

HOUSE BILL NO. 320

INTRODUCED BY N. DURAM, J. HAMILTON, S. KERNS, T. RUNNING WOLF, M. MARLER, P. FIELDER, S. VINTON, L. REKSTEN, N. NICOL, F. NAVE, R. MARSHALL, P. GREEN, C. SPRUNGER, B. BARKER, B.

CARTER, L. HELLEGAARD

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

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

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

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

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

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

(a) cautiously and in a careful manner reduce the vehicle's speed to a reasonably lower and safe

1 speed appropriate to the road and visual conditions or to the temporarily posted speed limit, but to a careful and  
2 prudent speed if a temporarily posted speed has not been posted;

3 (b) proceed with caution; and

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

5 (i) move to a lane that is not adjacent to the lane in which the authorized emergency vehicle, law  
6 enforcement vehicle, ~~or~~-tow truck, utility vehicle, or other vehicle is located;

7 (ii) move as far away from the authorized emergency vehicle, law enforcement vehicle, ~~or~~-tow  
8 truck, utility vehicle, or other vehicle as possible; or

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

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

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