

SENATE BILL NO. 225

INTRODUCED BY ARNTZEN, FITZPATRICK

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE USE OF TEMPORARY WARNING SIGNS AT THE SCENE OF A TRAFFIC INCIDENT; AND AMENDING SECTION 61-9-431, MCA."

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

Section 1. Section 61-9-431, MCA, is amended to read:

"61-9-431. Use of warning signs, flares, reflectors, lanterns, and flag persons. (1) The operator of a commercial tow truck, in compliance with the requirements of 61-8-906 and 61-8-907, shall, when rendering assistance at a hazard on the highway that necessitates the obstruction of a portion or all of the roadway exclusive of the berm or shoulder, place at least two warning signs as required in this section as soon as is practicable under the circumstances. Flag persons and cones may be used to augment the warning signs.

(2) Highway warning signs must be of a uniform type, with dimensions of 3 x 3 feet, lettering 5 inches high, and reflectorized orange or reflectorized fluorescent pink background and black border, as prescribed by the department. The signs must be designed to be visible both during the day and at night. The warning signs must bear the words "~~hazard ahead~~", "accident ahead", "emergency vehicle ahead", "lane closed ahead", "road closed ahead", "wreck ahead", "tow truck ahead", or "wrecker ahead", as prescribed by the department.

(3) The operator of a commercial tow truck used for the purpose of rendering assistance at a hazard on the highway that necessitates the obstruction of a portion of the roadway shall place a highway warning sign as required in subsection (2):

(a) in an area in which the posted speed limit is 45 miles an hour or less, not less than 600 feet in advance of the hazard and an equal distance to the rear of the hazard; and

(b) in an area in which the posted speed limit is more than 45 miles an hour or no speed limit is posted, 1,000 feet in advance of the hazard, except on a divided highway where the hazard does not cause disruption of traffic traveling on the opposite side of the divided highway, and an equal distance to the rear of the hazard.

(4) A local government unit may adopt an ordinance exempting an operator of a commercial tow truck from the requirements of subsection (2) within the limits of an incorporated city or town.

(5) When a hazard exists on the highway during the hours of darkness, the operator of a commercial

1 tow truck called to render assistance shall place warning signs upon the highway as prescribed in this section
2 and shall also place at least one red flare, red lantern, or warning light or reflector in close proximity to each
3 warning sign.

4 (6) A violation of warning signs placed as provided in subsection (3) is considered reckless
5 endangerment of a highway worker, as provided in 61-8-301(4), and is punishable as provided in 61-8-715."

6 - END -