

1 HOUSE BILL NO. 366

2 INTRODUCED BY D. HAWK, T. WELCH, J. COHENOUR, E. KERR-CARPENTER, J. CARLSON, R.

3 MARSHALL, R. FITZGERALD, E. BOLDMAN, B. USHER

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5 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTIES FOR ILLEGALLY PASSING A  
6 STOPPED SCHOOL BUS; PROVIDING INCREASING PENALTIES FOR FIRST, SECOND, AND THIRD AND  
7 SUBSEQUENT OFFENSES; AND AMENDING SECTION 61-8-351, MCA."

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

10  
11 **Section 1.** Section 61-8-351, MCA, is amended to read:

12 **"61-8-351. Meeting or passing school bus -- vehicle operator liability for violation -- penalty. (1)**

13 (a) When a school bus that has stopped on the roadway or street to receive or discharge school children has  
14 actuated flashing red lights as specified in 61-9-402, a driver of a motor vehicle that is approaching the school  
15 bus from either direction:

- 16 (i) shall stop the motor vehicle not less than approximately 30 feet from the school bus; and  
17 (ii) may not proceed past the school bus until the school bus ceases operation of its flashing red  
18 lights.

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

21 (2) When a school bus that is preparing to stop on the highway or street to receive or discharge  
22 school children has actuated flashing amber lights as specified in 61-9-402, a driver of a motor vehicle that is  
23 approaching the school bus from either direction shall slow to a rate of speed that is reasonable under the  
24 conditions existing at the point of operation and must be prepared to stop on the actuation of flashing red lights  
25 when the school bus has stopped.

26 (3) Each bus used for the transportation of school children must bear upon the front and rear  
27 plainly visible signs containing the words "SCHOOL BUS" in letters not less than 8 inches in height.

**Amendment - 1st Reading/2nd House-blue - Requested by: Mary Ann Dunwell - (S) Local Government**

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

HB0366.002.001

1           (4)     (a) Each bus used for the transportation of school children must be equipped with visual  
2 signals meeting the requirements of 61-9-402. Amber flashing lights must be actuated by the driver  
3 approximately 150 feet in cities and approximately 500 feet in other areas before the bus is stopped to receive  
4 or discharge school children on the highway or street. Red lights must be actuated by the driver of the school  
5 bus only when the school bus is stopped on the highway or street to receive or discharge school children.

6           (b)     A school district board of trustees may adopt a policy prohibiting the operation of amber or red  
7 lights when a school bus is stopped at the school site to receive or discharge school children and the receipt or  
8 discharge does not involve street crossing by the children. The lights may not be operated in violation of that  
9 policy.

10          (c)     If a school bus is stopped outside of the roadway and the school bus will receive or discharge  
11 school children in a location outside of the roadway, the school bus may not actuate the flashing red lights so  
12 long as the school children do not enter the roadway.

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

17          (b)     The extended stop arm must be equipped with additional flashing red lights as specified in 61-  
18 9-402 and must be capable of extending a distance of at least 54 inches from the school bus at a height of not  
19 less than 36 inches.

20          (c)     The board of trustees shall approve each school bus stop that requires a school child to cross  
21 a roadway.

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

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

27          (7)     The driver of a motor vehicle upon a highway with separate roadways need not stop upon

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1 meeting or passing a school bus that is on a different roadway or when upon a controlled-access highway and  
2 the school bus is stopped in a loading zone that is a part of or adjacent to the highway and where pedestrians  
3 are not permitted to cross the roadway.

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

7 (i) the time and approximate location at which the violation occurred;

8 (ii) the license plate number and color of the motor vehicle involved in the violation;

9 (iii) identification of the motor vehicle as a passenger car, truck, bus, motorcycle, or other type of  
10 motor vehicle; and

11 (iv) a description of the person operating the motor vehicle when the violation occurred.

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

14 (c) A person who observes a violation of this section may file a written or oral complaint with the  
15 county sheriff's office. At the sheriff's discretion, the report may be transferred to the highway patrol or city  
16 police department. The report must be investigated by a peace officer, and the investigating officer shall contact  
17 the reporting party within 30 days to provide an update on the status or outcome of the investigation.

18 (9) (a) ~~Violation of subsection (1)(a) is punishable upon conviction by a fine of not more than~~  
19 ~~\$500.~~ A person who violates subsection (1)(a) is guilty of a misdemeanor and is subject to the following  
20 penalties:

21 (i) for a first offense, a fine of not less than \$500 or more than \$1,000, a sentence of community  
22 service of not less than 50 hours or more than 100 hours, or both;

23 (ii) for a second offense, a fine of not less than \$2,000 \$1,000 or more than \$3,000 \$2,000, a  
24 sentence of community service of not less than 100 hours or more than 200 hours, or both; and

25 (iii) for a third or subsequent offense, a fine of not less than \$5,000 \$3,000 or more than \$10,000  
26 \$5,000, a sentence of imprisonment for a term of not less than 30 days, or both.

27 (b) Violation of subsection (1)(b) is a misdemeanor and is punishable on conviction by a fine of not

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1 more than \$1,000, by imprisonment for not more than 6 months, or both.

2 (c) ~~It is a violation of subsection (5) for the A~~ driver of a motor vehicle ~~to make who makes~~ contact  
3 with any portion of a ~~stopped~~ school bus ~~stopped pursuant to subsection (5)~~, including ~~making contact with~~ an  
4 extended stop arm, or ~~to make contact with~~ a school child within 30 feet of a school bus. ~~A violation under this~~  
5 ~~subsection (9)(c) is guilty of~~ a misdemeanor and is ~~punishable on conviction by a fine of not more than \$500~~  
6 ~~subject to the penalties allowed in subsection (9)(a).~~"

7 - END -

AMENDED