard for the safety of all persons using the highway.

22 (3) Except as provided in subsection (4). ~~Upon~~ upon approaching a stationary authorized emergency  
23 vehicle or police vehicle that is displaying visible signals of flashing or rotating amber, blue, red, or green lights,  
24 the operator of the approaching vehicle shall:

25 (a) reduce the vehicle's speed, proceed with caution, and, if possible considering safety and traffic  
26 conditions, move to a lane that is not adjacent to the lane in which the authorized emergency vehicle or police  
27 vehicle is located or move as far away from the authorized emergency vehicle or police vehicle as possible; or

28 (b) if changing lanes is not possible or is determined to be unsafe, reduce the vehicle's speed, proceed  
29 with caution, and maintain a reduced speed, appropriate to the road and the conditions, through the area where  
30 the authorized emergency vehicle or police vehicle is stopped.

1           (4) Upon approaching a stationary authorized emergency vehicle or police vehicle that is displaying  
 2 visible signals of flashing or rotating amber, blue, red, or green lights on a public highway with a posted speed  
 3 limit of 50 miles per hour or greater, WHEN DRIVING IN A LANE THAT IS DIRECTLY NEXT TO THE EMERGENCY VEHICLE OR  
 4 POLICE VEHICLE, the operator of the approaching vehicle shall: REDUCE THE VEHICLE'S SPEED BY AT LEAST 20 MILES  
 5 PER HOUR BELOW THE POSTED SPEED LIMIT.

6           ~~(a) reduce the vehicle's speed by at least 25 miles per hour below the posted speed limit, proceed with~~  
 7 ~~caution, and, if possible considering safety and traffic conditions, move to a lane that is not adjacent to the lane~~  
 8 ~~in which the authorized emergency vehicle or police vehicle is located or move as far away from the authorized~~  
 9 ~~emergency vehicle or police vehicle as possible; or~~  
 10 ~~\_\_\_\_\_ (b) if changing lanes is not possible or is determined to be unsafe, reduce the vehicle's speed by at least~~  
 11 ~~25 miles per hour below the posted speed limit, proceed with caution, and maintain a reduced speed by at least~~  
 12 ~~25 miles per hour below the posted speed limit, appropriate to the road and the conditions, through the area~~  
 13 ~~where the authorized emergency vehicle or police vehicle is stopped."~~

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 15           **Section 2.** Section 61-9-402, MCA, is amended to read:  
 16           **"61-9-402. Audible and visual signals on police, emergency vehicles, and on-scene command**  
 17 **vehicles -- immunity.** (1) A police vehicle must be equipped with a siren capable of giving an audible signal and  
 18 may be equipped with alternately flashing or rotating red or blue lights as specified in this section.

19           (2) An authorized emergency vehicle must be equipped:  
 20           (a) with a siren and an alternately flashing or rotating red light as specified in this section; and  
 21           (b) with signal lamps mounted as high and as widely spaced laterally as practicable that are capable of  
 22 displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately  
 23 flashing red lights located at the same level. These lights must have sufficient intensity to be visible at 500 feet  
 24 in normal sunlight.

25           (3) A bus used for the transportation of school children must be equipped with signal lamps mounted  
 26 as high and as widely spaced laterally as practicable, displaying to the front two red and two amber alternating  
 27 flashing lights and to the rear two red and two amber alternating flashing lights. These lights must have sufficient  
 28 intensity to be visible at 500 feet in normal sunlight. The warning lights must be as prescribed by the board of  
 29 public education and approved by the department.

30           (4) A police vehicle and an authorized emergency vehicle may, and an emergency service vehicle must,

1 be equipped with alternately flashing or rotating amber lights as specified in this section.

2 (5) The use of signal equipment as described in this section imposes upon the operators of other  
3 vehicles the obligation to yield right-of-way or to stop and to proceed past the signal or light ~~only with caution and~~  
4 ~~at a speed that is no greater than is reasonable and proper under the conditions existing at the point of operation~~  
5 as provided in 61-8-346 and subject to the provisions of 61-8-209 and 61-8-303.

6 (6) An employee, agent, or representative of the state or a political subdivision of the state or of a fire  
7 department who is operating a police vehicle, an authorized emergency vehicle, or an emergency service vehicle  
8 and using signal equipment in rendering assistance at a highway crash scene or in response to any other hazard  
9 on the roadway that presents an immediate hazard or an emergency or life-threatening situation is not liable,  
10 except for willful misconduct, bad faith, or gross negligence, for injuries, costs, damages, expenses, or other  
11 liabilities resulting from a motorist operating a vehicle in violation of subsection (5).

12 (7) Blue, red, and amber lights required in this section must be mounted as high as and as widely spaced  
13 laterally as practicable and capable of displaying to the front two alternately flashing lights of the specified color  
14 located at the same level and to the rear two alternately flashing lights of the specified color located at the same  
15 level or one rotating light of the specified color, mounted as high as is practicable and visible from both the front  
16 and the rear. These lights must have sufficient intensity to be visible at 500 feet in normal sunlight. Except as  
17 provided in 61-9-204(6), only police vehicles as defined in 61-8-102 may display blue lights, lenses, or globes.

18 (8) A police vehicle and authorized emergency vehicle may be equipped with a flashing signal lamp that  
19 is green in color, visible from 360 degrees, and attached to the exterior roof of the vehicle for purposes of  
20 designation as the on-scene command and control vehicle in an emergency or disaster. The green light must  
21 have sufficient intensity to be visible at 500 feet in normal sunlight. Only the on-scene command and control  
22 vehicle may display green lights, lenses, or globes.

23 (9) Only a police vehicle or an authorized emergency vehicle may be equipped with the means to flash  
24 or alternate its headlamps or its backup lights.

25 (10) A violation of subsection (5) is considered reckless endangerment of a highway worker, as provided  
26 in 61-8-301(4), and is punishable as provided in 61-8-715."

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