

# Emergency Warning Devices



## Montana Code Annotated 2017

### TITLE 61. MOTOR VEHICLES

### CHAPTER 9. VEHICLE EQUIPMENT

#### Part 4. Miscellaneous Regulations

#### Certain Vehicles To Carry Flares Or Other Warning Devices

61-9-411. Certain vehicles to carry flares or other warning devices.

(1) No person shall operate any motor truck of 1-ton capacity or greater, passenger bus, or truck tractor upon any highway outside the corporate limits of municipalities at any time unless there shall be carried in such vehicle, except as provided in subsection

(2), the following equipment:

(a) at least three flares or three red electric lanterns or three portable red emergency reflectors each of which shall be capable of being seen and distinguished at a distance of not less than 600 feet under normal atmospheric conditions at nighttime. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to display a minimum of 24 square inches of reflective surface, or two reflecting elements; one above the other, either of which shall be capable of reflecting red light clearly visible from all distances within 600 feet to 100 feet under normal atmospheric conditions at night when directly in front of lawful upper beams of headlamps;

(b) at least three red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried;

(c) at least two red cloth flags, no less than 12 inches square, with standards to support such flags.

(2) No person shall operate at the time and under the conditions stated in subsection

(1) any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases, or any motor vehicle using compressed gas as a fuel unless there shall be carried in such vehicle

three red electric lanterns or three portable red emergency reflectors meeting the requirements of subsection (1), and there shall not be carried in any said vehicle any flares, fusees, or signal produced by flame.

(3) As an alternative to the equipment required in subsections (1) and (2), three emergency reflective triangles conforming with U.S. department of transportation motor vehicle safety standard 125 may be carried.

History: En. Sec. 148, Ch. 263, L. 1955; amd. Sec. 1, Ch. 108, L. 1957; amd. Sec. 1, Ch. 70, L. 1975; R.C.M. 1947, 32-21-151.

## Use Of Warning Signs, Flares, Reflectors, Lanterns, And Flag Persons

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 "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 tow truck called to render assistance shall place warning signs upon

the highway as prescribed in this section and shall also place at least one red flare, red lantern, or warning light or reflector in close proximity to each warning sign.

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

History: En. Sec. 7, Ch. 520, L. 1999; amd. Sec. 48, Ch. 352, L. 2003; amd. Sec. 6, Ch. 379, L. 2003; amd. Sec. 1, Ch. 113, L. 2013.