

SENATE BILL NO. 5
INTRODUCED BY D. WEINBERG

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE USE OF AN UNMARKED MOTOR VEHICLE BY A PEACE OFFICER AND REGULATING THE STOPPING OF ANOTHER MOTOR VEHICLE BY A PEACE OFFICER IN AN UNMARKED MOTOR VEHICLE."

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

NEW SECTION. Section 1. Use of unmarked motor vehicle by peace officer -- requirements -- procedure. (1) A peace officer, as defined in 45-2-101, may use an unmarked motor vehicle while in the performance of the officer's duties.

(2) If a peace officer, while in an unmarked motor vehicle, stops or attempts to stop another motor vehicle:

(a) the unmarked motor vehicle must have either:

(i) the alternately flashing or rotating red or blue lights referred to in 61-9-402(1) and (7); or

(ii) at least one alternately flashing or rotating red or blue light that is temporarily or permanently mounted on either the roof or the dashboard of the unmarked motor vehicle; and

(b) the peace officer must be wearing the officer's official uniform.

(3) If the driver of the motor vehicle that the peace officer is stopping or attempting to stop pursuant to subsection (2) reasonably believes that immediately stopping would pose a safety risk to the driver or another occupant of the motor vehicle, the driver may turn on the motor vehicle's four-way emergency flashers and drive to and stop at the first available public place and may not be penalized for doing so. The driver then has the right to request and inspect the peace officer's identification prior to being questioned, leaving the motor vehicle, or complying with any demand or request of the peace officer.

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

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