

1 SENATE BILL NO. 471

2 INTRODUCED BY D. FERN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING VEHICULAR TRAFFIC LAWS RELATED
5 TO PEDESTRIAN CROSSINGS; PROVIDING THE OFFENSE OF ENDANGERMENT OF PEDESTRIANS;
6 PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING DEFINITIONS; AND AMENDING
7 SECTION 61-8-502, MCA."

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

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

14 (a) for a first conviction, be punished by a fine of not less than \$25 or more than \$100;

15 (b) for a second conviction within 1 year after the first conviction, be punished by a fine of not less
16 than \$50 or more than \$200; and

17 (c) for a third or subsequent conviction within 1 year after the first conviction, be punished by a fine
18 of not less than \$100 or more than \$500.

19 (2) If the violation of 61-8-502 occurs in a pedestrian crossing when a pedestrian-actuated device
20 is activated, the person convicted for violation of 61-8-502 shall be guilty of a misdemeanor and shall be
21 punished by a fine of:

22 (A) not less than \$150 \$75 OR MORE THAN \$149 FOR A FIRST VIOLATION; OR

23 (B) NOT LESS THAN \$150 OR MORE THAN \$250 FOR A SECOND OR SUBSEQUENT VIOLATION.

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

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

28 (a) order enforcement of the fine by execution in the manner provided in 25-13-204 and under the

1 provisions of Title 25, chapter 13; or

2 (b) if the court finds that the person is unable to pay, order the person to perform community
3 service.

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

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

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

10 **"61-8-502. Pedestrians' right-of-way in crosswalk -- school children -- pedestrian-actuated**

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

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

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

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

26 (4) (a) When the operator of a vehicle is approaching a flashing pedestrian-actuated device at a
27 crosswalk AND A PEDESTRIAN IS PRESENT, the operator shall YIELD THE RIGHT-OF-WAY, SLOWING DOWN OR STOPPING
28 IF NECESSARY, AND bring the vehicle to a full stop and, if a pedestrian is present, remain stopped until the

1 pedestrian has crossed the roadway. The operator may proceed with caution after the pedestrian has
2 completed crossing the roadway.

3 (b) If the vehicle reaches the intersection before the pedestrian-actuated device is engaged, or if
4 the vehicle cannot safely stop before entering the intersection when the pedestrian-actuated device is engaged,
5 then the vehicle may continue through the intersection at a safe speed.

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

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

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

12 (i) rectangular rapid-flashing beacons;

13 (ii) warning beacons; or

14 (iii) in-roadway warning lights.

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

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17 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
18 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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