

HOUSE BILL NO. 86

INTRODUCED BY KOEHNKE, FRITZ, ZABROCKI,  
PISTORIA, O'CONNELL, EUDAILY, HARP

IN THE HOUSE

January 7, 1985	Introduced and referred to Committee on Highways and Transportation.
January 11, 1985	Fiscal Note requested.
January 15, 1985	On motion of Chief Sponsor, Representatives Fritz, Zabrocki, Pistoria, O'Connell, Eudaily, and Harp added as sponsors.
January 16, 1985	Fiscal Note returned.
February 8, 1985	Committee recommend bill do pass as amended. Report adopted.  Bill printed and placed on members' desks.
February 9, 1985	Second reading, do pass.
February 11, 1985	Considered correctly engrossed.
February 12, 1985	Third reading, passed.  Transmitted to Senate.

IN THE SENATE

February 13, 1985	Introduced and referred to Committee on Highways and Transportation.
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1 HOUSE BILL NO. 86  
2 INTRODUCED BY KOEHNKE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCLUDE PASSING A  
5 SCHOOL BUS DISPLAYING A FLASHING RED SIGNAL IN THE OFFENSE  
6 OF RECKLESS DRIVING; AMENDING SECTIONS 61-8-301, 61-8-351,  
7 AND 61-8-715, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

10 Section 1. Section 61-8-301, MCA, is amended to read:  
11 "61-8-301. Reckless driving. (1) A person commits the  
12 offense of reckless driving if he:

13 (a) operates any vehicle in willful or wanton  
14 disregard for the safety of persons or property; or

15 (b) operates any vehicle in willful or wanton  
16 disregard for the safety of persons or property while  
17 fleeing or attempting to flee from or elude a peace officer  
18 who is lawfully in pursuit and whose vehicle is at the time  
19 in compliance with the requirements of 61-9-402; or

20 (c) passes, in either direction, a school bus which  
21 has stopped and is displaying the visual flashing red signal  
22 as provided in 61-8-351 and 61-9-402. This subsection (1)(c)  
23 does not apply to situations described in 61-8-351(4).

24 (2) Each municipality in this state may enact and  
25 enforce 61-8-715 and subsection (1) of this section as an

1 ordinance."

2 Section 2. Section 61-8-351, MCA, is amended to read:

3 "61-8-351. Meeting or passing school bus. (1) The  
4 driver of a vehicle upon a highway or street either inside  
5 or outside the corporate limits of any city or town upon  
6 meeting or overtaking from either direction any school bus  
7 which has stopped on the highway or street for the purpose  
8 of receiving or discharging any school children shall stop  
9 the vehicle not less than 10 feet before reaching such  
10 school bus when there is in operation on said bus a visual  
11 flashing red signal as specified in 61-9-402 and said driver  
12 shall not proceed until the children have entered the school  
13 bus or have alighted and reached the side of the highway or  
14 street on which they live and until such school bus resumes  
15 motion or the driver has signaled traffic to proceed. In  
16 addition the driver of a vehicle must ~~slow and proceed with~~  
17 caution to a rate of speed that is reasonable under the  
18 conditions existing at the point of operation and be  
19 prepared to stop when meeting or overtaking from either  
20 direction any school bus which is preparing to stop on the  
21 highway or street for the purpose of receiving or  
22 discharging any school children as indicated by flashing  
23 amber lights as specified in 61-9-402.

24 (2) Every bus used for the transportation of school  
25 children shall bear upon the front and rear thereof plainly



1 visible signs containing the words "SCHOOL BUS" in letters  
 2 not less than 8 inches in height, and in addition shall be  
 3 equipped with visual signals meeting the requirements of  
 4 61-9-402. Amber flashing lights shall be actuated by the  
 5 driver approximately 150 feet in cities and approximately  
 6 500 feet in other areas before the bus is stopped to receive  
 7 or discharge school children on the highway or street. Red  
 8 lights shall be actuated by the driver of said school bus  
 9 whenever but only whenever such vehicle is stopped on the  
 10 highway or street whether inside or outside the corporate  
 11 limits of any city or town for the purpose of receiving or  
 12 discharging school children. However, a school district  
 13 board of trustees may, in its discretion, adopt a policy  
 14 prohibiting the operation of amber or red lights when a bus  
 15 is stopped at the school site for purposes of receiving or  
 16 discharging school children and such receipt or discharge  
 17 does not involve street crossing by the children; and such  
 18 lights may not be operated in violation of such a policy.

19 (3) When a school bus is being operated upon a highway  
 20 for purposes other than the actual transportation of  
 21 children either to or from school all markings thereon  
 22 indicating "SCHOOL BUS" shall be covered or concealed.

23 (4) The driver of a vehicle upon a highway with  
 24 separate roadways need not stop upon meeting or passing a  
 25 school bus which is on a different roadway or when upon a

1 controlled-access highway and the school bus is stopped in a  
 2 loading zone which is a part of or adjacent to such highway  
 3 and where pedestrians are not permitted to cross the  
 4 roadway."

5 Section 3. Section 61-8-715, MCA, is amended to read:  
 6 "61-8-715. Reckless driving -- penalty. (1) A person  
 7 convicted of reckless driving under 61-8-301(1)(a) or  
 8 61-8-301(1)(c) shall be punished upon a first conviction by  
 9 imprisonment for a period of not more than 90 days or by  
 10 fine of not less than \$25 or more than \$300 or by both such  
 11 fine and imprisonment, and on a second or subsequent  
 12 conviction shall be punished by imprisonment for not less  
 13 than 10 days or more than 6 months or by a fine of not less  
 14 than \$50 or more than \$500 or by both such fine and  
 15 imprisonment.

16 (2) A person convicted of reckless driving under  
 17 61-8-301(1)(b) shall be punished by imprisonment in the  
 18 county or city jail for not less than 10 days or more than 6  
 19 months to which may be added at the discretion of the court  
 20 a fine of not less than \$300 or more than \$500. On a second  
 21 or subsequent conviction, he shall be punished by  
 22 imprisonment for a term of not less than 30 days or more  
 23 than 1 year to which may be added at the discretion of the  
 24 court a fine of not less than \$500 or more than \$1,000."

25 NEW SECTION. Section 4. Effective date. This act is

LC 0330/01

1 effective July 1, 1985.

-End-

STATE OF MONTANA  
FISCAL NOTE

REQUEST NO. FNN067-85

Form BD-15

In compliance with a written request received January 11 19 85, there is hereby submitted a Fiscal Note for H.B. 86 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSEE LEGISLATION:

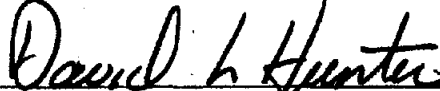
House Bill 86 amends the Montana Code Annotated to include passing a school bus displaying a flashing red signal in the offense of reckless driving.

ASSUMPTIONS:

1. The current penalty for passing a school bus displaying a flashing red signal is not less than \$10 or more than \$100 or imprisonment for not more than 10 days, upon first offense.
2. By inclusion in the reckless driving penalty the penalty for passing a school bus displaying a flashing red signal would be not less than \$25 or more than \$300 or imprisonment for not more than 90 days, upon first offense.
3. Revenues derived from fines imposed for traffic violations are allocated based upon the enforcement officer's jurisdiction (state, county, or local) as well as other relevant statutes (e.g., alcohol rehabilitation).
4. There will be a resulting increase in revenues to the state's general fund, county funds and local funds by enforcement of the proposed change to the statutes.

FISCAL IMPACT:

The passing of the proposed legislation will result in increased revenues to the State's general fund, county funds and local government funds. The exact amounts of such increases is undeterminable because resources information on current enforcement practices is unavailable.

  
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BUDGET DIRECTOR  
Office of Budget and Program Planning

Date: JAN 16, 1985

APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION

HOUSE BILL NO. 86

INTRODUCED BY KOEHNKE, FRITZ, ZABROCKI,  
PISTORIA, O'CONNELL, EUDAILY, HARP

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCLUDE PASSING A SCHOOL BUS DISPLAYING A FLASHING RED SIGNAL WITH WILLFUL OR WANTON DISREGARD FOR THE SAFETY OF PERSONS OR PROPERTY IN THE OFFENSE OF RECKLESS DRIVING; AMENDING SECTIONS 61-8-301, 61-8-351, AND 61-8-715, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 61-8-301, MCA, is amended to read:

"61-8-301. Reckless driving. (1) A person commits the offense of reckless driving if he:

(a) operates any vehicle in willful or wanton disregard for the safety of persons or property; or

(b) operates any vehicle in willful or wanton disregard for the safety of persons or property while fleeing or attempting to flee from or elude a peace officer who is lawfully in pursuit and whose vehicle is at the time in compliance with the requirements of 61-9-402; or

(c) ~~passes~~ OPERATES ANY VEHICLE IN WILLFUL OR WANTON DISREGARD FOR THE SAFETY OF PERSONS OR PROPERTY WHILE PASSING, in either direction, a school bus which has stopped

and is displaying the visual flashing red signal as provided in 61-8-351 and 61-9-402. This subsection (1)(c) does not apply to situations described in ~~61-8-351(4)~~ 61-8-351(5).

(2) Each municipality in this state may enact and enforce 61-8-715 and subsection (1) of this section as an ordinance."

Section 2. Section 61-8-351, MCA, is amended to read:

"61-8-351. Meeting or passing school bus. (1) The driver of a vehicle upon a highway or street either inside or outside the corporate limits of any city or town upon meeting or overtaking from either direction any school bus which has stopped on the highway or street for the purpose of receiving or discharging any school children shall stop the vehicle not less than 10 feet before reaching such school bus when there is in operation on said bus a visual flashing red signal as specified in 61-9-402 and said driver shall not proceed until the children have entered the school bus or have alighted and reached the side of the highway or street on which they live and until such school bus resumes motion or the driver has signaled traffic to proceed.

(2) In addition the driver of a vehicle ~~must~~ SHALL slow and--proceed--with--caution to a rate of speed that is reasonable under the conditions existing at the point of operation and be prepared to stop when meeting or overtaking from either direction any school bus which is preparing to



1 stop on the highway or street for the purpose of receiving  
2 or discharging any school children as indicated by flashing  
3 amber lights as specified in 61-9-402.

4 ~~†2†~~(3) Every bus used for the transportation of school  
5 children shall bear upon the front and rear thereof plainly  
6 visible signs containing the words "SCHOOL BUS" in letters  
7 not less than 8 inches in height, and in addition shall be  
8 equipped with visual signals meeting the requirements of  
9 61-9-402. Amber flashing lights shall be actuated by the  
10 driver approximately 150 feet in cities and approximately  
11 500 feet in other areas before the bus is stopped to receive  
12 or discharge school children on the highway or street. Red  
13 lights shall be actuated by the driver of said school bus  
14 whenever but only whenever such vehicle is stopped on the  
15 highway or street whether inside or outside the corporate  
16 limits of any city or town for the purpose of receiving or  
17 discharging school children. However, a school district  
18 board of trustees may, in its discretion, adopt a policy  
19 prohibiting the operation of amber or red lights when a bus  
20 is stopped at the school site for purposes of receiving or  
21 discharging school children and such receipt or discharge  
22 does not involve street crossing by the children; and such  
23 lights may not be operated in violation of such a policy.

24 ~~†3†~~(4) When a school bus is being operated upon a  
25 highway for purposes other than the actual transportation of

1 children either to or from school all markings thereon  
2 indicating "SCHOOL BUS" shall be covered or concealed.

3 ~~†4†~~(5) The driver of a vehicle upon a highway with  
4 separate roadways need not stop upon meeting or passing a  
5 school bus which is on a different roadway or when upon a  
6 controlled-access highway and the school bus is stopped in a  
7 loading zone which is a part of or adjacent to such highway  
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10 Section 3. Section 61-8-715, MCA, is amended to read:

11 "61-8-715. Reckless driving -- penalty. (1) A person  
12 convicted of reckless driving under 61-8-301(1)(a) or  
13 61-8-301(1)(c) shall be punished upon a first conviction by  
14 imprisonment for a period of not more than 90 days or by  
15 fine of not less than \$25 or more than \$300 or by both such  
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18 than 10 days or more than 6 months or by a fine of not less  
19 than \$50 or more than \$500 or by both such fine and  
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21 (2) A person convicted of reckless driving under  
22 61-8-301(1)(b) shall be punished by imprisonment in the  
23 county or city jail for not less than 10 days or more than 6  
24 months to which may be added at the discretion of the court  
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HB 0086/02

1 or subsequent conviction, he shall be punished by  
2 imprisonment for a term of not less than 30 days or more  
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4 court a fine of not less than \$500 or more than \$1,000."

5 NEW SECTION. Section 4. Effective date. This act is  
6 effective July 1, 1985.

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