

HOUSE BILL NO. 258

INTRODUCED BY J. HAMILTON

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS FOR PASSING EMERGENCY VEHICLES; CREATING THE OFFENSE OF RECKLESS ENDANGERMENT OF EMERGENCY PERSONNEL; AMENDING THE SPEEDS AT WHICH A DRIVER MAY PASS AN EMERGENCY VEHICLE; DESIGNATING RECKLESS ENDANGERMENT OF EMERGENCY PERSONNEL AS A SERIOUS TRAFFIC VIOLATION; AND AMENDING SECTIONS 61-8-346, 61-8-715, AND 61-8-803, MCA."

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

Section 1. Section 61-8-346, MCA, is amended to read:

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

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

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

(a) ~~reduce the vehicle's speed, proceed with caution, and, if possible considering safety and traffic conditions, move to a lane that is not adjacent to the lane in which the authorized emergency vehicle or police vehicle is located or move as far away from the authorized emergency vehicle or police vehicle as possible; or~~ and

(b) ~~if changing lanes is not possible or is determined to be unsafe,~~ reduce the vehicle's speed, proceed



1 with caution, and maintain a reduced speed, appropriate to the road and the conditions, through the area where
 2 the authorized emergency vehicle or police vehicle is stopped; not exceeding the lesser of a speed of 20 miles
 3 an hour below the posted speed limit or a speed of 40 miles an hour, except that if the posted speed limit is 20
 4 miles an hour or less then the operator may not exceed 10 miles an hour.

5 ~~(4) Upon approaching a stationary authorized emergency vehicle or police vehicle that is displaying~~
 6 ~~visible signals of flashing or rotating amber, blue, red, or green lights on a public highway with a posted speed~~
 7 ~~limit of 50 miles per hour or greater when driving in a lane that is directly next to the emergency vehicle or police~~
 8 ~~vehicle, the operator of the approaching vehicle shall reduce the vehicle's speed by at least 20 miles per hour~~
 9 ~~below the posted speed limit.~~

10 (4) An operator of a vehicle who violates this section when approaching one or more stationary
 11 authorized emergency vehicles displaying visible signals of flashing or rotating amber, blue, red, or green lights
 12 commits the offense of reckless endangerment of emergency personnel."

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14 **Section 2.** Section 61-8-715, MCA, is amended to read:

15 **"61-8-715. Reckless driving -- reckless endangerment of highway workers -- reckless**
 16 **endangerment of emergency personnel -- penalty.** (1) Except as provided in subsection (2), a person
 17 convicted of reckless driving under 61-8-301(1)(a) or (1)(b), ~~or~~ convicted of reckless endangerment of a highway
 18 worker under 61-8-301(4), or convicted of reckless endangerment of emergency personnel under 61-8-346 shall
 19 be punished upon a first conviction by imprisonment for a term of not more than 90 days, a fine of not less than
 20 \$25 or more than \$300, or both. On a second or subsequent conviction, the person shall be punished by
 21 imprisonment for a term of not less than 10 days or more than 6 months, a fine of not less than \$50 or more than
 22 \$500, or both.

23 (2) A person who is convicted of reckless driving under 61-8-301 or of reckless endangerment of
 24 emergency personnel under 61-8-346 and whose offense results in the death or serious bodily injury of another
 25 person shall be punished by a fine in an amount not exceeding \$10,000, incarceration for a term not to exceed
 26 1 year, or both."

27

28 **Section 3.** Section 61-8-803, MCA, is amended to read:

29 **"61-8-803. Suspension of commercial driver's license -- serious traffic violations.** (1) If the
 30 department receives notice from a court or another licensing jurisdiction that a person holding or required to hold

1 a commercial driver's license has been convicted of more than one serious traffic violation in separate incidents
2 within a 3-year period, the department shall suspend the person's commercial driver's license:

3 (a) for 60 days upon receipt of notice of the second conviction; or

4 (b) for 120 days upon receipt of notice of the third or subsequent conviction.

5 (2) For purposes of this section, "serious traffic violation" means conviction, when operating a
6 commercial motor vehicle, of:

7 (a) speeding 15 or more miles an hour above a posted speed limit;

8 (b) reckless driving or reckless endangerment of emergency personnel;

9 (c) improper or erratic traffic lane changes;

10 (d) following too closely;

11 (e) a violation of a state law or local ordinance relating to the operation of a motor vehicle, excluding a
12 parking, weight, or equipment violation, that arises in connection with a fatal accident;

13 (f) operating a commercial motor vehicle without a commercial driver's license;

14 (g) operating a commercial motor vehicle without a commercial driver's license in one's possession or
15 refusing to display a commercial driver's license upon request;

16 (h) operating a commercial motor vehicle without the proper class of commercial driver's license or
17 endorsements, or both, for the specific vehicle type or types being operated or for the passengers or type or types
18 of cargo being transported; or

19 (i) using a mobile device to send text messages while operating a commercial motor vehicle in violation
20 of a state or local law or ordinance on motor vehicle traffic control.

21 (3) A person is considered to have committed a second or subsequent serious traffic violation if less than
22 3 years have passed between the date of an offense that resulted in a prior conviction and the date of the offense
23 that resulted in the most recent conviction."

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