

HOUSE BILL NO. 280

INTRODUCED BY J. ESSMANN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING AND CLARIFYING LAWS RELATED TO
5 BICYCLE TRAFFIC; REVISING THE DEFINITION OF "BICYCLE"; PROVIDING A DEFINITION OF
6 "ELECTRICALLY ASSISTED BICYCLE"; ALLOWING BICYCLISTS TO OVERTAKE AND PASS ON THE RIGHT
7 SHOULDER OF A ROADWAY; PROVIDING CIRCUMSTANCES WHEN A FASTER VEHICLE MAY PASS A
8 BICYCLE WITHIN A NO-PASSING ZONE; REVISING WHERE BICYCLES MAY BE RIDDEN ON ROADWAYS;
9 REVISING THE REQUIREMENTS FOR NIGHTTIME VISIBILITY AND BRAKING FOR BICYCLES; AND
10 AMENDING SECTIONS 61-8-102, 61-8-324, 61-8-326, 61-8-604, 61-8-605, 61-8-606, AND 61-8-607, MCA."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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14 **Section 1.** Section 61-8-102, MCA, is amended to read:

15 **"61-8-102. Uniformity of interpretation -- definitions.** (1) Interpretation of this chapter in this state must
16 be as consistent as possible with the interpretation of similar laws in other states.

17 (2) As used in this chapter, unless the context requires otherwise, the following definitions apply:

18 (a) "Authorized emergency vehicle" means a vehicle of a governmental fire agency organized under Title
19 7, chapter 33, an ambulance, ~~and~~ or an emergency vehicle designated or authorized by the department.

20 (b) "Bicycle" means:

21 ~~——(i) a vehicle propelled solely by human power upon on which any person may ride and that has two~~
22 ~~tandem wheels and a seat height of more than 25 inches from the ground when the seat is raised to its highest~~
23 ~~position, irrespective of the number of wheels, except scooters, wheelchairs, and similar devices; or~~

24 ~~——(ii) a vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion, and an~~
25 ~~independent power source providing a maximum of 2 brake horsepower. If a combustion engine is used, the~~
26 ~~maximum piston or rotor displacement may not exceed 3.05 cubic inches, 50 centimeters, regardless of the~~
27 ~~number of chambers in the power source. The power source may not be capable of propelling the device,~~
28 ~~unassisted, at a speed exceeding 30 miles an hour, 48.28 kilometers an hour, on a level surface. The device must~~
29 ~~be equipped with a power drive system that functions directly or automatically only and does not require clutching~~
30 ~~or shifting by the operator after the drive system is engaged. The term includes an electrically assisted bicycle.~~

1 (c) "Bicycle trailer" means a device with one or more wheels that is designed to be towed by a bicycle.

2 ~~(e)~~(d) "Business district" means the territory contiguous to and including a highway when within any 600
3 feet along a highway there are buildings in use for business or industrial purposes, including but not limited to
4 hotels, banks, office buildings, railroad stations, and public buildings that occupy at least 300 feet of frontage on
5 one side or 300 feet collectively on both sides of the highway.

6 ~~(d)~~(e) "Controlled-access highway" means a highway, street, or roadway in respect to which owners or
7 occupants of abutting lands and other persons have no legal right of access to or from the highway, street, or
8 roadway except at the points and in the manner as determined by the public authority having jurisdiction over the
9 highway, street, or roadway.

10 ~~(e)~~(f) "Crosswalk" means:

11 (i) that part of a roadway at an intersection included within the connections of the lateral lines of the
12 sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges
13 of the traversable roadway; or

14 (ii) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrians crossing
15 by lines or other markings on the surface.

16 (g) "Electrically assisted bicycle" means a vehicle on which a person may ride that has two tandem
17 wheels and an electric motor capable of propelling the vehicle and a rider who weighs 170 pounds no faster than
18 20 miles an hour on a paved, level surface.

19 ~~(f)~~(h) "Flag person" means a person who directs, controls, or alters the normal flow of vehicular traffic
20 ~~upon~~ on a street or highway as a result of a vehicular traffic hazard then present on that street or highway. This
21 person, except a uniformed traffic enforcement officer exercising the officer's duty as a result of a planned
22 vehicular traffic hazard, must be equipped as required by the rules of the department of transportation.

23 ~~(g)~~(i) "Highway" has the meaning provided in 61-1-101, but includes ways that have been or are later
24 dedicated to public use.

25 ~~(h)~~(j) "Ignition interlock device" means ignition equipment that:

26 (i) analyzes the breath to determine blood alcohol concentration;

27 (ii) is approved by the department pursuant to 61-8-441; and

28 (iii) is designed to prevent a motor vehicle from being operated by a person who has consumed a specific
29 amount of an alcoholic beverage.

30 ~~(i)~~(k) (i) "Intersection" means the area embraced within the prolongation or connection of the lateral curb

1 lines or if there are no curb lines then the lateral boundary lines of the roadways of two highways that join one
 2 another at or approximately at right angles or the area within which vehicles traveling ~~upon~~ on different highways
 3 joining at any other angle may come in conflict.

4 (ii) When a highway includes two roadways 30 feet or more apart, then every crossing of each roadway
 5 of the divided highway by an intersecting highway must be regarded as a separate intersection. If the intersecting
 6 highways also include two roadways 30 feet or more apart, then every crossing of two roadways of the highways
 7 must be regarded as a separate intersection.

8 (l) "Laned roadway" means a roadway that is divided into two or more clearly marked lanes for vehicular
 9 traffic.

10 ~~(j)~~(m) "Local authorities" means every county, municipal, and other local board or body having authority
 11 to enact laws relating to traffic under the constitution and laws of this state.

12 ~~(k)~~(n) "Noncommercial motor vehicle" or "noncommercial vehicle" means any motor vehicle or
 13 combination of motor vehicles that is not included in the definition of commercial motor vehicle in 61-1-101 and
 14 includes but is not limited to the vehicles listed in 61-1-101(9)(b).

15 ~~(h)~~(o) "Official traffic control devices" means all signs, signals, markings, and devices not inconsistent
 16 with this title that are placed or erected by authority of a public body or official having jurisdiction for the purpose
 17 of regulating, warning, or guiding traffic.

18 ~~(m)~~(p) "Pedestrian" means any person on foot or any person in a manually or mechanically propelled
 19 wheelchair or other low-powered, mechanically propelled vehicle designed specifically for use by a physically
 20 disabled person.

21 ~~(n)~~(q) "Police vehicle" means a vehicle used in the service of any law enforcement agency.

22 ~~(e)~~(r) "Private road" or "driveway" means a way or place in private ownership and used for vehicular
 23 travel by the owner and those having express or implied permission from the owner, but not by other persons.

24 ~~(p)~~(s) "Residence district" means the territory contiguous to and including a highway not comprising a
 25 business district when the property on the highway for a distance of 300 feet or more is primarily improved with
 26 residences or residences and buildings in use for business.

27 ~~(q)~~(t) "Right-of-way" means the privilege of the immediate use of the roadway.

28 (u) "Roadway" means the portion of a highway that is improved, designed, or ordinarily used for vehicular
 29 travel, including the paved shoulder.

30 ~~(r)~~(v) "School bus" has the meaning provided in 20-10-101.

1 ~~(s)~~(w) "Sidewalk" means ~~that the~~ portion of a street that is between the curb lines or the lateral lines of
2 a roadway and the adjacent property lines and that is intended for use by pedestrians.

3 ~~(t)~~(x) "Traffic control signal" means a device, whether manually, electrically, or mechanically operated,
4 by which traffic is alternately directed to stop and to proceed.

5 ~~(u)~~(y) "Urban district" means the territory contiguous to and including any street that is built up with
6 structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a
7 distance of one-fourth mile or more."
8

9 **Section 2.** Section 61-8-324, MCA, is amended to read:

10 **"61-8-324. Overtaking vehicle on right.** (1) The operator of a vehicle may overtake and pass ~~upon~~ on
11 the right of another vehicle only under the following conditions:

12 (a) when the vehicle overtaken is making or about to make a left turn; or

13 (b) ~~upon~~ on a roadway with unobstructed pavement of sufficient width for two or more lanes of vehicles
14 moving lawfully in the direction being traveled by the overtaking vehicle.

15 (2) The operator of a vehicle may overtake and pass another vehicle ~~upon~~ on the right only under
16 conditions permitting safe movement. The movement may not be made by driving off the pavement or
17 main-traveled portion of the roadway, except that a person operating a bicycle may pass on the shoulder,
18 provided the movement may be done in safety."

19
20 **Section 3.** Section 61-8-326, MCA, is amended to read:

21 **"61-8-326. No-passing zones.** (1) The department of transportation and local authorities may determine
22 those portions of a highway in their respective jurisdictions where overtaking and passing or driving to the left side
23 of the center of the roadway would be especially hazardous, and they may by official traffic control devices on
24 the highway indicate the beginning and end of these zones. When the official traffic control devices are in place
25 and clearly visible to an ordinarily observant person, an operator of a vehicle shall obey the directions of those
26 devices.

27 (2) ~~Where~~ (a) Except as provided in subsection (b), where official traffic control devices are in place to
28 define a no-passing zone as set forth in subsection (1) an operator of a vehicle may not drive on the left side of
29 the center of the roadway within the no-passing zone or on the left side of a pavement striping designed to mark
30 the no-passing zone throughout its length.

- 1 **(b) Subsection (2)(a) does not apply to the operator of a faster vehicle passing a bicycle when:**
 2 **(i) the bicycle is traveling at less than half the posted speed limit;**
 3 **(ii) the faster vehicle is capable of overtaking and passing the bicycle without exceeding the posted**
 4 **speed limit; and**
 5 **(iii) there is sufficient clear sight distance to the left side of the center of the roadway to meet the**
 6 **overtaking and passing requirements in 61-8-325.**

7 (3) The provisions of this section do not apply under the conditions provided in 61-8-321(1) or to the
 8 operator of a vehicle that is turning left into or from an alley, private road, or driveway."
 9

10 **Section 4.** Section 61-8-604, MCA, is amended to read:

11 **"61-8-604. Clinging to vehicles.** A person riding ~~upon~~ on any bicycle, coaster, roller skates, sled, or
 12 toy vehicle may not attach the conveyance or be attached to any vehicle ~~upon~~ on a roadway, but a bicycle trailer
 13 ~~or bicycle semitrailer~~ may be attached to a bicycle ~~if that trailer or semitrailer has been designed for attachment.~~"
 14

15 **Section 5.** Section 61-8-605, MCA, is amended to read:

16 **"61-8-605. Riding on roadways.** ~~(1) As used in this section:~~

17 ~~—— (a) "laned roadway" means a roadway that is divided into two or more clearly marked lanes for vehicular~~
 18 ~~traffic; and~~

19 ~~—— (b) "roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel,~~
 20 ~~including the paved shoulder.~~

21 ~~(2)(1) A person operating a bicycle upon on a roadway at less than the normal speed of traffic at the time~~
 22 ~~and place and under the conditions then existing shall ride as near to the right side in the right-hand lane of the~~
 23 ~~roadway, as practicable except when~~ subject to the following provisions:

24 **(a) If the right-hand lane is wide enough to be safely shared with overtaking vehicles, a bicyclist shall**
 25 **ride far enough to the right as judged safe by the bicyclist to facilitate the movement of overtaking vehicles unless**
 26 **other conditions make it unsafe to do so.**

27 **(b) A bicyclist may use a lane other than the right-hand lane when:**

28 ~~(a)~~**(i) overtaking and passing another a slower vehicle proceeding in the same direction;**

29 ~~(b)~~**(ii) preparing for a left turn at an intersection or into a private road or driveway;**

30 **(iii) the right-hand lane is a dedicated right-turn lane and the bicyclist does not intend to turn right; or**

1 ~~(c)(iv) it is necessary to avoid a condition that makes it unsafe to continue along the right side ride in the~~
 2 ~~right-hand lane~~ of the roadway, including but not limited to a fixed or moving object, parked or moving vehicle,
 3 pedestrian, animal, surface hazard, or a lane that is too narrow for a bicycle and another vehicle to travel safely
 4 side by side within the lane.

5 ~~(3)(2) A person operating a bicycle upon on a one-way highway roadway with two or more marked traffic~~
 6 lanes may ride as close to the left side of the roadway as ~~practicable~~ judged safe by the bicyclist.

7 ~~(4)(3) Persons riding bicycles upon on a roadway shall ride in single file except when:~~

8 (a) riding on paths or parts of roadways set aside for the exclusive use of bicycles;

9 (b) overtaking and passing another bicycle;

10 (c) riding on a paved shoulder or in a parking lane, in which case the persons may ride two abreast; or

11 (d) riding within a single lane on a laned roadway with at least two lanes in each direction, in which case
 12 the persons may ride two abreast only if they do not impede the normal and reasonable movement of traffic more
 13 than they would otherwise impede traffic by riding single file and in accordance with the provisions of this chapter.

14 ~~(5) A bicycle, as defined in 61-8-102(2)(b)(ii), is excluded from the provisions of subsections (2) and (3).~~

15 (4) A bicyclist is not expected or required to ride:

16 (a) over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects,
 17 parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or

18 (b) without a reasonable margin of safety on the right side of the roadway."

19

20 **Section 6.** Section 61-8-606, MCA, is amended to read:

21 **"61-8-606. Carrying articles.** ~~No~~ A person operating a bicycle shall may not carry any package, bundle,
 22 or article ~~which~~ that prevents the driver person from keeping at least one hand ~~upon on~~ on the ~~handle bars~~
 23 handlebars."

24

25 **Section 7.** Section 61-8-607, MCA, is amended to read:

26 **"61-8-607. Lamps and other equipment on bicycles.** (1) Every bicycle when in use at dawn, dusk,
 27 or nighttime shall must be equipped with:

28 (a) a lamp on the front which shall emit emitting a white light visible from a distance of at least 500 feet
 29 to the front;. IN LIEU OF A LAMP AFFIXED TO THE BICYCLE, A BICYCLIST MAY USE A LAMP WITH EQUAL INTENSITY AND
 30 VISIBILITY AFFIXED TO THE CYCLIST'S HELMET AND FACING FORWARD.

1 (b) facing the rear, either a lamp emitting a red light visible from a distance of at least 500 feet to the rear
2 or a red reflector visible from a distance of at least 500 feet to the rear when illuminated by low-beam motor
3 vehicle headlamps; and

4 (c) reflective material large and reflective enough to be visible from the left and right sides from a distance
5 of at least 500 feet when illuminated by low-beam motor vehicle headlamps. A lamp emitting a red light visible
6 from a distance of 500 feet to the rear may be used in addition to rear-facing reflectors required by this section.

7 ~~———(2) Every bicycle when in use at nighttime shall be equipped with an essentially colorless front-facing~~
8 ~~reflector, essentially colorless or amber pedal reflectors, and a red rear-facing reflector. Pedal reflectors shall~~
9 ~~be mounted on the front and back of each pedal.~~

10 ~~———(3) Every bicycle when in use at nighttime shall be equipped with either tires with retroflective sidewalls~~
11 ~~or reflectors mounted on the spokes of each wheel. Spoke-mounted reflectors shall be within 76 millimeters (3~~
12 ~~inches) of the inside of the rim and shall be visible on each side of the wheel. The reflectors on the front wheel~~
13 ~~shall be essentially colorless or amber and the reflectors on the rear wheel shall be amber or red.~~

14 ~~(4) Reflectors required by this section shall be of a type approved by the department.~~

15 ~~(5)(2) Every bicycle shall must be equipped with a brake which will enable enabling the operator to make~~
16 ~~the braked wheels skid stop the bicycle within no more than 25 feet from a speed of 10 miles an hour on dry,~~
17 ~~level, clean pavement.~~

18 ~~(6) Every bicycle is encouraged to be equipped with a flag clearly visible from the rear and suspended~~
19 ~~not less than 6 feet above the roadway when the bicycle is standing upright. The flag shall be fluorescent orange~~
20 ~~in color."~~

21 ~~- END -~~