

HOUSE BILL NO. 374

INTRODUCED BY D. HAWK, E. KERR-CARPENTER, M. YAKAWICH, S. WEBBER, S. O'BRIEN, A. OLSEN,  
T. MCGILLVRAY, E. MCCLAFFERTY, J. FITZPATRICK, J. LYNCH, B. BEARD

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING MOTOR VEHICLE LAWS; CREATING THE OFFENSE  
OF FAILURE TO YIELD TO AN EMERGENCY VEHICLE; PROVIDING A PENALTY; AND AMENDING  
SECTIONS 61-8-346 AND 61-8-715, 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 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 speed appropriate to the road and visual conditions or to the temporarily posted speed limit, but to a careful and

**Amendment - 1st Reading-white - Requested by: Dave Fern - (H) Transportation**

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Drafter: Sara Hess, (406) 444-4838

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- 1 prudent speed if a temporarily posted speed has not been posted;
- 2 (b) proceed with caution; and
- 3 (c) if possible considering safety and traffic conditions:
- 4 (i) move to a lane that is not adjacent to the lane in which the authorized emergency vehicle, law
- 5 enforcement vehicle, or tow truck is located;
- 6 (ii) move as far away from the authorized emergency vehicle, law enforcement vehicle, or tow
- 7 truck as possible; or
- 8 (iii) follow flagger instructions or instructions on sign boards.

9 (4) (a) An operator of a vehicle who violates subsection (1) commits the offense of failure to yield  
10 to an emergency vehicle and is subject to the penalties provided in 61-8-715(3).

11 (b) An operator of a vehicle who violates subsection (3) commits the offense of reckless  
12 endangerment of emergency personnel and is subject to the penalties provided in 61-8-715(1) or (2)."

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14 **Section 2.** Section 61-8-715, MCA, is amended to read:

15 **"61-8-715. Reckless driving -- reckless endangerment of highway workers -- reckless**  
16 **endangerment of emergency personnel -- failure to yield to an emergency vehicle -- penalty.** (1) Except  
17 as provided in subsection (2), a person convicted of reckless driving under 61-8-301(1)(a) or (1)(b), convicted of  
18 reckless endangerment of a highway worker under 61-8-301(4), or convicted of reckless endangerment of  
19 emergency personnel under 61-8-346 shall be punished upon a first conviction by imprisonment for a term of  
20 not more than 90 days, a fine of not less than \$100 or more than \$500, or both. On a second or subsequent  
21 conviction, the person shall be punished by imprisonment for a term of not less than 10 days or more than 6  
22 months, a fine of not less than \$500 or more than \$1,000, or both.

23 (2) A person who is convicted of reckless driving under 61-8-301 or convicted of reckless  
24 endangerment of emergency personnel under 61-8-346 and whose offense results in the death or serious  
25 bodily injury of another person shall be punished by a fine in an amount not exceeding \$10,000, incarceration  
26 for a term not to exceed 1 year, or both.

27 (3) A person who is convicted of failure to yield to an emergency vehicle under 61-8-346 shall be  
28 punished as follows:

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1           (a) \_\_\_\_\_ for a first conviction, a fine of not less than \$500 or more than \$1,000, a sentence of community  
2   service of not less than 50 hours or more than 100 hours, or both;

3 (b) for a second conviction, a fine of not less than ~~\$2,000~~ \$1,000 or more than ~~\$3,000~~ \$2,000, a  
4 sentence of community service of not less than 100 hours or more than 200 hours, or both; and

5 (c) \_\_\_\_\_ for a third or subsequent conviction, a fine of not less than ~~\$5,000~~ \$3,000 or more than ~~\$10,000~~  
6 \$5,000, a sentence of imprisonment for a term of not less than 30 days, or both."

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