

HOUSE BILL NO. 542

INTRODUCED BY A. CURTIS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING TRAFFIC LAWS RELATED TO EMERGENCY VEHICLES
5 AND POLICE VEHICLES ON THE ROADWAY; REQUIRING A VEHICLE TO REDUCE SPEED AND CHANGE
6 LANES OR STOP UPON APPROACHING AN AUTHORIZED EMERGENCY VEHICLE OR POLICE VEHICLE;
7 DOUBLING THE PENALTY FOR OTHER TRAFFIC VIOLATIONS COMMITTED UPON APPROACHING AN
8 AUTHORIZED EMERGENCY VEHICLE OR POLICE VEHICLE; ADDING VIOLATIONS RELATED TO
9 APPROACHING AUTHORIZED EMERGENCY VEHICLES AND POLICE VEHICLES TO THE OFFENSE OF
10 RECKLESS DRIVING; AMENDING SECTIONS 61-8-301, 61-8-346, 61-8-715, AND 61-9-402, MCA; AND
11 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

14
15 **Section 1.** Section 61-8-301, MCA, is amended to read:

16 **"61-8-301. Reckless driving -- reckless endangerment of highway worker.** (1) A person commits
17 the offense of reckless driving if the person:

- 18 (a) operates a vehicle in willful or wanton disregard for the safety of persons or property; or
- 19 (b) operates a vehicle in willful or wanton disregard for the safety of persons or property while passing,
20 in either direction, a school bus that has stopped and is displaying the visual flashing red signal, as provided in
21 61-8-351 and 61-9-402. This subsection (1)(b) does not apply to situations described in 61-8-351(6).

22 (c) operates a motor vehicle in violation of 61-8-346(3).

23 (2) A municipality may enact and enforce 61-8-715 and subsection (1) of this section as an ordinance.

24 (3) A person who is convicted of the offense of reckless driving or of reckless endangerment of a
25 highway worker is subject to the penalties provided in 61-8-715.

26 (4) (a) A person commits the offense of reckless endangerment of a highway worker if the person
27 purposely, knowingly, or negligently drives a motor vehicle in a highway construction zone in a manner that
28 endangers persons or property or if the person purposely removes, ignores, or intentionally strikes an official
29 traffic control device in a construction zone for reasons other than:

- 30 (i) avoidance of an obstacle;



- 1 (ii) an emergency; or
 2 (iii) to protect the health and safety of an occupant of the vehicle or of another person.
 3 (b) As used in this section:
 4 (i) "construction zone" has the same meaning as is provided in 61-8-314; and
 5 (ii) "highway worker" means an employee of the department of transportation, a local authority, a utility
 6 company, or a private contractor."
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8 **Section 2.** Section 61-8-346, MCA, is amended to read:

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

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

19 (3) ~~Except as provided in subsection (4), upon~~ Upon approaching ~~in an adjacent lane,~~ a stationary
 20 authorized emergency vehicle or police vehicle that is displaying visible signals of flashing or rotating amber, blue,
 21 red, or green lights, the operator of the approaching vehicle shall:

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

26 (b) if changing lanes is not possible or is determined to be unsafe, ~~reduce the vehicle's speed, proceed~~
 27 ~~with caution, and maintain a reduced speed, appropriate to the road and the conditions, through the area where~~
 28 stop the vehicle 50 feet or more behind the authorized emergency vehicle or police vehicle is stopped until it is
 29 safe to move into a lane that is not adjacent to the authorized emergency vehicle or police vehicle.

30 ~~(4) Upon approaching a stationary authorized emergency vehicle or police vehicle that is displaying~~

1 visible signals of flashing or rotating amber, blue, red, or green lights on a public highway with a posted speed
 2 limit of 50 miles per hour or greater when driving in a lane that is directly next to the emergency vehicle or police
 3 vehicle, the operator of the approaching vehicle shall reduce the vehicle's speed by at least 20 miles per hour
 4 below the posted speed limit.

5 (4) A person convicted of any traffic violation upon approaching a stationary emergency vehicle or police
 6 vehicle is guilty of a misdemeanor. Upon conviction, the person shall be punished by a fine of not less than
 7 double the penalty provided for the violation in part 7 of this chapter.

8 (5) A violation of subsection (3) is considered reckless driving, as provided in 61-8-301(1)(c), and is
 9 punishable as provided in 61-8-715."

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11 **Section 3.** Section 61-8-715, MCA, is amended to read:

12 **"61-8-715. Reckless driving -- reckless endangerment of highway workers -- penalty.** (1) Except
 13 as provided in subsection (2), a person convicted of reckless driving under 61-8-301(1)(a) ~~or (1)(b)~~ through (1)(c)
 14 or convicted of reckless endangerment of a highway worker under 61-8-301(4) shall be punished upon a first
 15 conviction by imprisonment for a term of not more than 90 days, a fine of not less than \$25 or more than \$300,
 16 or both. On a second or subsequent conviction, the person shall be punished by imprisonment for a term of not
 17 less than 10 days or more than 6 months, a fine of not less than \$50 or more than \$500, or both.

18 (2) A person who is convicted of reckless driving under 61-8-301 and whose offense results in the death
 19 or serious bodily injury of another person shall be punished by a fine in an amount not exceeding \$10,000,
 20 incarceration for a term not to exceed 1 year, or both."

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22 **Section 4.** Section 61-9-402, MCA, is amended to read:

23 **"61-9-402. Audible and visual signals on police, emergency vehicles, and on-scene command**
 24 **vehicles -- immunity.** (1) A police vehicle must be equipped with a siren capable of giving an audible signal and
 25 may be equipped with alternately flashing or rotating red or blue lights as specified in this section.

26 (2) An authorized emergency vehicle must be equipped:

27 (a) with a siren and an alternately flashing or rotating red light as specified in this section; and

28 (b) with signal lamps mounted as high and as widely spaced laterally as practicable that are capable of
 29 displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately
 30 flashing red lights located at the same level. These lights must have sufficient intensity to be visible at 500 feet

1 in normal sunlight.

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

7 (4) A police vehicle and an authorized emergency vehicle may, and an emergency service vehicle must,
8 be equipped with alternately flashing or rotating amber lights as specified in this section.

9 (5) The use of signal equipment as described in this section imposes upon the operators of other
10 vehicles the obligation to yield right-of-way or to stop and to proceed past the signal or light as provided in
11 61-8-346 and subject to the provisions of 61-8-209 and 61-8-303.

12 (6) An employee, agent, or representative of the state or a political subdivision of the state or of a
13 governmental fire agency organized under Title 7, chapter 33, who is operating a police vehicle, an authorized
14 emergency vehicle, or an emergency service vehicle and using signal equipment in rendering assistance at a
15 highway crash scene or in response to any other hazard on the roadway that presents an immediate hazard or
16 an emergency or life-threatening situation is not liable, except for willful misconduct, bad faith, or gross
17 negligence, for injuries, costs, damages, expenses, or other liabilities resulting from a motorist operating a vehicle
18 in violation of subsection (5).

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

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

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

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

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6 NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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