

2013 Montana Legislature

HOUSE BILL NO. 542

INTRODUCED BY A. CURTIS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING TRAFFIC LAWS RELATED TO EMERGENCY VEHICLES AND POLICE VEHICLES ON THE ROADWAY; REQUIRING A VEHICLE TO REDUCE SPEED AND CHANGE LANES OR STOP UPON APPROACHING AN AUTHORIZED EMERGENCY VEHICLE OR POLICE VEHICLE; DOUBLING THE PENALTY FOR OTHER TRAFFIC VIOLATIONS COMMITTED UPON APPROACHING AN AUTHORIZED EMERGENCY VEHICLE OR POLICE VEHICLE; AMENDING SECTION 61-8-346, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 61-8-346, MCA, is amended to read:

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

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

(3) Upon approaching in an adjacent lane, a stationary authorized emergency vehicle or police vehicle that is displaying visible signals of flashing or rotating amber, blue, red, or green lights, the operator of the approaching vehicle shall:

(a) reduce the vehicle's speed to 35 miles an hour or to 5 miles an hour if the posted speed limit is 25 miles an hour or less, proceed with caution, and, if possible considering safety and traffic conditions, move to completely into a lane that is not adjacent to the lane in which the authorized emergency vehicle or police vehicle is located; or

(b) if changing lanes is not possible or is determined to be unsafe, stop the vehicle 50 feet or more behind the authorized emergency vehicle or police vehicle until it is safe to move into a lane that is not adjacent to the authorized emergency vehicle or police vehicle.

(4) A person convicted of any traffic violation upon approaching a stationary emergency vehicle or police vehicle is guilty of a misdemeanor. Upon conviction, 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.

NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.