

## 1 HOUSE BILL NO. 350

2 INTRODUCED BY B. PUTNAM, M. BLASDEL, D. SALOMON, N. DURAM, F. GARNER, S. VINTON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING MOTOR VEHICLE VIOLATIONS WHEN  
5 OVERTAKING A SCHOOL BUS; ALLOWING A SCHOOL DISTRICT OR SCHOOL BUS CONTRACTOR TO  
6 INSTALL A CAMERA ON A SCHOOL BUS TO RECORD VIOLATIONS; ALLOWING A RECORDED VIDEO  
7 OR IMAGE MADE BY A SCHOOL BUS CAMERA TO SUBSTANTIATE A WRITTEN REPORT OF A MOTOR  
8 VEHICLE VIOLATION WHEN OVERTAKING A SCHOOL BUS; CREATING AN INFERENCE THAT THE  
9 OWNER OR LESSEE OF A MOTOR VEHICLE WAS THE OPERATOR AT THE TIME OF THE VIOLATION;  
10 CREATING A CIVIL PENALTY; AND AMENDING SECTIONS 61-8-206 AND 61-8-351, MCA."

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

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14 **Section 1.** Section 61-8-206, MCA, is amended to read:

15 **"61-8-206. Local traffic control devices.** (1) Local authorities in their respective jurisdictions shall  
16 place and maintain traffic control devices upon highways under their jurisdiction that they consider necessary to  
17 indicate and to carry out the provisions of this chapter or local traffic ordinances or to regulate, warn, or guide  
18 traffic. All traffic control devices must conform to the state manual and specifications.

19 (2) (a) An automated enforcement system designed to detect traffic violations that is attached to a  
20 traffic control device may not be used to enforce traffic laws.

21 (b) Subsection (2)(a) does not apply to automated enforcement systems attached to traffic control  
22 devices at railroad grade crossings or to cameras installed on school buses."

23  
24 **Section 2.** Section 61-8-351, MCA, is amended to read:

25 **"61-8-351. Meeting or passing school bus -- vehicle operator liability for violation -- penalty.** (1)  
26 Upon overtaking from either direction a school bus that has stopped on the highway or street to receive or  
27 discharge school children, a driver of a motor vehicle:

28 (a) shall stop the motor vehicle not less than approximately 30 feet before reaching the school bus

1 when there is in operation on the bus a visual flashing red signal as specified in 61-9-402; and

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

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

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

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

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

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

28 (c) The pullout must be approved by the local affected school district, by a resolution of the district

1 trustees, and by the district superintendent as a mandatory school bus stop for receiving and discharging  
2 school children.

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

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

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

- 13 (i) the time and approximate location at which the violation occurred;  
14 (ii) the license plate number and color of the motor vehicle involved in the violation;  
15 (iii) identification of the motor vehicle as a passenger car, truck, bus, motorcycle, or other type of motor  
16 vehicle; and  
17 (iv) a description of the person operating the motor vehicle when the violation occurred.

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

20 (8) (a) A school district OR A SCHOOL BUS CONTRACTOR may install and operate a camera on the  
21 exterior of a school bus for the purpose of recording images of motor vehicles that are in violation of this  
22 section. A video recording or image may be used to substantiate a report made under subsection (7)(a) and  
23 may be used to specifically substantiate information in subsections (7)(a)(i) through (7)(a)(iv).

24 (b) A recording captured by a school bus camera may not be retained for longer than:

25 (i) 30 days after the recording was captured if no violations of this section were recorded; or

26 (ii) 30 days past the final disposition of proceedings related to the enforcement or defense of a  
27 violation of this section.

28 (9) (a) If the identity of the person operating a motor vehicle in violation of this section is unknown but

1 the motor vehicle's license plate number is known, it may be inferred that the owner or lessee of the motor  
2 vehicle was the operator at the time of the violation for purposes of a probable cause determination.

3 (b) If more than one owner or lessee is associated with the motor vehicle's registration, the inference  
4 created by subsection (9)(a) must be applied to the first owner or lessee listed on the registration.

5 ~~(8)(10) (a) Violation~~ Except as provided in subsection (10)(b), a violation of subsection (1) is  
6 punishable upon conviction by a fine of not more than \$500.

7 (b) If an owner or lessee is charged with violating this section based on subsection (9), the owner or  
8 lessee is subject to a civil penalty of up to \$500, and the violation may not be counted as a moving violation  
9 under 61-11-203(2)(m) for purposes of suspending a driver's license.

10 (c) For any fine OR PENALTY that is collected as a result of a violation that is substantiated by a video  
11 recording or image made by a camera installed on a school bus under subsection (8), 50% of the fine collected  
12 must be deposited in the transportation fund of the school district responsible for the school bus camera that  
13 captured the video recording or image."

14 - END -