

Amendment - 1st Reading-white - Requested by: Barry Usher - (S) Highways and Transportation

- 2023

68th Legislature 2023

Drafter: Joe Carroll, 406-444-3804

HB0320.002.002

1 HOUSE BILL NO. 320
2 INTRODUCED BY N. DURAM, F. SMITH, M. CUFFE, D. SALOMON, E. MCCLAFFERTY, J. WINDY BOY, T.
3 MCGILLVRAY, K. REGIER, J. WELBORN, E. BUTCHER, J. COHENOUR, B. KEENAN, B. MOLNAR, G.
4 HERTZ, M. LANG, R. LYNCH, A. OLSEN, B. BROWN, W. CURDY, D. HAYMAN, W. MCKAMEY, M. NOLAND,
5 C. POPE, S. HINEBAUCH, S. GUNDERSON, D. FERN, D. LOGE, S. VINTON, J. HAMILTON, S. MORIGEAU,
6 M. HOPKINS, R. TEMPEL, J. FULLER, T. RUNNING WOLF, J. KASSMIER, B. MERCER, M. MARLER, M.
7 FOX, F. NAVE, L. BREWSTER, K. ZOLNIKOV, B. MITCHELL, A. REGIER, L. REKSTEN, P. FIELDER, S.
8 KERNS, S. GALLOWAY, M. MALONE, K. KORTUM, C. HINKLE, K. WALSH, D. HAWK, M. BINKLEY, R.
9 MARSHALL, T. FRANCE, T. BROCKMAN, T. SMITH, N. NICOL, C. SPRUNGER, T. FALK, G.
10 NIKOLAKAKOS, P. TUSS, J. BERGSTROM, P. GREEN, D. BAUM, B. BARKER, W. RUSK, J. KARLEN, L.
11 HELLEGAARD, B. CARTER, J. FITZPATRICK

12
13 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REQUIREMENTS FOR MOTOR VEHICLE
14 OPERATION WHEN APPROACHING UTILITY VEHICLES ~~OR OTHER VEHICLES OR HIGHWAY~~
15 MAINTENANCE VEHICLES DISPLAYING FLASHING LIGHTS; AND AMENDING SECTION 61-8-346, MCA."
16

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

18
19 **Section 1.** Section 61-8-346, MCA, is amended to read:

20 **"61-8-346. Operation of vehicles on approach of authorized emergency vehicles or law**
21 **enforcement vehicles -- approaching stationary emergency vehicles or law enforcement vehicles --**
22 **reckless endangerment of emergency personnel.** (1) Upon the approach of an authorized emergency
23 vehicle making use of audible and visual signals meeting the requirements of 61-9-402 or of a law enforcement
24 vehicle properly and lawfully making use of an audible signal only, the operator of every other vehicle shall yield
25 the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand
26 edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the
27 authorized emergency vehicle or law enforcement vehicle has passed, except when otherwise directed by a

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1 police officer or highway patrol officer.

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

4 (3) On approaching and passing a stationary authorized emergency vehicle, law enforcement
5 vehicle, ~~or~~ tow truck, HIGHWAY MAINTENANCE VEHICLE, or utility SERVICE vehicle, ~~or other vehicle~~ that is displaying
6 visible signals of flashing or rotating amber, blue, red, or green lights or any temporary sign advising of an
7 emergency scene or accident ahead, the operator of the approaching vehicle shall:

8 (a) cautiously and in a careful manner reduce the vehicle's speed to a reasonably lower and safe
9 speed appropriate to the road and visual conditions or to the temporarily posted speed limit, but to a careful and
10 prudent speed if a temporarily posted speed has not been posted;

11 (b) proceed with caution; and

12 (c) if possible considering safety and traffic conditions:

13 (i) move to a lane that is not adjacent to the lane in which the authorized emergency vehicle, law
14 enforcement vehicle, ~~or~~ tow truck, HIGHWAY MAINTENANCE VEHICLE, or utility SERVICE vehicle, ~~or other vehicle~~ is
15 located;

16 (ii) move as far away from the authorized emergency vehicle, law enforcement vehicle, ~~or~~ tow
17 truck, HIGHWAY MAINTENANCE VEHICLE, or utility SERVICE vehicle, ~~or other vehicle~~ as possible; or

18 (iii) follow flagger instructions or instructions on sign boards.

19 (4) An operator of a vehicle who violates subsection (3) commits the offense of reckless
20 endangerment of emergency personnel."

21 - END -