- 2023						
	egislature 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 B	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 vehic	les or law:			
21	enforcement vehi	cles approaching stationary emergency vehicles or law enforceme	ent vehicles			
22	reckless endange	rment of emergency personnel. (1) Upon the approach of an authorize	d 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 emerge	ncy vehicle or law enforcement vehicle has passed, except when otherwi	se directed by a			



## Amondment - 1st Reading-white - Requested by: Barry Usher - (S) Highways and

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	polico officar o	r highway patrol officer.			
	2	(2)	This section does not relieve the driver of an authorized emergency vehicle or	law enforcement		
	3	vehicle from the	e 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, <del>or </del> 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 ac	lvising of an		
	7	emergency sce	ene 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 appropri	iate to the road and visual conditions or to the temporarily posted speed limit, b	ut 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 emerge	ncy vehicle, law		
	14	enforcement ve	ehicle, <del>or </del> tow truck <u>, HIGHWAY MAINTENANCE VEHICLE, or</u> <u>utility SERVICE</u> <u>vehicle<del>, or</del></u>	<del>other vehicle</del> is		
	15	located;				
	16	(ii)	move as far away from the authorized emergency vehicle, law enforcement ve	ehicle, <del>or t</del> ow		
	17	truck <u>, HIGHWAY MAINTENANCE VEHICLE, or</u> utility SERVICE vehicle <del>, or other vehicle</del> 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 re	eckless		
	20	endangerment	of emergency personnel."			
	21		- END -			