

HOUSE BILL NO. 233

INTRODUCED BY BENEDICT, RYE, DOWELL, J. RICE,
QUILICI, MERCER, SQUIRES, BARNETT, GRINDE, HALLIGAN

IN THE HOUSE

JANUARY 19, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
FEBRUARY 12, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 13, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 15, 1993	ENGROSSING REPORT.
FEBRUARY 16, 1993	THIRD READING, PASSED. AYES, 95; NOES, 3.
FEBRUARY 17, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 20, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
MARCH 31, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
	ON MOTION, PRINTED AND PLACED ON SECOND READING THIS DAY.
	SECOND READING, CONCURRED IN.
APRIL 1, 1993	THIRD READING, CONCURRED IN. AYES, 43; NOES, 5.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 6, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
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APRIL 12, 1993

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 233
 2 INTRODUCED BY Benedict R. Dwyer
 3 Julian Morris Edwards Burnett Carroll Kelly
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DRIVER OF
 5 A MOTOR VEHICLE TO YIELD TO A PEDESTRIAN CROSSING THE
 6 ROADWAY WITHIN A CROSSWALK WHEN THE PEDESTRIAN IS NOT UPON
 7 THE HALF OF THE ROADWAY UPON WHICH THE VEHICLE IS TRAVELING
 8 AND WHEN THE PEDESTRIAN IS NOT CLOSE ENOUGH TO BE IN DANGER;
 9 AND AMENDING SECTION 61-8-502, MCA."

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

12 **Section 1.** Section 61-8-502, MCA, is amended to read:

13 "61-8-502. Pedestrians' right-of-way in crosswalk. (1)
 14 When traffic-control signals are not in place or not in
 15 operation, the driver of a vehicle shall yield the
 16 right-of-way, slowing down or stopping if need be to so
 17 yield, to a pedestrian crossing the roadway within a marked
 18 crosswalk when the pedestrian is upon the half of the
 19 roadway upon which the vehicle is traveling or when the
 20 pedestrian is approaching so closely from the opposite half
 21 of the roadway as to be in danger or within an unmarked
 22 crosswalk at an intersection, but no a pedestrian shall may
 23 not suddenly leave a curb or other place of safety and walk
 24 or run into the path of a vehicle which that is so close
 25 that it is impossible for the driver to yield. This

1 provision ~~shall~~ does not apply under the conditions stated
 2 in 61-8-503(2).

3 (2) ~~Whenever any~~ When a vehicle is stopped at a marked
 4 crosswalk or at any an unmarked crosswalk at an intersection
 5 to permit a pedestrian to cross the roadway, the driver of
 6 any other vehicle approaching from the rear ~~shall~~ may not
 7 overtake and pass such the stopped vehicle.

8 (3) It is unlawful for any person to drive a motor
 9 vehicle through a column of school children crossing a
 10 street or highway or past a member of the school safety
 11 patrol while the member of the school safety patrol is
 12 directing the movement of children across a street or
 13 highway and while the school safety patrol member is holding
 14 his an official signal in the stop position."

-End-

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

1 House BILL NO. 233
2 INTRODUCED BY Benedict
3 Julien Mon Edwards Barnett CAINOS Kelly
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18 ~~crosswalk when the pedestrian is upon the half of the~~
19 ~~roadway upon which the vehicle is traveling or when the~~
20 ~~pedestrian is approaching so closely from the opposite half~~
21 ~~of the roadway as to be in danger~~ or within an unmarked
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23 not suddenly leave a curb or other place of safety and walk
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25 that it is impossible for the driver to yield. This

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3 (2) ~~Whenever any~~ When a vehicle is stopped at a marked
4 crosswalk or at any an unmarked crosswalk at an intersection
5 to permit a pedestrian to cross the roadway, the driver of
6 any other vehicle approaching from the rear ~~shall~~ may not
7 overtake and pass such the stopped vehicle.

8 (3) It is unlawful for any person to drive a motor
9 vehicle through a column of school children crossing a
10 street or highway or past a member of the school safety
11 patrol while the member of the school safety patrol is
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13 highway and while the school safety patrol member is holding
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-End-

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 3 Jurley Marion Aguado Barnett Carroll Holtz
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 18 crosswalk when the pedestrian is upon the half of the
 19 roadway upon which the vehicle is traveling or when the
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 21 of the roadway as to be in danger or within an unmarked
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 24 or run into the path of a vehicle which that is so close
 25 that it is impossible for the driver to yield. This

1 provision shall does not apply under the conditions stated
 2 in 61-8-503(2).

3 (2) Whenever any When a vehicle is stopped at a marked
 4 crosswalk or at any an unmarked crosswalk at an intersection
 5 to permit a pedestrian to cross the roadway, the driver of
 6 any other vehicle approaching from the rear shall may not
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8 (3) It is unlawful for any person to drive a motor
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 10 street or highway or past a member of the school safety
 11 patrol while the member of the school safety patrol is
 12 directing the movement of children across a street or
 13 highway and while the school safety patrol member is holding
 14 his an official signal in the stop position."

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 31, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 233 (third reading copy -- blue), respectfully report that House Bill No. 233 be amended as follows and as so amended be concurred in.

Signed: Cecil Weeding
Senator Cecil Weeding, Chair

That such amendments read:

1. Page 1, line 14.

Strike: "When"

Insert: "(a) Except as provided in subsection (1)(b), when"

2. Page 2, line 3.

Following: line 2

Insert: "(b) When a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection, the driver of a vehicle may make a right-hand turn if the pedestrian is in the opposite half of the roadway and is not in danger."

-END-

AM Amd. Coord.
91 Sec. of Senate

Walker
Senator Carrying Bill

SENATE
HB 233
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HOUSE BILL NO. 233

INTRODUCED BY BENEDICT, RYE, DOWELL, J. RICE,
QUILICI, MERCER, SQUIRES, BARNETT, GRINDE, HALLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DRIVER OF
A MOTOR VEHICLE TO YIELD TO A PEDESTRIAN CROSSING THE
ROADWAY WITHIN A CROSSWALK WHEN THE PEDESTRIAN IS NOT UPON
THE HALF OF THE ROADWAY UPON WHICH THE VEHICLE IS TRAVELING
AND WHEN THE PEDESTRIAN IS NOT CLOSE ENOUGH TO BE IN DANGER;
AND AMENDING SECTION 61-8-502, MCA."

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

Section 1. Section 61-8-502, MCA, is amended to read:

"61-8-502. Pedestrians' right-of-way in crosswalk. (1)
When (A) EXCEPT AS PROVIDED IN SUBSECTION (1)(B), WHEN
traffic-control signals are not in place or not in
operation, the driver of a vehicle shall yield the
right-of-way, slowing down or stopping if need be to so
yield, to a pedestrian crossing the roadway within a marked
crosswalk ~~when--the--pedestrian--is--upon--the--half--of--the~~
~~roadway--upon--which--the--vehicle--is--traveling--or--when--the~~
~~pedestrian--is--approaching--so--closely--from--the--opposite--half~~
~~of--the--roadway--as--to--be--in--danger~~ or within an unmarked
crosswalk at an intersection, but no a pedestrian shall may
not suddenly leave a curb or other place of safety and walk

or run into the path of a vehicle which that is so close
that it is impossible for the driver to yield. This
provision ~~shall~~ does not apply under the conditions stated
in 61-8-503(2).

(B) WHEN A VEHICLE IS STOPPED AT A MARKED CROSSWALK OR
AT AN UNMARKED CROSSWALK AT AN INTERSECTION, THE DRIVER OF A
VEHICLE MAY MAKE A RIGHT-HAND TURN IF THE PEDESTRIAN IS IN
THE OPPOSITE HALF OF THE ROADWAY AND IS NOT IN DANGER.

(2) ~~Whenever--any~~ When a vehicle is stopped at a marked
crosswalk or at any an unmarked crosswalk at an intersection
to permit a pedestrian to cross the roadway, the driver of
any other vehicle approaching from the rear ~~shall~~ may not
overtake and pass ~~such the~~ stopped vehicle.

(3) It is unlawful for any person to drive a motor
vehicle through a column of school children crossing a
street or highway or past a member of the school safety
patrol while the member of the school safety patrol is
directing the movement of children across a street or
highway and while the school safety patrol member is holding
~~his an~~ official signal in the stop position."

-End-