

HOUSE BILL NO. 698

INTRODUCED BY L. SHELDON-GALLOWAY

1
2
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING EMERGENCY RED LIGHT LAWS;
5 REQUIRING AN APPLICATION FOR TRAUMA SURGERY WORKERS SEEKING AUTHORIZATION;
6 ALLOWING AN APPLICATION FEE; REQUIRING DRIVERS TO YIELD WHEN APPROACHING A VEHICLE
7 LAWFULLY USING EMERGENCY LIGHTS; ALLOWING CERTAIN TRAUMA SURGERY WORKERS TO USE
8 EMERGENCY LIGHTS; REQUIRING TRAUMA SURGERY WORKERS USING EMERGENCY LIGHTS TO
9 FOLLOW ALL TRAFFIC LAWS; MODIFYING IDENTIFICATION REQUIREMENTS; PROHIBITING CERTAIN
10 FEES; EXEMPTING PRIVATE HOSPITALS FROM LIABILITY; ALLOWING INDEMNIFICATION; DEFINING A
11 TERM; AND AMENDING SECTIONS 61-8-346 AND 61-9-227, MCA."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14
15 NEW SECTION. **Section 1. Emergency red light application.** (1) The application form for an
16 emergency red light must be available on the sheriff's office's website and must read as follows:

17 EMERGENCY RED LIGHT APPLICATION

18 To be completed by each person making application:

19 CITIZEN OF THE UNITED STATES () Yes () No

20 18 YEARS OF AGE OR OLDER () Yes () No

21 PLEASE TYPE OR PRINT

22 Full name:

23 Last First Middle

24 Distance currently live from destination:

25 Address: Home: Zip

26 Employer: Zip

27 Phone: / /

28 Home Employer Cell



1 Place of birth: Date of birth:

2 Driver's license #: Issuing state:

3 Social Security #:

4 Sex Ht. Wt. Eyes Hair

5 PLEASE EXPLAIN YOUR REASONS FOR REQUESTING THIS PERMIT (Attach additional sheet if necessary):

6

7

8

9 I, the undersigned applicant, swear that the foregoing information is true and correct to the best of my knowledge

10 and belief and is given with the full knowledge that any misstatement may be sufficient cause for denial or

11 revocation of authorization to use an emergency red light. I authorize any person having information concerning

12 me that relates to the information requested by this application and the requirements for authorization to use an

13 emergency red light, either public record or otherwise, to furnish it to the sheriff to whom this application is made.

14

15 Signature

16

17 Date of application

18 This application must be signed in the presence of the sheriff or a designee.

19 (2) (a) The applicant must bring a completed application and the applicant's current driver's license to
20 be copied and kept on file at the sheriff's office.

21 (b) The applicant must pay a fee assessed by the county sheriff's office not to exceed \$50.

22 (3) The sheriff shall conduct a background check of an applicant to aid in the determination of whether
23 to grant authorization for use of an emergency red light.

24

25 **Section 2.** Section 61-8-346, MCA, is amended to read:

26 **"61-8-346. Operation of vehicles on approach of authorized emergency vehicles or police vehicles**

27 **-- approaching stationary emergency vehicles or police vehicles.** (1) Upon the immediate approach of an

28 authorized emergency vehicle making use of audible and visual signals meeting the requirements of 61-9-402,

29 ~~or~~ of a police vehicle properly and lawfully making use of an audible signal only, or of a privately owned motor



1 vehicle properly and lawfully making use of a visual signal meeting the requirements of 61-9-227, the operator
 2 of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close
 3 as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in
 4 that position until the authorized emergency vehicle or police vehicle has passed, except when otherwise directed
 5 by a police officer or highway patrol officer.

6 (2) This section does not relieve the driver of:

7 (a) an authorized emergency vehicle or police vehicle from the duty to drive with due regard for the safety
 8 of all persons using the highway; or

9 (b) a privately owned motor vehicle properly and lawfully making use of a visual signal meeting the
 10 requirements of 61-9-227 from the duty to follow traffic laws.

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

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

17 (b) if changing lanes is not possible or is determined to be unsafe, reduce the vehicle's speed, proceed
 18 with caution, and maintain a reduced speed, appropriate to the road and the conditions, through the area where
 19 the authorized emergency vehicle or police vehicle is stopped.

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

25

26 **Section 3.** Section 61-9-227, MCA, is amended to read:

27 **"61-9-227. Blinker-type or revolving red light on certain private vehicles -- use -- revoking of**
 28 **authorization -- identification card -- liability.** (1) ~~(a) Firefighters~~ A firefighter, when authorized by the ~~chiefs~~
 29 ~~chief of their respective departments~~ the firefighter's department, and search and rescue and volunteer
 30 emergency medical personnel, when authorized by the county sheriff, may use a blinker-type or revolving red

1 light or both on the front or the top of their privately owned motor vehicles. This light must be used on emergency
2 duty only while responding to but not upon returning from a fire or other emergency.

3 (b) A trauma surgery worker, when authorized by the hospital administrator for the trauma surgery
4 worker's hospital and the county sheriff of the jurisdiction in which the trauma surgery worker seeks use of an
5 emergency red light, after submitting an application as provided for in [section 1], may use a blinker-type or
6 revolving red light or both on the front or top of a privately owned motor vehicle. This light may be used only when
7 responding to an emergency at the trauma surgery worker's hospital and may not be used under any other
8 circumstances.

9 (c) A county sheriff has discretion to:

10 (i) deny or revoke authorization for use of an emergency red light previously issued by the county sheriff
11 for any nonarbitrary reason;

12 (ii) require an applicant who is a trauma surgery worker to complete driving training, including but not
13 limited to an emergency driving course taken at the applicant's expense; and

14 (iii) require a trauma surgery worker who is authorized to use an emergency red light to inform the local
15 law enforcement agency and to affix a magnetic decal approved by the county sheriff to the trauma surgery
16 worker's vehicle prior to any use of the emergency red light.

17 (2) (a) A firefighter, ~~or~~ search and rescue or volunteer emergency medical personnel, or a trauma
18 surgery worker displaying the emergency red light on a privately owned motor vehicle shall also carry on the
19 vehicle an identification card showing the ~~name of the owner of the vehicle~~ driver's license number of the
20 firefighter, search and rescue or volunteer emergency medical personnel, or trauma surgery worker and the
21 organization or hospital to which the firefighter, ~~or~~ search and rescue or volunteer emergency medical personnel,
22 or trauma surgery worker belongs, and bearing the signature of the person or persons authorizing the emergency
23 use of the light.

24 (b) The identification card required in subsection (2)(a) must expire no later than 2 years after issuance.

25 (c) (i) A trauma surgery worker who commits a moving violation while using an emergency red light must
26 return the identification card provided for in subsection (2)(a) to the sheriff's office or the police department.

27 (ii) A trauma surgery worker may reapply for authorization 6 months after returning an identification card
28 pursuant to subsection (2)(c)(i).

29 (3) (a) Except as provided in subsection (3)(c), a privately owned hospital is not liable for damages that
30 occur when a trauma surgery worker is using an emergency red light.

