

1 HOUSE BILL NO. 470
 2 INTRODUCED BY R. FITZGERALD, G. NIKOLAKAKOS, M. MARLER, D. FERN, M. THANE, L. BREWSTER,
 3 B. MERCER, N. NICOL, R. MARSHALL, D. LOGE, M. YAKAWICH, B. GILLESPIE, P. GREEN, J. LYNCH, P.
 4 TUSS, J. KARLEN, E. MATTHEWS, N. DURAM

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING MOTOR VEHICLE LAWS; REVISING LAWS
 7 REGARDING YIELDING TO MOVING EMERGENCY VEHICLES; REVISING LAWS REGARDING SLOWING
 8 DOWN AND MOVING OVER FOR STATIONARY EMERGENCY VEHICLES AND HIGHWAY MAINTENANCE
 9 VEHICLES; REVISING RECKLESS ENDANGERMENT OF EMERGENCY PERSONNEL; REVISING
 10 RECKLESS ENDANGERMENT OF HIGHWAY WORKERS; PROVIDING DEFINITIONS; AMENDING
 11 SECTIONS 61-8-321, 61-8-715, AND 61-9-402, MCA; AND REPEALING SECTION 61-8-346, MCA."

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

14
 15 NEW SECTION. **Section 1. Short title.** [Sections 1 through 6] may be cited as the "Yield -- Slow
 16 Down -- Move Over Act".

17
 18 NEW SECTION. **Section 2. Definitions.** As used in [sections 3 through 6], the following definitions
 19 apply:

- 20 (1) "Emergency lights" means:
 - 21 (a) for a law enforcement vehicle or an authorized emergency vehicle, visual signals meeting the
 - 22 requirements of 61-9-402; and
 - 23 (b) for a highway maintenance vehicle, visible signals of flashing or rotating amber, blue, red, or
 - 24 green lights.
- 25 (2) "Highway maintenance vehicle" means an authorized vehicle that is engaged in highway
- 26 maintenance activities when the authorized vehicle is displaying flashing lights that meet the requirements of
- 27 the department of transportation. The term also includes a tow truck, a snow plow with lights additional to its
- 28 original equipment manufacturer lights, a rural electric cooperative vehicle, and a rural telephone cooperative



1 vehicle.

2 (3) "Highway worker" means a person operating or working within 100 feet of a highway
3 maintenance vehicle using its emergency lights.

4 (4) "Siren" means an audible signal meeting the requirements of 61-9-402.

5
6 **NEW SECTION. Section 3. Yielding to moving emergency vehicle.** When being approached by a
7 law enforcement vehicle or authorized emergency vehicle using its siren or emergency lights, the operator of a
8 moving vehicle, unless otherwise directed by a law enforcement officer, shall:

9 (1) yield the right-of-way to the law enforcement vehicle or authorized emergency vehicle; and

10 (2) unless already stationary and out of the way of the law enforcement vehicle or authorized
11 emergency vehicle:

12 (a) drive cautiously to a position that is parallel to and as close as possible to the right-hand edge
13 or curb of the roadway and is not in an intersection; and

14 (b) remain stationary until the law enforcement vehicle or authorized emergency vehicle has
15 passed.

16
17 **NEW SECTION. Section 4. Approaching stationary emergency vehicle.** When approaching a
18 stationary law enforcement vehicle or authorized emergency vehicle using its siren or emergency lights or a
19 stationary highway maintenance vehicle using its emergency lights, the operator of a moving vehicle shall:

20 (1) cautiously and carefully reduce the vehicle's speed to the temporary posted speed limit. If a
21 temporary speed limit has not been posted, the operator of a moving vehicle shall reduce the vehicle's speed to
22 a speed:

23 (a) 20 miles an hour below the posted speed limit on the interstate if the operator of a moving
24 vehicle is able to move lanes, or to one-half the posted speed limit if the operator of a moving vehicle is not able
25 to move lanes;

26 (b) 30 miles an hour below the posted speed limit on a state highway or county road if the operator
27 of a moving vehicle is able to move lanes, or to one-half the posted speed limit if the operator of a moving
28 vehicle is not able to move lanes; and

- 1 (c) one-half the posted speed limit on any other road; and
- 2 (2) follow flagger instructions or instructions on a temporary sign board. If flaggers or a temporary
- 3 sign board are not yet posted:
- 4 (a) if on a multi-lane highway, move to a lane that is not adjacent to the lane in which the
- 5 stationary law enforcement vehicle, authorized emergency vehicle, or highway maintenance vehicle is located;
- 6 or
- 7 (b) move over as far as safely possible under the circumstances.

8

9 **NEW SECTION. Section 5. Reckless endangerment of emergency personnel or highway**

10 **workers.** (1) An operator of a vehicle who violates [section 4] commits the offense of reckless endangerment of

11 emergency personnel or highway workers.

12 (2) Reckless endangerment of emergency personnel or reckless endangerment of highway

13 workers is punishable under 61-8-715.

14

15 **NEW SECTION. Section 6. Duty of emergency driver -- duty of highway worker.** (1) [Sections 3

16 and 4] do not relieve the driver of a law enforcement vehicle or authorized emergency vehicle from the duty to

17 drive with due regard for the safety of all persons using the highway.

18 (2) [Section 4] does not relieve a highway worker of the duty to take standard safety precautions or

19 to behave reasonably under the circumstances.

20

21 **Section 7.** Section 61-8-321, MCA, is amended to read:

22 **"61-8-321. Drive on right side of roadway -- exceptions.** (1) Upon all roadways of sufficient width, a

23 vehicle must be operated upon the right half of the roadway, except as follows:

- 24 (a) when overtaking and passing another vehicle proceeding in the same direction under the rules
- 25 governing the passing movement;
- 26 (b) when the right half of a roadway is closed to traffic while under construction or repair;
- 27 (c) upon a roadway divided into three marked lanes for traffic under the rules applicable on a
- 28 divided roadway;

1 (d) upon a roadway designated by official traffic control devices for one-way traffic;

2 (e) when the operator of a vehicle is complying with the provisions of ~~61-8-346~~ [section 3 or 4];

3 (f) when an obstruction exists that makes it necessary to drive to the left of the center of the
4 roadway; or

5 (g) when a police vehicle or authorized emergency vehicle is performing a job-related duty as
6 provided in 61-8-107.

7 (2) A person operating a vehicle to the left of the center of the roadway for any of the reasons
8 provided in subsection (1) shall yield the right-of-way to all vehicles traveling in the proper direction upon the
9 unobstructed portion of the roadway that are within a distance that constitutes an immediate hazard.

10 (3) (a) Except as provided in subsection (3)(b) and subject to subsection (4), upon all roadways
11 having two or more lanes for traffic moving in the same direction, a vehicle must be driven in the right-hand
12 lane.

13 (b) A vehicle being operated upon a roadway having two or more lanes for traffic moving in the
14 same direction is not required to be driven in the right-hand lane when:

15 (i) overtaking and passing another vehicle proceeding in the same direction;

16 (ii) traveling at a speed greater than the traffic flow;

17 (iii) moving left to allow traffic to merge;

18 (iv) traveling on a roadway within the official boundaries of a city or town, except as provided in
19 subsection (4);

20 (v) preparing for a left turn at an intersection or into a private road or driveway when a left turn is
21 legally permitted;

22 (vi) exiting onto a left-hand exit from a controlled-access highway;

23 (vii) an obstruction or hazardous conditions make it necessary to drive in a lane other than the right-
24 hand lane;

25 (viii) road or vehicle conditions make it safer to drive in a lane other than the right-hand lane; or

26 (ix) authorized snow-removal equipment is operating on the roadway.

27 (4) When traveling upon an interstate highway, as defined in 60-1-103, within the official
28 boundaries of a city or town, a vehicle must be driven in the right-hand lane unless otherwise directed or

1 permitted by an official traffic control device."

2

3 **Section 8.** Section 61-8-715, MCA, is amended to read:

4 **"61-8-715. Reckless driving -- ~~reckless endangerment of highway workers~~ -- reckless**
5 **endangerment of emergency personnel or highway workers -- penalty.** (1) Except as provided in
6 subsection (2), a person convicted of reckless driving under 61-8-301(1)(a) or (1)(b), ~~convicted of reckless~~
7 ~~endangerment of a highway worker under 61-8-301(4)~~, or convicted of reckless endangerment of emergency
8 personnel or reckless endangerment of highway workers under ~~61-8-346~~ [section 5] shall be punished ~~upon~~ on
9 a first conviction by imprisonment for a term of not more than 90 days, a fine of not less than \$100 or more than
10 \$500, or both. On a second or subsequent conviction, the person shall be punished by imprisonment for a term
11 of not less than 10 days or more than 6 months, a fine of not less than \$500 or more than \$1,000, or both.

12 (2) A person who is convicted of reckless driving under 61-8-301 or convicted of reckless
13 endangerment of emergency personnel or reckless endangerment of highway workers under ~~61-8-346~~ [section
14 5] and whose offense results in the death or serious bodily injury of another person shall be punished by a fine
15 in an amount not exceeding \$10,000, incarceration for a term not to exceed 1 year, or both."

16

17 **Section 9.** Section 61-9-402, MCA, is amended to read:

18 **"61-9-402. Audible and visual signals on police, emergency vehicles, and on-scene command**
19 **vehicles -- immunity.** (1) A police vehicle must be equipped with a siren capable of giving an audible signal
20 and may be equipped with alternately flashing or rotating red or blue lights as specified in this section.

21 (2) An authorized emergency vehicle must be equipped:

22 (a) with a siren and an alternately flashing or rotating red light as specified in this section; and

23 (b) with signal lamps mounted as high and as widely spaced laterally as practicable that are
24 capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two
25 alternately flashing red lights located at the same level. These lights must have sufficient intensity to be visible
26 at 500 feet in normal sunlight.

27 (3) (a) A bus used for the transportation of school children must be equipped with signal lamps
28 mounted as high and as widely spaced laterally as practicable, displaying to the front at least two red and two

1 amber alternating flashing lights and to the rear at least two red and two amber alternating flashing lights.

2 These lights must have sufficient intensity to be visible at 500 feet in normal sunlight.

3 (b) Additional red flashing lights may be mounted to the front and to the rear at a height of at least
4 36 inches and not more than 72 inches from the ground. If additional red lights are mounted, they must be
5 installed so that they can be actuated only if the school bus is stopped.

6 (c) The specifications for the warning lights must be prescribed by the board of public education
7 and approved by the department.

8 (4) A police vehicle and an authorized emergency vehicle may, and an emergency service vehicle
9 must, be equipped with alternately flashing or rotating amber lights as specified in this section.

10 (5) The use of signal equipment as described in this section imposes upon the operators of other
11 vehicles the obligation to yield right-of-way or to stop and to proceed past the signal or light as provided in ~~61-8-~~
12 ~~346 [sections 4 and 5]~~ and subject to the provisions of 61-8-209 and 61-8-303.

13 (6) An employee, agent, or representative of the state or a political subdivision of the state or of a
14 governmental fire agency organized under Title 7, chapter 33, who is operating a police vehicle, an authorized
15 emergency vehicle, or an emergency service vehicle and using signal equipment in rendering assistance at a
16 highway crash scene or in response to any other hazard on the roadway that presents an immediate hazard or
17 an emergency or life-threatening situation is not liable, except for willful misconduct, bad faith, or gross
18 negligence, for injuries, costs, damages, expenses, or other liabilities resulting from a motorist operating a
19 vehicle in violation of subsection (5).

20 (7) Blue, red, and amber lights required in this section must be mounted as high as and as widely
21 spaced laterally as practicable and be capable of displaying to the front two alternately flashing lights of the
22 specified color located at the same level and to the rear two alternately flashing lights of the specified color
23 located at the same level or one rotating light of the specified color, mounted as high as is practicable and
24 visible from both the front and the rear. These lights must have sufficient intensity to be visible at 500 feet in
25 normal sunlight. Except as provided in 61-9-204(6), only police vehicles, as defined in 61-8-102, may display
26 blue lights, lenses, or globes.

27 (8) A police vehicle and authorized emergency vehicle may be equipped with a flashing signal
28 lamp that is green in color, visible from 360 degrees, and attached to the exterior roof of the vehicle for

1 purposes of designation as the on-scene command and control vehicle in an emergency or disaster. The green
2 light must have sufficient intensity to be visible at 500 feet in normal sunlight. Only the on-scene command and
3 control vehicle may display green lights, lenses, or globes.

4 (9) Only a police vehicle or an authorized emergency vehicle may be equipped with the means to
5 flash or alternate its headlamps or its backup lights.

6 (10) A violation of subsection (5) is considered reckless endangerment of a highway worker, as
7 provided in 61-8-301(4), and is punishable as provided in 61-8-715."

8

9 NEW SECTION. Section 10. Repealer. The following section of the Montana Code Annotated is
10 repealed:

11 61-8-346. Operation of vehicles on approach of authorized emergency vehicles or law enforcement
12 vehicles -- approaching stationary emergency vehicles or law enforcement vehicles -- reckless endangerment
13 of emergency personnel.

14

15 NEW SECTION. Section 11. Codification instruction. [Sections 1 through 6] are intended to be
16 codified as an integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply
17 to [sections 1 through 6].

18

- END -