

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO SCHOOL BUS LIGHTING;  
5 AUTHORIZING THE USE OF ADDITIONAL FLASHING RED LIGHTS ON SCHOOL BUSES; AMENDING  
6 SECTIONS 20-10-111 AND 61-9-402, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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10 **Section 1.** Section 20-10-111, MCA, is amended to read:

11 **"20-10-111. Duties of board of public education.** (1) The board of public education, with the advice  
12 of the Montana department of justice and the superintendent of public instruction, shall adopt and enforce  
13 policies, not inconsistent with the motor vehicle laws, to provide uniform standards and regulations for the  
14 design, construction, and operation of school buses in the state of Montana. The policies must:

15 (a) prescribe minimum standards for the design, construction, and operation of school buses  
16 consistent with:

- 17 (i) the recommendations adopted by the national conference on school transportation; and
- 18 (ii) the federal motor vehicle safety standards;

19 (b) prescribe standards and specifications for the lighting equipment and special warning devices to  
20 be carried by school buses in conformity with:

- 21 (i) current specifications approved by the society of automobile engineers;
- 22 (ii) motor vehicle laws; and
- 23 (iii) the requirement that all school buses have an alternately flashing prewarning lighting system of  
24 ~~four~~ amber signal lamps to be used while preparing to stop and an alternately flashing warning lighting system  
25 of ~~four~~ red signal lamps to be used while stopped in accordance with 61-9-402;

26 (c) establish other driver qualifications considered necessary in addition to the qualifications required  
27 in 20-10-103;

28 (d) prescribe criteria for the establishment of transportation service areas for school bus purposes by

1 the county transportation committee that shall allow for the establishment of service areas without regard to the  
2 district boundary lines within the county;

3 (e) prescribe other criteria for the determination of the residence of a pupil that may be considered  
4 necessary in addition to the criteria established in 20-10-105; and

5 (f) prescribe standards for the measurement of the child seating capacity of school buses, to be  
6 known as the rated capacity.

7 (2) The board of public education shall prescribe other policies necessary for the proper  
8 administration and operation of individual transportation programs that are consistent with the transportation  
9 provisions of this title."

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11 **Section 2.** Section 61-9-402, MCA, is amended to read:

12 **"61-9-402. Audible and visual signals on police, emergency vehicles, and on-scene command**

13 **vehicles -- immunity.** (1) A police vehicle must be equipped with a siren capable of giving an audible signal  
14 and may be equipped with alternately flashing or rotating red or blue lights as specified in this section.

15 (2) An authorized emergency vehicle must be equipped:

16 (a) with a siren and an alternately flashing or rotating red light as specified in this section; and

17 (b) with signal lamps mounted as high and as widely spaced laterally as practicable that are capable  
18 of displaying to the front two alternately flashing red lights located at the same level and to the rear two  
19 alternately flashing red lights located at the same level. These lights must have sufficient intensity to be visible  
20 at 500 feet in normal sunlight.

21 (3) (a) A bus used for the transportation of school children must be equipped with signal lamps  
22 mounted as high and as widely spaced laterally as practicable, displaying to the front two red and two amber  
23 alternating flashing lights and to the rear two red and two amber alternating flashing lights. These lights must  
24 have sufficient intensity to be visible at 500 feet in normal sunlight.

25 (b) Additional red flashing lights may be mounted to the front and to the rear at a height of at least 36  
26 inches and not more than 72 inches from the ground. If additional red lights are mounted, they must be installed  
27 so that they can only be actuated if the school bus is stopped.

28 (c) The specifications for the warning lights must be as prescribed by the board of public education

1 and approved by the department.

2 (4) A police vehicle and an authorized emergency vehicle may, and an emergency service vehicle  
3 must, be equipped with alternately flashing or rotating amber lights as specified in this section.

4 (5) The use of signal equipment as described in this section imposes upon the operators of other  
5 vehicles the obligation to yield right-of-way or to stop and to proceed past the signal or light as provided in 61-8-  
6 346 and subject to the provisions of 61-8-209 and 61-8-303.

7 (6) An employee, agent, or representative of the state or a political subdivision of the state or of a  
8 governmental fire agency organized under Title 7, chapter 33, who is operating a police vehicle, an authorized  
9 emergency vehicle, or an emergency service vehicle and using signal equipment in rendering assistance at a  
10 highway crash scene or in response to any other hazard on the roadway that presents an immediate hazard or  
11 an emergency or life-threatening situation is not liable, except for willful misconduct, bad faith, or gross  
12 negligence, for injuries, costs, damages, expenses, or other liabilities resulting from a motorist operating a  
13 vehicle in violation of subsection (5).

14 (7) Blue, red, and amber lights required in this section must be mounted as high as and as widely  
15 spaced laterally as practicable and be capable of displaying to the front two alternately flashing lights of the  
16 specified color located at the same level and to the rear two alternately flashing lights of the specified color  
17 located at the same level or one rotating light of the specified color, mounted as high as is practicable and  
18 visible from both the front and the rear. These lights must have sufficient intensity to be visible at 500 feet in  
19 normal sunlight. Except as provided in 61-9-204(6), only police vehicles, as defined in 61-8-102, may display  
20 blue lights, lenses, or globes.

21 (8) A police vehicle and authorized emergency vehicle may be equipped with a flashing signal lamp  
22 that is green in color, visible from 360 degrees, and attached to the exterior roof of the vehicle for purposes of  
23 designation as the on-scene command and control vehicle in an emergency or disaster. The green light must  
24 have sufficient intensity to be visible at 500 feet in normal sunlight. Only the on-scene command and control  
25 vehicle may display green lights, lenses, or globes.

26 (9) Only a police vehicle or an authorized emergency vehicle may be equipped with the means to  
27 flash or alternate its headlamps or its backup lights.

28 (10) A violation of subsection (5) is considered reckless endangerment of a highway worker, as

1 provided in 61-8-301(4), and is punishable as provided in 61-8-715."

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3 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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