

1 HOUSE BILL NO. 267

2 INTRODUCED BY N. DURAM, M. BLASDEL, C. GLIMM, R. FITZGERALD, J. FULLER, F. GARNER, M.

3 NOLAND, D. SKEES, S. VINTON

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO APPROACHING
6 AND PASSING SCHOOL BUSES; PROHIBITING A MOTOR VEHICLE FROM OVERTAKING A STOPPED
7 SCHOOL BUS ON THE RIGHT; ~~REQUIRING CERTAIN SIGNAGE~~; PROHIBITING A SCHOOL BUS FROM
8 ACTUATING FLASHING RED LIGHTS WHEN THE BUS IS STOPPED OUTSIDE OF THE ROADWAY TO
9 RECEIVE OR DISCHARGE SCHOOL CHILDREN; REQUIRING USE OF EXTENDED STOP ARMS IN
10 CERTAIN CIRCUMSTANCES; REQUIRING SCHOOL DISTRICT TRUSTEES TO APPROVE EACH BUS
11 STOP THAT REQUIRES A SCHOOL CHILD TO CROSS THE STREET; ~~REQUIRING ENCOURAGING~~
12 ~~INCLUSION OF A PHOTOGRAPH IF AVAILABLE WHEN A PERSON WHO OBSERVES CERTAIN~~
13 ~~VIOLATIONS TO REPORT THE VIOLATION PROVIDES A REPORT TO THE COUNTY SHERIFF~~;
14 PROVIDING PENALTIES; ~~AND~~ AMENDING SECTIONS 61-8-301 AND 61-8-351, MCA; AND PROVIDING
15 EFFECTIVE DATES."

16

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

18

19 **Section 1.** Section 61-8-301, MCA, is amended to read:

20 **"61-8-301. Reckless driving -- reckless endangerment of highway worker.** (1) A person commits
21 the offense of reckless driving if the person:

22 (a) operates a vehicle in willful or wanton disregard for the safety of persons or property; or

23 (b) operates a vehicle in willful or wanton disregard for the safety of persons or property while
24 passing, in either direction, a school bus that has stopped and is displaying the visual flashing red signal, as
25 provided in 61-8-351 and 61-9-402. This subsection (1)(b) does not apply to situations described in 61-8-351(6)
26 (7).

27 (2) A municipality may enact and enforce 61-8-715 and subsection (1) of this section as an ordinance.

28 (3) A person who is convicted of the offense of reckless driving or of reckless endangerment of a

1 highway worker is subject to the penalties provided in 61-8-715.

2 (4) (a) A person commits the offense of reckless endangerment of a highway worker if the person
3 purposely, knowingly, or negligently drives a motor vehicle in a highway work zone in a manner that endangers
4 persons or property or if the person purposely removes, ignores, or intentionally strikes an official traffic control
5 device in a work zone for reasons other than:

6 (i) avoidance of an obstacle;

7 (ii) an emergency; or

8 (iii) to protect the health and safety of an occupant of the vehicle or of another person.

9 (b) As used in this section:

10 (i) "highway worker" means an employee of the department of transportation, a local authority, a utility
11 company, or a private contractor; and

12 (ii) "work zone" has the meaning provided in 61-8-314."
13

14 **Section 2.** Section 61-8-351, MCA, is amended to read:

15 **"61-8-351. Meeting or passing school bus -- vehicle operator liability for violation -- penalty. (1)**

16 ~~Upon overtaking from either direction~~ (a) When a school bus that has stopped on the ~~highway~~ ROADWAY or
17 street to receive or discharge school children has actuated flashing red lights as specified in 61-9-402, a driver
18 of a motor vehicle that is approaching the school bus from either direction:

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

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

24 (b) A driver of a motor vehicle may not overtake a stopped school bus on the right side of the school
25 bus.

26 ~~(2) The driver of a motor vehicle shall slow to a rate of speed that is reasonable under the conditions~~
27 ~~existing at the point of operation and must be prepared to stop when meeting or overtaking from either direction~~
28 When a school bus that is preparing to stop on the highway or street to receive or discharge school children as

1 ~~indicated by~~ has actuated flashing amber lights as specified in 61-9-402, a driver of a motor vehicle that is
 2 approaching the school bus from either direction shall slow to a rate of speed that is reasonable under the
 3 conditions existing at the point of operation and shall be prepared to stop on the actuation of flashing red lights
 4 when the school bus has stopped.

5 (3) Each bus used for the transportation of school children must:

6 ~~(a)~~ bear upon the front and rear plainly visible signs containing the words "SCHOOL BUS" in letters
 7 not less than 8 inches in height; ~~and, in addition,~~

8 ~~(b) be equipped at the rear with a plainly visible sign that warns drivers of the violation and penalty~~
 9 ~~provided for in subsection (9)(b).~~

10 (4) Each bus used for the transportation of school children must be equipped with visual signals
 11 meeting the requirements of 61-9-402. Amber flashing lights must be actuated by the driver approximately 150
 12 feet in cities and approximately 500 feet in other areas before the bus is stopped to receive or discharge school
 13 children on the highway or street. Red lights must be actuated by the driver of the school bus ~~whenever but~~
 14 ~~only whenever~~ only when the school bus is stopped on the highway or street ~~whether inside or outside the~~
 15 ~~corporate limits of any city or town~~ to receive or discharge school children. ~~However, a~~

16 (a) ~~A school district board of trustees may, in its discretion,~~ adopt a policy prohibiting the operation of
 17 amber or red lights when a school bus is stopped at the school site to receive or discharge school children and
 18 the receipt or discharge does not involve street crossing by the children. The lights may not be operated in
 19 violation of that policy.

20 (b) If a school bus is stopped outside of the roadway and the school bus will receive or discharge
 21 school children in a location directly at the edge of the highway right of way ~~OUTSIDE OF THE ROADWAY, the~~
 22 school bus may not actuate the flashing red lights so long as the school children do not enter the highway right-
 23 of-way ROADWAY.

24 ~~(4)(5) The requirements that a driver of a motor vehicle shall stop when a school bus receives or~~
 25 ~~discharges school children under subsection (1) and the requirements that amber and red lights must be~~
 26 ~~actuated by a school bus driver under subsection (3) do not apply when a school bus receives or discharges~~
 27 ~~school children in a designated school bus pullout on a state highway. A designated school bus pullout must~~
 28 ~~meet the following requirements:~~

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

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

5 ~~(c) The pullout must be approved by the local affected school district, by a resolution of the district~~
6 ~~trustees, and by the district superintendent as a mandatory school bus stop for receiving and discharging~~
7 ~~school children~~

8 (5) When a school bus route includes a bus stop that requires a school child to cross a roadway, the
9 school bus must be equipped with an extended stop arm that partially obstructs the roadway. A school child
10 may not cross a roadway to enter or exit from a school bus unless the roadway has been partially obstructed by
11 the extended stop arm.

12 (a) The extended stop arm must be equipped with additional flashing red lights as specified in 61-9-
13 402 and must be capable of extending a distance of at least 72 54 inches from the school bus at a height of not
14 less than 24-36 inches and not more than 48 inches.

15 (b) The board of trustees shall approve each school bus stop that requires a school child to cross a
16 roadway.

17 (c) A school bus that experiences a mechanical problem or an emergency that requires the school
18 bus to stop at a nondesignated bus stop is not subject to the requirements of this subsection (5).

19 ~~(5)(6)~~ (6) When a school bus is being operated upon a highway for purposes other than the actual
20 transportation of children either to or from school or for school functions, all markings on the bus indicating
21 "SCHOOL BUS" must be covered or concealed.

22 ~~(6)(7)~~ (7) The driver of a motor vehicle upon a highway with separate roadways need not stop upon
23 meeting or passing a school bus that is on a different roadway or when upon a controlled-access highway and
24 the school bus is stopped in a loading zone that is a part of or adjacent to the highway and where pedestrians
25 are not permitted to cross the roadway.

26 ~~(7)(8)~~ (8) (a) A person who observes a violation of this section ~~may shall~~ MAY prepare a written, in
27 addition to an oral, report indicating that a violation has occurred. The report may contain information
28 concerning the violation, including:

- 1 (i) the time and approximate location at which the violation occurred;
- 2 (ii) the license plate number and color of the motor vehicle involved in the violation;
- 3 (iii) identification of the motor vehicle as a passenger car, truck, bus, motorcycle, or other type of motor
4 vehicle; ~~and~~ AND
- 5 (iv) a description of the person operating the motor vehicle when the violation occurred; ~~and~~
- 6 ~~(v) if the school bus was equipped with a video recording system, a photograph of the motor vehicle~~
7 ~~that committed the violation.~~

8 (b) A report under subsection ~~(7)(a)~~ (8)(a) constitutes particularized suspicion under 46-5-401(1) that
9 an operator of the vehicle committed a violation of this section.

10 ~~(c) The report must be delivered to the county sheriff's office~~ A PERSON WHO OBSERVES A VIOLATION OF
11 THIS SECTION MAY FILE A WRITTEN OR ORAL COMPLAINT WITH THE COUNTY SHERIFF'S OFFICE. At the sheriff's
12 discretion, the report may be transferred to the highway patrol OR CITY POLICE DEPARTMENT. The report must be
13 investigated by a peace officer, and the investigating officer shall contact the reporting party within 30 days to
14 provide an update on the status or outcome of the investigation.

15 ~~(8)(9)~~ (a) Violation of subsection (1)(a) is punishable upon conviction by a fine of not more than \$500.

16 (b) Violation of subsection (1)(b) is a misdemeanor and is punishable on conviction by a fine of not
17 more than \$1,000, by imprisonment for not more than 6 months, or both.

18 (c) It is a violation of subsection (5) for the driver of a motor vehicle to make contact with any portion
19 of a stopped school bus, including an extended stop arm, or to make contact with a school child within 30 feet
20 of a school bus. A violation under this subsection (9)(c) is a misdemeanor and is punishable on conviction by a
21 fine of not more than \$500."

22

23 NEW SECTION. Section 3. Effective dates. (1) Except as provided in subsection (2), [this act] is
24 effective October 1, 2021.

25 (2) [Section 2(5)] is effective July 1, 2022.

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