

SENATE BILL NO. 129  
INTRODUCED BY DOHERTY

IN THE SENATE

JANUARY 12, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
JANUARY 25, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 26, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
JANUARY 27, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 47; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 28, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 8, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 2, 1993	SECOND READING, CONCURRED IN.
MARCH 5, 1993	THIRD READING, CONCURRED IN. AYES, 99; NOES, 0.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 10, 1993	RECEIVED FROM HOUSE.
	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
MARCH 11, 1993	SECOND READING, AMENDMENTS

MARCH 12, 1993

CONCURRED IN.

THIRD READING, AMENDMENTS  
CONCURRED IN.  
AYES, 48; NOES, 0.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 129  
2 INTRODUCED BY Dineen  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE  
5 REQUIREMENT THAT AN ATTEMPT BE MADE TO IDENTIFY THE DRIVER  
6 OF A VEHICLE VIOLATING SCHOOL BUS REGULATIONS; AMENDING  
7 SECTION 61-8-351, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE  
8 DATE."  
9

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

11 **Section 1.** Section 61-8-351, MCA, is amended to read:

12 "61-8-351. Meeting or passing school bus --  
13 ~~identification--of--violation---~~ penalty. (1) The driver of a  
14 vehicle upon a highway or street either inside or outside  
15 the corporate limits of any city or town upon meeting or  
16 overtaking from either direction any school bus which that  
17 has stopped on the highway or street ~~for-the-purpose-of~~  
18 receiving to receive or discharging discharge any school  
19 children;

20 (a) shall stop the vehicle not less than 10 feet before  
21 reaching such the school bus when there is in operation on  
22 ~~said the~~ bus a visual flashing red signal as specified in  
23 61-9-402; and

24 (b) may ~~said--driver--shall~~ not proceed until the  
25 children have entered the school bus or have alighted and

1 reached the side of the highway or street ~~on-which-they-live~~  
2 and until such the school bus resumes motion or the driver  
3 has signaled traffic to proceed.

4 (2) ~~In-addition-the~~ The driver of a vehicle shall slow  
5 to a rate of speed that is reasonable under the conditions  
6 existing at the point of operation and must be prepared to  
7 stop when meeting or overtaking from either direction any  
8 school bus which that is preparing to stop on the highway or  
9 street ~~for--the--purpose--of--receiving~~ to receive or  
10 ~~discharging--any~~ discharge school children as indicated by  
11 flashing amber lights as specified in 61-9-402.

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

1 discharge school children. However, a school district board  
 2 of trustees may, in its discretion, adopt a policy  
 3 prohibiting the operation of amber or red lights when a bus  
 4 is stopped at the school site ~~for purposes of--receiving to~~  
 5 receive or ~~discharging~~ discharge school children and ~~such~~  
 6 the receipt or discharge does not involve street crossing by  
 7 the children, ~~and such~~. The lights may not be operated in  
 8 violation of ~~such-a~~ that policy.

9 (4) When a school bus is being operated upon a highway  
 10 for purposes other than the actual transportation of  
 11 children either to or from school, all markings ~~thereon on~~  
 12 the bus indicating "SCHOOL BUS" ~~shall~~ must be covered or  
 13 concealed.

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

21 (6) Whenever a vehicle is established to have been in  
 22 violation of subsection (1) ~~and the identity of--the--driver~~  
 23 ~~of--said--vehicle--cannot--be--established~~, the person in whose  
 24 name the vehicle is registered is prima facie the driver of  
 25 the vehicle at the time of the alleged violation.

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

3 NEW SECTION. Section 2. Effective date. [This act] is  
 4 effective on passage and approval.

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

1 Senate BILL NO. 129  
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3 NEW SECTION. Section 2. Effective date. (This act) is  
 4 effective on passage and approval.

-End-



HOUSE STANDING COMMITTEE REPORT

February 5, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that Senate Bill 129 (third reading copy -- blue) be concurred in as amended .

Signed: Russ Fagg  
Russ Fagg, Chair

And, that such amendments read:

Carried by: Rep. Vogel

1. Title, line 6.

Following: "REGULATIONS;"

Insert: "AND"

2. Title, lines 7 and 8.

Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, lines 2 and 3.

Strike: "resumes motion or the driver has signaled traffic to proceed"

Insert: "ceases operation of its visual flashing red signal"

4. Page 3, line 11.

Following: "school"

Insert: "or for school functions"

5. Page 4, lines 3 and 4.

Strike: section 2 of the bill in its entirety

-END-

HOUSE  
SB 129

Committee Vote:

Yes 17, No 0. 1 Abs. Excused

290845SC.Hpf

SENATE BILL NO. 129

INTRODUCED BY DOHERTY

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE REQUIREMENT THAT AN ATTEMPT BE MADE TO IDENTIFY THE DRIVER OF A VEHICLE VIOLATING SCHOOL BUS REGULATIONS; AND AMENDING SECTION 61-8-351, MCA, ~~AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.~~"

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(a) shall stop the vehicle not less than 10 feet before reaching ~~such the~~ school bus when there is in operation on ~~said the~~ bus a visual flashing red signal as specified in 61-9-402; and

(b) ~~may 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 the~~ school bus ~~resumes motion or the driver~~ has signaled traffic to proceed CEASES OPERATION OF ITS VISUAL FLASHING RED SIGNAL.

(2) ~~In addition the~~ The driver of a vehicle shall slow to a rate of speed that is reasonable under the conditions existing at the point of operation and must be prepared to stop when meeting or overtaking from either direction any school bus ~~which that~~ is preparing to stop on the highway or street ~~for the purpose of receiving to receive~~ or discharging any discharge school children as indicated by flashing amber lights as specified in 61-9-402.

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 9 violation of ~~such-a~~ that policy.

10 (4) When a school bus is being operated upon a highway  
 11 for purposes other than the actual transportation of  
 12 children either to or from school OR FOR SCHOOL FUNCTIONS,  
 13 all markings thereon on the bus indicating "SCHOOL BUS"  
 14 ~~shall~~ must be covered or concealed.

15 (5) The driver of a vehicle upon a highway with  
 16 separate roadways need not stop upon meeting or passing a  
 17 school bus ~~which~~ that is on a different roadway or when upon  
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 25 name the vehicle is registered is prima facie the driver of

1 the vehicle at the time of the alleged violation.

2 (7) Violation of subsection (1) is punishable upon  
 3 conviction by a fine of not more than \$500."

4 ~~NEW-SECTION--Section-2--Effective--date--{This-act}-is~~  
 5 ~~effective-on-passage-and-approval--~~

-End-