

SENATE BILL NO. 327

INTRODUCED BY B. BROWN, YELLOWTAIL, PINSONEAULT, MCCALLUM, COBB,
PECK, KEYSER, HARRINGTON, KOEHNKE, EUDAILY, GRADY, NELSON

IN THE SENATE

February 6, 1985	Introduced and referred to Committee on Highways and Transportation.
February 15, 1985	Committee recommend bill do pass as amended. Report adopted.
February 16, 1985	Bill printed and placed on members' desks.
February 18, 1985	Second reading, do pass as amended.
February 19, 1985	Correctly engrossed.
February 20, 1985	Third reading, passed. Ayes, 36; Noes, 12.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Judiciary.
March 19, 1985	Committee recommend bill be concurrred in. Report adopted.
March 22, 1985	Second reading, concurrred in.
March 25, 1985	Third reading, concurrred in.
	Returned to Senate.

IN THE SENATE

March 25, 1985

Received from House.

March 26, 1985

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. 327
 2 INTRODUCED BY *Bob Brown Yellowtail* *Riverwood* *Michael*
 3 *McCoy* *Harmon* *Beck* *Bohnke* *Embrey* *Young*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT WHENEVER *D.L.*

5 A VEHICLE IS ESTABLISHED TO HAVE BEEN IN VIOLATION OF THE
 6 LAW PROHIBITING THE PASSING OF A STOPPED SCHOOL BUS, THE
 7 REGISTERED OWNER OF THE VEHICLE IS PRIMA FACIE RESPONSIBLE
 8 FOR THE VIOLATION; PROVIDING A PENALTY FOR THE VIOLATION;
 9 AMENDING SECTION 61-8-351, MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 61-8-351, MCA, is amended to read:
 13 "61-8-351. Meeting or passing school bus --
 14 identification of violator -- penalty. (1) The driver of a
 15 vehicle upon a highway or street either inside or outside
 16 the corporate limits of any city or town upon meeting or
 17 overtaking from either direction any school bus which has
 18 stopped on the highway or street for the purpose of
 19 receiving or discharging any school children shall stop the
 20 vehicle not less than 10 feet before reaching such school
 21 bus when there is in operation on said bus a visual flashing
 22 red signal as specified in 61-9-402 and said driver shall
 23 not proceed until the children have entered the school bus
 24 or have alighted and reached the side of the highway or
 25 street on which they live and until such school bus resumes

1 motion or the driver has signaled traffic to proceed. In
 2 addition the driver of a vehicle must slow and proceed with
 3 caution when meeting or overtaking from either direction any
 4 school bus which is preparing to stop on the highway or
 5 street for the purpose of receiving or discharging any
 6 school children as indicated by flashing amber lights as
 7 specified in 61-9-402.

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



1 does not involve street crossing by the children; and such
2 lights may not be operated in violation of such a policy.

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

7 (4) The driver of a vehicle upon a highway with
8 separate roadways need not stop upon meeting or passing a
9 school bus which is on a different roadway or when upon a
10 controlled-access highway and the school bus is stopped in a
11 loading zone which is a part of or adjacent to such highway
12 and where pedestrians are not permitted to cross the
13 roadway.

14 (5) Whenever a vehicle is established to have been in
15 violation of subsection (1), the person in whose name the
16 vehicle is registered is prima facie the driver of the
17 vehicle at the time of the alleged violation.

18 (6) Violation of subsection (1) is punishable upon
19 conviction by a fine of not more than \$500."

-End-

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

1 SENATE BILL NO. 327

2 INTRODUCED BY B. BROWN, YELLOWTAIL,

3 PINSONEAULT, MCCALLUM, COBB, PECK,

4 KEYSER, HARRINGTON, KOEHNKE,

5 EUDAILY, GRADY, NELSON

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7 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT WHENEVER
8 A VEHICLE IS ESTABLISHED TO HAVE BEEN IN VIOLATION OF THE
9 LAW PROHIBITING THE PASSING OF A STOPPED SCHOOL BUS, THE
10 REGISTERED OWNER OF THE VEHICLE IS PRIMA--FACIE--RESPONSIBLE
11 ACCOUNTABLE FOR THE VIOLATION; PROVIDING A PENALTY FOR THE
12 VIOLATION; AMENDING SECTION 61-8-351, MCA."
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19 the corporate limits of any city or town upon meeting or
20 overtaking from either direction any school bus which has
21 stopped on the highway or street for the purpose of
22 receiving or discharging any school children shall stop the
23 vehicle not less than 10 feet before reaching such school
24 bus when there is in operation on said bus a visual flashing
25 red signal as specified in 61-9-402 and said driver shall

1 not proceed until the children have entered the school bus
2 or have alighted and reached the side of the highway or
3 street on which they live and until such school bus resumes
4 motion or the driver has signaled traffic to proceed. In
5 addition the driver of a vehicle must slow and proceed with
6 caution when meeting or overtaking from either direction any
7 school bus which is preparing to stop on the highway or
8 street for the purpose of receiving or discharging any
9 school children as indicated by flashing amber lights as
10 specified in 61-9-402.

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

1 prohibiting the operation of amber or red lights when a bus
2 is stopped at the school site for purposes of receiving or
3 discharging school children and such receipt or discharge
4 does not involve street crossing by the children; and such
5 lights may not be operated in violation of such a policy.

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

10 (4) The driver of a vehicle upon a highway with
11 separate roadways need not stop upon meeting or passing a
12 school bus which is on a different roadway or when upon a
13 controlled-access highway and the school bus is stopped in a
14 loading zone which is a part of or adjacent to such highway
15 and where pedestrians are not permitted to cross the
16 roadway.

17 (5) Whenever a vehicle is established to have been in
18 violation of subsection (1) AND THE IDENTITY OF THE DRIVER
19 OF SAID VEHICLE CANNOT BE ESTABLISHED, the person in whose
20 name the vehicle is registered is ~~prima-facie-the-driver--of~~
21 ~~the-vehicle-at-the-time-of-the-alleged-violation~~ ACCOUNTABLE
22 FOR ANY VIOLATION OF THIS SECTION THAT IS CAUSED BY HIS
23 VEHICLE.

24 (6) Violation of subsection (1) is punishable upon
25 conviction by a fine of not more than \$500."

-End-

-3-

SB 327

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 bus when there is in operation on said bus a visual flashing

red signal as specified in 61-9-402 and said driver shall
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 whenever but only whenever such vehicle is stopped on the
 highway or street whether inside or outside the corporate
 limits of any city or town for the purpose of receiving or
 discharging school children. However, a school district

THIRD READING

1 board of trustees may, in its discretion, adopt a policy
 2 prohibiting the operation of amber or red lights when a bus
 3 is stopped at the school site for purposes of receiving or
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7 (3) When a school bus is being operated upon a highway
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11 (4) The driver of a vehicle upon a highway with
 12 separate roadways need not stop upon meeting or passing a
 13 school bus which is on a different roadway or when upon a
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18 (5) Whenever a vehicle is established to have been in
 19 violation of subsection (1) AND THE IDENTITY OF THE DRIVER
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 23 THE DRIVER OF THE VEHICLE AT THE TIME OF THE ALLEGED
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 25 THAT-IS-CAUSED-BY-HIS-VEHICLE.

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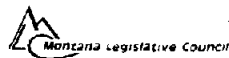
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