

SENATE BILL NO. 278

INTRODUCED BY C. KAUFMANN

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS GOVERNING PEDESTRIANS' RIGHT-OF-WAY IN CERTAIN CROSSWALKS; REQUIRING THE OPERATOR OF A VEHICLE TO STOP WHEN A PEDESTRIAN IS CROSSING IN A CROSSWALK; CLARIFYING THAT A PEDESTRIAN MUST BE CONSIDERED TO BE CROSSING A ROADWAY WITHIN A CROSSWALK WHEN ANY PART OR EXTENSION OF THE PEDESTRIAN MOVES ONTO THE ROADWAY; AND AMENDING SECTION 61-8-502, MCA."

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

Section 1. 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 operator of a vehicle shall yield the right-of-way, ~~slowing down or stopping if necessary,~~ to a pedestrian crossing the roadway within a marked crosswalk or within an unmarked crosswalk at an intersection, ~~but a~~ and shall stop and remain stopped until the pedestrian has crossed the roadway. 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 operator to yield. This provision does not apply under the conditions 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 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 operator of any other vehicle approaching from the rear may not overtake and pass the stopped vehicle.

(3) A person may not operate a vehicle through a column of school children crossing a roadway or past a school crossing guard while the crossing guard is directing the movement of children across a roadway and while the crossing guard is holding an official sign in the stop position.

(4) For the purposes of this section, a pedestrian is considered to be crossing the roadway within a crosswalk when any part or extension of the pedestrian, including but not limited to the pedestrian's body,

1 wheelchair, cane, crutch, or bicycle, moves onto the roadway within a crosswalk with the intent to proceed."

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