

SENATE BILL NO. 471

INTRODUCED BY D. FERN

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING VEHICULAR TRAFFIC LAWS RELATED TO PEDESTRIAN CROSSINGS; PROVIDING THE OFFENSE OF ENDANGERMENT OF PEDESTRIANS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING DEFINITIONS; AND AMENDING SECTION 61-8-502, MCA."

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

NEW SECTION. **Section 1. Endangerment of pedestrians -- penalty -- exception.** (1) Except as provided in subsection (2), a person convicted for violation of 61-8-502 shall be guilty of a misdemeanor and shall:

- (a) for a first conviction, be punished by a fine of not less than \$25 or more than \$100;
- (b) for a second conviction within 1 year after the first conviction, be punished by a fine of not less than \$50 or more than \$200; and
- (c) for a third or subsequent conviction within 1 year after the first conviction, be punished by a fine of not less than \$100 or more than \$500.

(2) If the violation of 61-8-502 occurs in a pedestrian crossing when a pedestrian-actuated device is activated, the person convicted for violation of 61-8-502 shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$150.

(3) If a vehicle damages a pedestrian-actuated device, the driver of the vehicle is liable to pay the replacement or repair cost of the pedestrian-actuated device.

(4) Failure to pay a fine imposed under this section is a civil contempt of the court. On failure of payment of a fine, the court may:

- (a) order enforcement of the fine by execution in the manner provided in 25-13-204 and under the provisions of Title 25, chapter 13; or
- (b) if the court finds that the person is unable to pay, order the person to perform community

1 service.

2 (5) On conviction, the court costs or any part of the court costs may be assessed against the  
3 defendant in the discretion of the court.

4 (6) For the purposes of this section, the term "pedestrian-actuated device" has the same meaning  
5 as provided in 61-8-502.

6

7 **Section 2.** Section 61-8-502, MCA, is amended to read:

8 **"61-8-502. Pedestrians' right-of-way in crosswalk -- school children -- pedestrian-actuated**

9 **devices.** (1) (a) Except as provided in subsection (1)(b), when traffic control signals are not in place or not in  
10 operation, the operator of a vehicle shall yield the right-of-way, slowing down or stopping if necessary, to a  
11 pedestrian crossing the roadway within a marked crosswalk or within an unmarked crosswalk at an intersection,  
12 but a pedestrian may not suddenly leave a curb or other place of safety and walk or run into the path of a  
13 vehicle that is so close that it is impossible for the operator to yield. This provision does not apply under the  
14 conditions provided in 61-8-503(2).

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

18 (2) When a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an  
19 intersection to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the  
20 rear may not overtake and pass the stopped vehicle.

21 (3) A person may not operate a vehicle through a column of school children crossing a roadway or  
22 past a school crossing guard while the crossing guard is directing the movement of children across a roadway  
23 and while the crossing guard is holding an official sign in the stop position.

24 (4) (a) When the operator of a vehicle is approaching a flashing pedestrian-actuated device at a  
25 crosswalk, the operator shall bring the vehicle to a full stop and, if a pedestrian is present, remain stopped until  
26 the pedestrian has crossed the roadway. The operator may proceed with caution after the pedestrian has  
27 completed crossing the roadway.

28 (b) If the vehicle reaches the intersection before the pedestrian-actuated device is engaged, or if

1 the vehicle cannot safely stop before entering the intersection when the pedestrian-actuated device is engaged,  
2 then the vehicle may continue through the intersection at a safe speed.

3 (5) A person convicted of violating this section is guilty of the offense of endangerment of  
4 pedestrians and is subject to the penalties prescribed in [section 1].

5 (6) For the purposes of this section, the following definitions apply:

6 (a) "Pedestrian-actuated device" means a traffic-control device that, when activated by a  
7 pedestrian, begins a timed flashing light sequence to indicate the pedestrian's presence in the crosswalk. The  
8 term includes but is not limited to:

9 (i) rectangular rapid-flashing beacons;

10 (ii) warning beacons; or

11 (iii) in-roadway warning lights.

12 (b) "Vehicle" has the same meaning as provided in 61-1-101."

13  
14 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an  
15 integral part of Title 61, chapter 8, part 7, and the provisions of Title 61, chapter 8, part 7, apply to [section 1].

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