

HOUSE BILL NO. 67
INTRODUCED BY KAUFMANN
BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING AND UPDATING PROVISIONS GOVERNING PEDESTRIANS; ELIMINATING STATUTORY PROVISION FOR SCHOOL SAFETY PATROLS; PROHIBITING A VEHICLE OPERATOR FROM DRIVING PAST A SCHOOL CROSSING GUARD DIRECTING CHILDREN; DIRECTING WHERE A PEDESTRIAN MAY WALK WHEN SIDEWALKS OR SHOULDERS ARE NOT AVAILABLE; RESTRICTING STANDING ON A ROADWAY OR HIGHWAY FOR SOLICITING RIDES, BUSINESS, OR CONTRIBUTIONS; PROHIBITING A PERSON WHO IS UNDER THE INFLUENCE OF ALCOHOL OR ANY OTHER ILLEGAL DRUG FROM WALKING OR STANDING ON A ROADWAY OR SHOULDER EXCEPT IN AN AUTHORIZED CROSSWALK; REQUIRING PEDESTRIANS TO YIELD TO EMERGENCY VEHICLES; REQUIRING OPERATORS OF VEHICLES TO YIELD TO BLIND PEDESTRIANS ON CERTAIN HIGHWAYS; PROHIBITING PEDESTRIANS FROM ENTERING A RAILROAD GRADE CROSSING WHILE BARRIERS ARE CLOSED OR BEING OPENED OR CLOSED; AMENDING SECTIONS 20-3-106, 61-8-501, 61-8-502, 61-8-504, 61-8-506, 61-8-507, AND 61-8-508, MCA; AND REPEALING SECTION 20-1-408, MCA."

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

Section 1. Section 20-3-106, MCA, is amended to read:

"20-3-106. Supervision of schools -- powers and duties. The superintendent of public instruction has the general supervision of the public schools and districts of the state and shall perform the following duties or acts in implementing and enforcing the provisions of this title:

(1) resolve any controversy resulting from the proration of costs by a joint board of trustees under the provisions of 20-3-362;

(2) issue, renew, or deny teacher certification and emergency authorizations of employment;

(3) negotiate reciprocal tuition agreements with other states in accordance with the provisions of 20-5-314;

(4) approve or disapprove the opening or reopening of a school in accordance with the provisions of 20-6-502, 20-6-503, 20-6-504, or 20-6-505;

- (5) approve or disapprove school isolation within the limitations prescribed by 20-9-302;
- (6) generally supervise the school budgeting procedures prescribed by law in accordance with the provisions of 20-9-102 and prescribe the school budget format in accordance with the provisions of 20-9-103 and 20-9-506;
- (7) establish a system of communication for calculating joint district revenue in accordance with the provisions of 20-9-151;
- (8) approve or disapprove the adoption of a district's budget amendment resolution under the conditions prescribed in 20-9-163 and adopt rules for an application for additional direct state aid for a budget amendment in accordance with the approval and disbursement provisions of 20-9-166;
- (9) generally supervise the school financial administration provisions as prescribed by 20-9-201(2);
- (10) prescribe and furnish the annual report forms to enable the districts to report to the county superintendent in accordance with the provisions of 20-9-213(6) and the annual report forms to enable the county superintendents to report to the superintendent of public instruction in accordance with the provisions of 20-3-209;
- (11) approve, disapprove, or adjust an increase of the average number belonging (ANB) in accordance with the provisions of 20-9-313 and 20-9-314;
- (12) distribute BASE aid and special education allowable cost payments in support of the BASE funding program in accordance with the provisions of 20-9-331, 20-9-333, 20-9-342, 20-9-346, 20-9-347, and 20-9-366 through 20-9-369;
- (13) provide for the uniform and equal provision of transportation by performing the duties prescribed by the provisions of 20-10-112;
- (14) request, accept, deposit, and expend federal money in accordance with the provisions of 20-9-603;
- (15) authorize the use of federal money for the support of an interlocal cooperative agreement in accordance with the provisions of 20-9-703 and 20-9-704;
- (16) prescribe the form and contents of and approve or disapprove interstate contracts in accordance with the provisions of 20-9-705;
- (17) approve or disapprove the conduct of school on a Saturday in accordance with the provisions of 20-1-303;
- (18) recommend standards of accreditation for all schools to the board of public education and evaluate compliance with the standards and recommend accreditation status of every school to the board of public education in accordance with the provisions of 20-7-101 and 20-7-102;
- (19) collect and maintain a file of curriculum guides and assist schools with instructional programs in

accordance with the provisions of 20-7-113 and 20-7-114;

(20) establish and maintain a library of visual, aural, and other educational media in accordance with the provisions of 20-7-201;

(21) license textbook dealers and initiate prosecution of textbook dealers violating the law in accordance with the provisions of the textbooks part of this title;

(22) as the governing agent and executive officer of the state of Montana for K-12 career and vocational/technical education, adopt the policies prescribed by and in accordance with the provisions of 20-7-301;

(23) supervise and coordinate the conduct of special education in the state in accordance with the provisions of 20-7-403;

(24) administer the traffic education program in accordance with the provisions of 20-7-502;

(25) administer the school food services program in accordance with the provisions of 20-10-201 through 20-10-203;

(26) review school building plans and specifications in accordance with the provisions of 20-6-622;

~~(27) prescribe the method of identification and signals to be used by school safety patrols in accordance with the provisions of 20-1-408;~~

~~(28)~~(27) provide schools with information and technical assistance for compliance with the student assessment rules provided for in 20-2-121 and collect and summarize the results of the student assessment for the board of public education and the legislature;

~~(29)~~(28) upon request and in compliance with confidentiality requirements of state and federal law, disclose to interested parties all school district student assessment data for a test required by the board of public education;

~~(30)~~(29) administer the distribution of guaranteed tax base aid in accordance with 20-9-366 through 20-9-369; and

~~(31)~~(30) perform any other duty prescribed from time to time by this title, any other act of the legislature, or the policies of the board of public education."

Section 2. Section 61-8-501, MCA, is amended to read:

"61-8-501. Pedestrians subject to traffic regulations. (1) A pedestrian shall obey the instructions of any traffic control device that is specifically applicable to the pedestrian unless otherwise directed by a police officer.

~~(2)~~ Pedestrians ~~shall be~~ are subject to traffic control signals and pedestrian control signals at intersections as provided in 61-8-207 and 61-8-208. ~~unless required by local ordinance to comply strictly with such signals,~~ ~~but at~~

~~(3)~~ At all other places, pedestrians ~~shall be~~ are accorded the privileges and ~~shall be~~ are subject to the restrictions ~~stated~~ provided in this part.

~~(2)(4)~~ Local authorities ~~are hereby empowered by ordinance to require that pedestrians shall strictly comply with the directions of any official traffic control signal and may by ordinance prohibit pedestrians from crossing any a roadway in a business district or any designated highways within a local government's jurisdiction,~~ except in a marked crosswalk or in an unmarked crosswalk at an intersection."

Section 3. Section 61-8-502, MCA, is amended to read:

"61-8-502. Pedestrians' right-of-way in crosswalk -- school children. (1) (a) Except as provided in subsection (1)(b), when traffic control signals are not in place or not in operation, the ~~driver~~ operator of a vehicle shall yield the right-of-way, slowing down or stopping if ~~need be to so yield~~ necessary, to a pedestrian crossing the roadway within a marked crosswalk or within an unmarked crosswalk at an intersection, but a pedestrian may not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impossible for the ~~driver~~ operator to yield. This provision does not apply under the conditions ~~stated~~ provided in 61-8-503(2).

(b) When a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection, the ~~driver~~ operator of a vehicle may make a right-hand turn if the pedestrian is in the opposite half of the roadway and is not in danger.

(2) When a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the ~~driver~~ operator of any other vehicle approaching from the rear may not overtake and pass the stopped vehicle.

(3) ~~It is unlawful for any A person may not to drive operate a motor vehicle through a column of school children crossing a street or highway roadway or past a member of the school safety patrol school crossing guard while the member of the school safety patrol crossing guard is directing the movement of children across a street or highway roadway and while the school safety patrol member crossing guard is holding an official signal sign in the stop position."~~

Section 4. Section 61-8-504, MCA, is amended to read:

"61-8-504. Drivers Operators to exercise due care. Notwithstanding the foregoing provisions of this part ~~61-8-501 through 61-8-503, every driver~~ an operator of a vehicle shall exercise due care to avoid colliding with any a pedestrian or with any a person ~~operating a bicycle~~ propelling a human-powered vehicle or using an assistive mobility device upon any a roadway, ~~and shall give warning by sounding the horn when necessary,~~ and shall exercise proper precaution upon observing any a child or any an obviously confused, or incapacitated, or intoxicated person upon a roadway."

Section 5. Section 61-8-506, MCA, is amended to read:

"61-8-506. Pedestrians on roadways and highways. (1) Where sidewalks are provided, ~~it shall be unlawful for any pedestrian to~~ and their use is practicable, a pedestrian may not walk along and upon an adjacent roadway.

(2) Where sidewalks are not provided, any a pedestrian, OTHER THAN AN INTOXICATED PEDESTRIAN REFERRED TO IN 61-8-508, WHO IS walking along and upon a highway ~~shall, when practicable, may~~ walk only on the ~~left side of the roadway or its shoulder facing traffic which may approach from the opposite direction~~ shoulder, as far as practicable from the edge of the roadway.

~~—— (3) Where a sidewalk or a shoulder is not available, a pedestrian, other than an intoxicated pedestrian referred to in 61-8-508, walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway. If a pedestrian is on a two-way roadway, the pedestrian may walk only on the left side of the roadway, while facing traffic, as near as practicable to the outside edge of the roadway."~~

Section 6. Section 61-8-507, MCA, is amended to read:

"61-8-507. Pedestrian soliciting rides, or business, or contributions. (1) ~~No A~~ person shall ~~may not~~ stand in on a roadway for the purpose of soliciting a ride, ~~employment, or business from the occupant of any~~ vehicle.

(2) ~~No A~~ person shall ~~may not~~ stand on or in proximity to a ~~street or highway~~ street or highway for the purpose of soliciting ~~the watching or guarding of any vehicle while parked or about to be parked on a street or highway~~ employment, business, or contributions from the occupant of a vehicle unless the solicitation is authorized by the proper jurisdictional authority."

Section 7. Section 61-8-508, MCA, is amended to read:

"61-8-508. Intoxicated pedestrian. ~~No A~~ EXCEPT IN AN AUTHORIZED CROSSWALK, A person ~~shall~~ walk

~~upon or along the highway while who is under the influence of intoxicating liquor alcohol or any drug may not walk or stand IN THE PUBLIC RIGHT-OF-WAY, AS DEFINED IN 60-1-103, BUT NOT on a roadway or a shoulder as is otherwise permissible under ~~61-8-506(3)~~ 61-8-506(2)."~~

NEW SECTION. Section 8. Pedestrian to yield to authorized emergency vehicle. (1) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal that meets the requirements of 61-9-401(4) and visual signals that meet the requirements of 61-9-402 or of a police vehicle that is properly making use of an audible signal, a pedestrian shall yield the right-of-way to the authorized emergency vehicle or police vehicle.

(2) This section does not relieve the operator of an authorized emergency vehicle or a police vehicle from the duty to drive with due regard for the safety of all individuals using the highway or from the duty to exercise due care to avoid colliding with a pedestrian.

NEW SECTION. Section 9. Operator of vehicle to yield to blind pedestrian. On a way of the state open to the public ~~WITHIN THE LIMITS OF AN INCORPORATED OR UNINCORPORATED CITY OR TOWN~~, the operator of a vehicle shall yield the right-of-way to a blind pedestrian who is carrying a visible white cane or who is accompanied by a guide dog.

NEW SECTION. Section 10. Pedestrians at railroad crossings. A pedestrian may not pass through, around, over, or under a crossing gate or barrier at a railroad grade crossing while the gate or barrier is closed or is being opened or closed.

NEW SECTION. Section 11. Repealer. Section 20-1-408, MCA, is repealed.

NEW SECTION. Section 12. Codification instruction. [Sections 8 through 10] are intended to be codified as an integral part of Title 61, chapter 8, part 5, and the provisions of Title 61, chapter 8, part 5, apply to [sections 8 through 10].

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