

1 House BILL NO. 508  
 2 INTRODUCED BY Randall by request of  
 3 Department of Highways  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS  
 5 32-2102, 32-2128, 32-2175 AND 32-21-132, R.C.M. 1947,  
 6 REDEFINING AND BROADENING THE DEFINITION OF EMERGENCY  
 7 VEHICLES, GOVERNING THE OPERATION OF POLICE AND AUTHORIZED  
 8 EMERGENCY VEHICLES, GOVERNING THE OPERATION OF VEHICLES ON  
 9 APPROACH OF POLICE VEHICLES OR AUTHORIZED EMERGENCY VEHICLES  
 10 AND PROVIDING FURTHER ADDITIONAL LIGHTING EQUIPMENT AND  
 11 RESTRICTIONS."

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

14 Section 1. Section 32-2102, R.C.M. 1947, is amended to  
 15 read as follows:

16 "32-2102. Definitions -- vehicle -- motor vehicle --  
 17 motorcycle -- motor-driven cycle -- police vehicle --  
 18 authorized emergency vehicle -- emergency service vehicle --  
 19 school bus -- bicycle -- special mobile equipment. (a)  
 20 Vehicle. Every device, in, upon, or by which any person or  
 21 property is or may be transported or drawn upon a highway,  
 22 except devices moved by human power or used exclusively upon  
 23 stationary rails or tracks.

24 (b) Motor Vehicle. Every vehicle which is  
 25 self-propelled and every vehicle which is propelled by

1 electric power obtained from overhead trolley wires, but not  
 2 operated upon rails.

3 (c) Motorcycle. Every motor vehicle having a seat or  
 4 saddle for the use of the rider and designed to travel on  
 5 not more than three (3) wheels in contact with the ground,  
 6 but excluding a tractor.

7 (d) Motor-Driven Cycle. Every motorcycle, including  
 8 every motor scooter, with a motor which produces not to  
 9 exceed five (5) horsepower, and every bicycle with motor  
 10 attached.

11 ~~(e) Authorized Emergency Vehicles. Vehicles of the fire~~  
 12 ~~department, fire patrol, police vehicles, and such~~  
 13 ~~ambulances and emergency vehicles of municipal departments~~  
 14 ~~or public service corporations or of persons as are~~  
 15 ~~designated or authorized by the board.~~

16 (e) Police Vehicle. Any vehicle used in the service of  
 17 any law enforcement agency.

18 (f) Authorized Emergency Vehicles. Vehicles of the  
 19 fire department, fire patrol and such ambulances and  
 20 emergency vehicles as are designated or authorized by the  
 21 board.

22 (g) Emergency Service Vehicles. Emergency service  
 23 vehicles of state, county, or municipal departments or  
 24 public service vehicles, which, by the nature of their  
 25 operation, cause a vehicular traffic hazard; or authorized

1 tow cars.

2 ~~(f)~~ (h) School Bus. Every motor vehicle owned by a  
3 public or governmental agency and operated for the  
4 transportation of children to or from school or privately  
5 owned and operated for compensation for the transportation  
6 of children to or from school.

7 ~~(g)~~ (i) Bicycle. Every device propelled by human power  
8 upon which any person may ride, having two (2) tandem wheels  
9 either of which is more than twenty (20) inches in diameter.

10 ~~(h)~~ (j) Special Mobile Equipment. Every vehicle not  
11 designed or used primarily for the transportation of persons  
12 or property and incidentally operated or moved over the  
13 highways, including farm tractors, road construction or  
14 maintenance machinery, ditch-digging apparatus, well-boring  
15 apparatus and concrete mixers. The foregoing enumeration  
16 shall be deemed partial and shall not operate to exclude  
17 other such vehicles which are within the general terms of  
18 this section."

19 Section 2. Section 32-2128, R.C.M. 1947, is amended to  
20 read as follows:

21 "32-2128. Authorized Police vehicles and authorized  
22 emergency vehicles. (a) The driver of an a police vehicle or  
23 authorized emergency vehicle, when responding to an  
24 emergency call or when in the pursuit of an actual or  
25 suspected violator of the law or when responding to but not

1 upon returning from a fire alarm, may exercise the  
2 privileges set forth in this section, but subject to the  
3 conditions herein stated.

4 (b) The driver of an a police vehicle or authorized  
5 emergency vehicle may:

6 1. Park or stand, irrespective of the provisions of  
7 this act;

8 2. Proceed past a red or stop signal or stop sign, but  
9 only after slowing down as may be necessary for safe  
10 operation;

11 3. Exceed the speed limits so long as he does not  
12 endanger life or property;

13 4. Disregard regulations governing direction of  
14 movement or turning in specified directions.

15 (c) The exemptions herein granted to an a police  
16 vehicle or authorized emergency vehicle shall apply only  
17 when such ~~vehicle~~ vehicles is are making use of audible and  
18 visual signals meeting the requirements of section  
19 32-21-132, except that an authorized emergency vehicle  
20 operated as a police vehicle need not be equipped with or  
21 display a red light visible from in front of the vehicle.

22 (d) The foregoing provisions shall not relieve the  
23 driver of an a police vehicle or authorized emergency  
24 vehicle from the duty to drive with due regard for the  
25 safety of all persons, nor shall such provisions protect the

1 driver from the consequences of his reckless disregard for  
2 the safety of others."

3 Section 3. Section 32-2175, R.C.M. 1947, is amended to  
4 read as follows:

5 "32-2175. Operation of vehicles on approach of police  
6 vehicles or authorized emergency vehicles. (a) Upon the  
7 immediate approach of an authorized emergency vehicle making  
8 use of audible and visual signals meeting the requirements  
9 of section 32-21-132, or of a police vehicle properly and  
10 lawfully making use of an audible signal only, the driver of  
11 every other vehicle shall yield the right of way and shall  
12 immediately drive to a position parallel to, and as close as  
13 possible to, the right-hand edge or curb of the roadway  
14 clear of any intersection and shall stop and remain in such  
15 position until the police vehicle or authorized emergency  
16 vehicle has passed, except when otherwise directed by a  
17 police officer or highway patrolman.

18 (b) This section shall not operate to relieve the  
19 driver of ~~an~~ a police vehicle or authorized emergency  
20 vehicle from the duty to drive with due regard for the  
21 safety of all persons using the highway."

22 Section 4. Section 32-21-132, R.C.M. 1947, is amended  
23 to read as follows:

24 "32-21-132. Audible and visual signals on vehicles.

25 (a) A police vehicle shall be equipped with a siren

1 capable of giving an audible signal and may, but need not,  
2 be equipped with alternately flashing or rotating red or  
3 blue lights as specified herein. The use of signal  
4 equipment described herein shall impose upon the drivers of  
5 other vehicle, the obligation to yield right of way and/or  
6 to stop and to proceed past such signal or light only with  
7 caution and at a speed which is no greater than is  
8 reasonable and proper under the conditions existing at the  
9 point of operation.

10 ~~(a)~~ (b) Every authorized emergency vehicle shall, in  
11 addition to any other equipment and distinctive markings  
12 required by this act, be equipped with a siren, ~~exhaust~~  
13 ~~whistle--or-bell-capable-of-giving-an-audible-signal,~~ and an  
14 alternately flashing or rotating red light as specified  
15 herein.

16 ~~(a)~~ (c) Every authorized emergency vehicle shall, in  
17 addition to any other equipment and distinctive markings  
18 required by this act, be equipped with signal lamps mounted  
19 as high and as widely spaced laterally as practicable, which  
20 shall be capable of displaying to the front two (2)  
21 alternately flashing red lights located at the same level  
22 and to the rear two (2) alternately flashing red lights  
23 located at the same level, and these lights shall have  
24 sufficient intensity to be visible at five hundred (500)  
25 feet in normal sunlight.

1        ~~(e)~~ (d) Every bus used for the transportation of school  
 2 children shall, in addition to any other equipment and  
 3 distinctive markings required by this act, be equipped with  
 4 signal lamps mounted as high and as widely spaced laterally  
 5 as practicable, displaying to the front two (2) red and two  
 6 (2) amber alternating flashing lights and to the rear two  
 7 (2) red and two (2) amber alternating flashing lights. These  
 8 lights shall have sufficient intensity to be visible at five  
 9 hundred (500) feet in normal sunlight. The warning lights  
 10 shall be of a type, and located on each bus, as prescribed  
 11 by the state board of education and approved by the  
 12 supervisor of the highway patrol.

13        ~~(d) -- A police vehicle when used as an authorized~~  
 14 ~~emergency vehicle may but need not be equipped with~~  
 15 ~~alternately flashing red lights specified herein. The use of~~  
 16 ~~the signal equipment described herein shall impose upon~~  
 17 ~~drivers of other vehicles the obligation to yield right of~~  
 18 ~~way and stop as prescribed in sections 32-2175 and 32-2197.~~

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1        to stop and to proceed past such signal or light only with  
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 4 point of operation.

5        (f) Blue, red and amber lights required in subsections  
 6 (a), (b) and (c) of this act shall be mounted as high as as  
 7 widely spaced laterally as practicable and capable of  
 8 displaying to the front two (2) alternately flashing lights  
 9 of the specified color located at the same level and to the  
 10 rear two (2) alternately flashing lights of the specified  
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 15 visible at five hundred (500) feet in normal sunlight. The  
 16 use of blue lights as required in subsection (a) of this act  
 17 shall be restricted to police vehicles as defined in section  
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-End-

Approved by Committee  
on Highways & Transportation

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24 sufficient intensity to be visible at five hundred (500)  
25 feet in normal sunlight.

1 ~~(e)~~ (d) Every bus used for the transportation of school  
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 4 signal lamps mounted as high and as widely spaced laterally  
 5 as practicable, displaying to the front two (2) red and two  
 6 (2) amber alternating flashing lights and to the rear two  
 7 (2) red and two (2) amber alternating flashing lights. These  
 8 lights shall have sufficient intensity to be visible at five  
 9 hundred (500) feet in normal sunlight. The warning lights  
 10 shall be of a type, and located on each bus, as prescribed  
 11 by the state board of education and approved by the  
 12 supervisor of the highway patrol.

13 ~~(d) -- A police vehicle when used as an authorized~~  
 14 ~~emergency vehicle may but need not be equipped with~~  
 15 ~~alternately flashing red lights specified herein. The use of~~  
 16 ~~the signal equipment described herein shall impose upon~~  
 17 ~~drivers of other vehicles the obligation to yield right of~~  
 18 ~~way and stop as prescribed in sections 32-2175 and 32-2197.~~

19 (e) Police vehicles and authorized emergency vehicles  
 20 may, and emergency service vehicles shall, in addition to  
 21 any other equipment and distinctive markings required by  
 22 this act be equipped with alternately flashing or rotating  
 23 amber lights as specified herein. The use of signal  
 24 equipment described herein shall impose upon the drivers of  
 25 other vehicles, the obligation to yield right of way and/or

1 to stop and to proceed past such signal or light only with  
 2 caution and at a speed which is no greater than is  
 3 reasonable and proper under the conditions existing at the  
 4 point of operation.

5 (f) Blue, red and amber lights required in subsections  
 6 (a), (b) and (c) of this act shall be mounted as high as as  
 7 widely spaced laterally as practicable and capable of  
 8 displaying to the front two (2) alternately flashing lights  
 9 of the specified color located at the same level and to the  
 10 rear two (2) alternately flashing lights of the specified  
 11 color located at the same level or as an alternative, one  
 12 (1) rotating light of the specified color, mounted as high  
 13 as is practicable which shall be both visible front and  
 14 rear. These lights shall have sufficient intensity to be  
 15 visible at five hundred (500) feet in normal sunlight. The  
 16 use of blue lights as required in subsection (a) of this act  
 17 shall be restricted to police vehicles as defined in section  
 18 32-2102, R.C.M. 1947."

-End-

HOUSE BILL NO. 508

INTRODUCED BY KENDALL

(BY REQUEST OF DEPARTMENT OF HIGHWAYS)

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 32-2102, 32-2128, 32-2175 AND 32-21-132, R.C.M. 1947, REDEFINING AND BROADENING THE DEFINITION OF EMERGENCY VEHICLES, GOVERNING THE OPERATION OF POLICE AND AUTHORIZED EMERGENCY VEHICLES, GOVERNING THE OPERATION OF VEHICLES ON APPROACH OF POLICE VEHICLES OR AUTHORIZED EMERGENCY VEHICLES AND PROVIDING FURTHER ADDITIONAL LIGHTING EQUIPMENT AND RESTRICTIONS."

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

Section 1. Section 32-2102, R.C.M. 1947, is amended to read as follows:

"32-2102. Definitions -- vehicle -- motor vehicle -- motorcycle -- motor-driven cycle -- police vehicle -- authorized emergency vehicle -- emergency service vehicle -- school bus -- bicycle -- special mobile equipment. (a) Vehicle. Every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(b) Motor Vehicle. Every vehicle which is

self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) Motorcycle. Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

(d) Motor-Driven Cycle. Every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) horsepower, and every bicycle with motor attached.

~~(e) Authorized Emergency Vehicle. Vehicles of the fire department, fire patrol, police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations or of persons as are designated or authorized by the board.~~

(e) Police Vehicle. Any vehicle used in the service of any law enforcement agency.

(f) Authorized Emergency Vehicles. Vehicles of the fire department, fire patrol and such ambulances and emergency vehicles as are designated or authorized by the board.

(g) Emergency Service Vehicles. Emergency service vehicles of state, county, or municipal departments or public service vehicles, which, by the nature of their

1 operation, cause a vehicular traffic hazard; or authorized  
 2 tow cars.

3 ~~(f)~~ (h) School Bus. Every motor vehicle owned by a  
 4 public or governmental agency and operated for the  
 5 transportation of children to or from school or privately  
 6 owned and operated for compensation for the transportation  
 7 of children to or from school.

8 ~~(g)~~ (i) Bicycle. Every device propelled by human power  
 9 upon which any person may ride, having two (2) tandem wheels  
 10 either of which is more than twenty (20) inches in diameter.

11 ~~(h)~~ (j) Special Mobile Equipment. Every vehicle not  
 12 designed or used primarily for the transportation of persons  
 13 or property and incidentally operated or moved over the  
 14 highways, including farm tractors, road construction or  
 15 maintenance machinery, ditch-digging apparatus, well-boring  
 16 apparatus and concrete mixers. The foregoing enumeration  
 17 shall be deemed partial and shall not operate to exclude  
 18 other such vehicles which are within the general terms of  
 19 this section."

20 Section 2. Section 32-2128, R.C.M. 1947, is amended to  
 21 read as follows:

22 "32-2128. Authorized Police vehicles and authorized  
 23 emergency vehicles. (a) The driver of an a police vehicle or  
 24 authorized emergency vehicle, when responding to an  
 25 emergency call or when in the pursuit of an actual or

1 suspected violator of the law or when responding to but not  
 2 upon returning from a fire alarm, may exercise the  
 3 privileges set forth in this section, but subject to the  
 4 conditions herein stated.

5 (b) The driver of an a police vehicle or authorized  
 6 emergency vehicle may:

7 1. Park or stand, irrespective of the provisions of  
 8 this act;

9 2. Proceed past a red or stop signal or stop sign, but  
 10 only after slowing down as may be necessary for safe  
 11 operation;

12 3. Exceed the speed limits so long as he does not  
 13 endanger life or property;

14 4. Disregard regulations governing direction of  
 15 movement or turning in specified directions.

16 (c) The exemptions herein granted to an a police  
 17 vehicle or authorized emergency vehicle shall apply only  
 18 when such vehicle vehicles is are making use of audible and  
 19 visual signals meeting the requirements of section  
 20 32-21-132, except that an authorized emergency vehicle  
 21 operated as a police vehicle need not be equipped with or  
 22 display a red light visible from in front of the vehicle.

23 (d) The foregoing provisions shall not relieve the  
 24 driver of an a police vehicle or authorized emergency  
 25 vehicle from the duty to drive with due regard for the

1 safety of all persons, nor shall such provisions protect the  
2 driver from the consequences of his reckless disregard for  
3 the safety of others."

4 Section 3. Section 32-2175, R.C.M. 1947, is amended to  
5 read as follows:

6 "32-2175. Operation of vehicles on approach of police  
7 vehicles or authorized emergency vehicles. (a) Upon the  
8 immediate approach of an authorized emergency vehicle making  
9 use of audible and visual signals meeting the requirements  
10 of section 32-21-132, or of a police vehicle properly and  
11 lawfully making use of an audible signal only, the driver of  
12 every other vehicle shall yield the right of way and shall  
13 immediately drive to a position parallel to, and as close as  
14 possible to, the right-hand edge or curb of the roadway  
15 clear of any intersection and shall stop and remain in such  
16 position until the police vehicle or authorized emergency  
17 vehicle has passed, except when otherwise directed by a  
18 police officer or highway patrolman.

19 (b) This section shall not operate to relieve the  
20 driver of ~~an~~ a police vehicle or authorized emergency  
21 vehicle from the duty to drive with due regard for the  
22 safety of all persons using the highway."

23 Section 4. Section 32-21-132, R.C.M. 1947, is amended  
24 to read as follows:

25 "32-21-132. Audible and visual signals on vehicles.

1 (a) A police vehicle shall be equipped with a siren  
2 capable of giving an audible signal and may, but need not,  
3 be equipped with alternately flashing or rotating red or  
4 blue lights as specified herein. The use of signal  
5 equipment described herein shall impose upon the drivers of  
6 other vehicles, the obligation to yield right of way and/or  
7 to stop and to proceed past such signal or light only with  
8 caution and at a speed which is no greater than is  
9 reasonable and proper under the conditions existing at the  
10 point of operation.

11 ~~(a)~~ (b) Every authorized emergency vehicle shall, in  
12 addition to any other equipment and distinctive markings  
13 required by this act, be equipped with a siren, ~~exhaust~~  
14 ~~whistle or bell capable of giving an audible signal,~~ and an  
15 alternately flashing or rotating red light as specified  
16 herein.

17 ~~(b)~~ (c) Every authorized emergency vehicle shall, in  
18 addition to any other equipment and distinctive markings  
19 required by this act, be equipped with signal lamps mounted  
20 as high and as widely spaced laterally as practicable, which  
21 shall be capable of displaying to the front two (2)  
22 alternately flashing red lights located at the same level  
23 and to the rear two (2) alternately flashing red lights  
24 located at the same level, and these lights shall have  
25 sufficient intensity to be visible at five hundred (500)

1 feet in normal sunlight.

2 ~~(e)~~(d) Every bus used for the transportation of school  
3 children shall, in addition to any other equipment and  
4 distinctive markings required by this act, be equipped with  
5 signal lamps mounted as high and as widely spaced laterally  
6 as practicable, displaying to the front two (2) red and two  
7 (2) amber alternating flashing lights and to the rear two  
8 (2) red and two (2) amber alternating flashing lights. These  
9 lights shall have sufficient intensity to be visible at five  
10 hundred (500) feet in normal sunlight. The warning lights  
11 shall be of a type, and located on each bus, as prescribed  
12 by the state board of education and approved by the  
13 supervisor of the highway patrol.

14 ~~(d)--A--police--vehicle--when--used--as--an--authorized~~  
15 ~~emergency--vehicle--may--but--need--not--be--equipped--with~~  
16 ~~alternately-flashing-red-lights-specified-herein--The-use-of~~  
17 ~~the--signal--equipment--described--herein--shall-impose-upon~~  
18 ~~drivers-of-other-vehicles-the-obligation-to-yield--right--of~~  
19 ~~way--and-stop-as-prescribed-in-sections-32-2175-and-32-2197.~~

20 (e) Police vehicles and authorized emergency vehicles  
21 may, and emergency service vehicles shall, in addition to  
22 any other equipment and distinctive markings required by  
23 this act be equipped with alternately flashing or rotating  
24 amber lights as specified herein. The use of signal  
25 equipment described herein shall impose upon the drivers of

1 other vehicles, the obligation to yield right of way and/or  
2 to stop and to proceed past such signal or light only with  
3 caution and at a speed which is no greater than is  
4 reasonable and proper under the conditions existing at the  
5 point of operation.

6 (f) Blue, red and amber lights required in subsections  
7 (a), (b) and (c) of this act shall be mounted as high as and  
8 as widely spaced laterally as practicable and capable of  
9 displaying to the front two (2) alternately flashing lights  
10 of the specified color located at the same level and to the  
11 rear two (2) alternately flashing lights of the specified  
12 color located at the same level or as an alternative, one  
13 (1) rotating light of the specified color, mounted as high  
14 as is practicable which shall be both visible front and  
15 rear. These lights shall have sufficient intensity to be  
16 visible at five hundred (500) feet in normal sunlight. The  
17 use of blue lights as required in subsection (a) of this act  
18 shall be restricted to police vehicles as defined in section  
19 32-2102, R.C.M. 1947."

-End-