

HOUSE BILL NO. 210

INTRODUCED BY D. HARVEY

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PENALTIES FOR OVERTAKING A SCHOOL BUS ILLEGALLY; PROVIDING A PENALTY OF A 6-MONTH SUSPENSION OF THE VIOLATOR'S DRIVER'S LICENSE; AND AMENDING SECTION 61-8-351, MCA."

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

**Section 1.** Section 61-8-351, MCA, is amended to read:

**"61-8-351. Meeting or passing school bus -- vehicle operator liability for violation -- penalty. (1)**

Upon overtaking from either direction a school bus that has stopped on the highway or street to receive or discharge school children, a driver of a motor vehicle:

(a) shall stop the motor vehicle not less than approximately 30 feet before reaching the school bus when there is in operation on the bus a visual flashing red signal as specified in 61-9-402; and

(b) may not proceed until the children have entered the school bus or have alighted and reached the side of the highway or street and until the school bus ceases operation of its visual flashing red signal.

(2) The driver of a motor vehicle shall slow to a rate of speed that is reasonable under the conditions existing at the point of operation and must be prepared to stop when meeting or overtaking from either direction a school bus that is preparing to stop on the highway or street to receive or discharge school children as indicated by flashing amber lights as specified in 61-9-402.

(3) Each bus used for the transportation of school children must bear upon the front and rear plainly visible signs containing the words "SCHOOL BUS" in letters not less than 8 inches in height and, in addition, must be equipped with visual signals meeting the requirements of 61-9-402. Amber flashing lights must be actuated by the driver approximately 150 feet in cities and approximately 500 feet in other areas before the bus is stopped to receive or discharge school children on the highway or street. Red lights must be actuated by the driver of the school bus whenever but only whenever the school bus is stopped on the highway or street whether inside or outside the corporate limits of any city or town to receive or discharge school children. However, a school district board of trustees may, in its discretion, adopt a policy prohibiting the operation of amber or red lights when a school bus is stopped at the school site to receive or discharge school children and the receipt or discharge does

1 not involve street crossing by the children. The lights may not be operated in violation of that policy.

2 (4) The requirements that a driver of a motor vehicle shall stop when a school bus receives or discharges  
3 school children under subsection (1) and the requirements that amber and red lights must be actuated by a  
4 school bus driver under subsection (3) do not apply when a school bus receives or discharges school children  
5 in a designated school bus pullout on a state highway. A designated school bus pullout must meet the following  
6 requirements:

7 (a) The pullout must be located on a roadway separated by a physical barrier, such as a guardrail, raised  
8 median, drainage ditch, or irrigation ditch.

9 (b) The separate roadway must be designed, constructed, and signed specifically for use by school  
10 buses, with sufficient space for safe ingress and egress from the main traveled way.

11 (c) The pullout must be approved by the local affected school district, by a resolution of the district  
12 trustees, and by the district superintendent as a mandatory school bus stop for receiving and discharging school  
13 children.

14 (5) When a school bus is being operated upon a highway for purposes other than the actual  
15 transportation of children either to or from school or for school functions, all markings on the bus indicating  
16 "SCHOOL BUS" must be covered or concealed.

17 (6) The driver of a motor vehicle upon a highway with separate roadways need not stop upon meeting  
18 or passing a school bus that is on a different roadway or when upon a controlled-access highway and the school  
19 bus is stopped in a loading zone that is a part of or adjacent to the highway and where pedestrians are not  
20 permitted to cross the roadway.

21 (7) (a) A person who observes a violation of this section may prepare a written, in addition to an oral,  
22 report indicating that a violation has occurred. The report may contain information concerning the violation,  
23 including:

24 (i) the time and approximate location at which the violation occurred;

25 (ii) the license plate number and color of the motor vehicle involved in the violation;

26 (iii) identification of the motor vehicle as a passenger car, truck, bus, motorcycle, or other type of motor  
27 vehicle; and

28 (iv) a description of the person operating the motor vehicle when the violation occurred.

29 (b) A report under subsection (7)(a) constitutes particularized suspicion under 46-5-401(1) that an  
30 operator of the vehicle committed a violation of this section.

