

SENATE BILL NO. 352

INTRODUCED BY J. BOHLINGER

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT ALL VEHICLES REQUIRED TO BE EQUIPPED WITH HEADLAMPS HAVE THE HEADLAMPS OR DRIVING LAMPS ILLUMINATED AT ALL TIMES WHILE THE VEHICLE IS BEING OPERATED ON A HIGHWAY; AND AMENDING SECTIONS 61-8-312, 61-9-201, 61-9-202, 61-9-203, 61-9-207, 61-9-213, 61-9-215, 61-9-216, 61-9-221, AND 61-9-225, MCA."

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

Section 1. Section 61-8-312, MCA, is amended to read:

"61-8-312. Special speed limitations on trucks, truck tractors, and motor-driven cycles. (1) Except as provided in 61-8-303, 61-8-309, 61-8-310, and subsection (2) of this section, the speed limit for a truck or truck tractor of more than 1 ton "manufacturer's rated capacity" traveling on:

(a) completed sections of interstate is 65 miles an hour; and

(b) four-lane divided highways and completed sections of primary and secondary highways is 60 miles an hour during the daytime and 55 miles an hour during the nighttime as those terms are defined in 61-8-303.

(2) Except as provided in 61-8-303, 61-8-309, and 61-8-310, the speed limit for a vehicle subject to a term permit under 61-10-124(2)(d) or a truck-trailer-trailer or truck tractor-semitrailer-trailer-trailer combination of vehicles subject to special permits under 61-10-124(4) is 55 miles an hour unless otherwise stated in the permit.

(3) A person may not operate a motor-driven cycle at any time mentioned in 61-9-201(2) at a speed greater than 35 miles an hour unless the motor-driven cycle is equipped with a headlamp or lamps that are adequate to reveal a person or vehicle at a distance of 300 feet ahead."

Section 2. Section 61-9-201, MCA, is amended to read:

"61-9-201. When lighted lamps are required. ~~Every~~ (1) A driver of a vehicle that is required to be equipped with headlamps upon a highway within this state shall drive with the headlamps or driving lamps lighted at all times that the vehicle is being operated on a highway.

(2) ~~at~~ At any time from one-half hour ~~after~~ before sunset to one-half hour ~~before~~ after sunrise and at any

1 other time when ~~due to~~ because of insufficient light or unfavorable atmospheric conditions persons and vehicles
2 on the highway are not clearly discernible at a distance of 500 feet ahead, drivers of all vehicles shall display
3 lighted lamps and illuminating devices as ~~hereinafter respectively~~ required for different classes of vehicles,
4 subject to exceptions with respect to parked vehicles."

5
6 **Section 3.** Section 61-9-202, MCA, is amended to read:

7 **"61-9-202. Visibility distance and mounted height of lamps.** (1) ~~Whenever requirement is~~
8 ~~hereinafter declared as to~~ Requirements in this part that specify the distance from which certain lamps and
9 devices ~~shall~~ must render objects visible or within which ~~such the~~ lamps or devices ~~shall~~ must be visible; ~~said~~
10 ~~provisions shall apply during the times stated in 61-9-201 in respect~~ pertain to a vehicle without a load when
11 operated upon a straight, level, unlighted highway ~~under normal atmospheric conditions~~ during the times stated
12 in 61-9-201(2) unless a different time or condition is expressly stated.

13 (2) ~~Whenever requirement is hereinafter declared as to~~ Requirements in this part that specify the
14 mounted height of lamps or devices ~~it shall mean~~ pertain to the distance from the center of ~~such the~~ lamp or
15 device to the level ground upon which the vehicle stands when ~~such the~~ vehicle is without a load."

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17 **Section 4.** Section 61-9-203, MCA, is amended to read:

18 **"61-9-203. Headlamps on motor vehicles.** (1) A motor vehicle, other than a motorcycle, quadricycle,
19 ~~or motor-driven cycle, or other vehicle not required under this chapter to be equipped with headlamps,~~ must be
20 equipped with at least two headlamps, with at least one on each side of the front of the motor vehicle, that
21 comply with the requirements and limitations set forth in this chapter.

22 (2) A motorcycle, quadricycle, or motor-driven cycle must be equipped with at least one and not more
23 than two headlamps that comply with the requirements and limitations of this chapter. If a motorcycle is
24 registered under 61-3-411 as a collector's item, it need not be equipped with headlamps; ~~however~~ However,
25 if ~~it~~ the motorcycle is not equipped with headlamps, it may not be operated upon a highway or street from
26 one-half hour ~~after~~ before sunset to one-half hour ~~before~~ after sunrise or if persons and vehicles are not clearly
27 discernible at a distance of 500 feet. A motorcycle may be equipped with a means of modulating the high beam
28 of its headlamps between high and low beam at a rate of 200 to 280 flashes a minute; ~~however~~ However, an
29 operator may not modulate the headlamps at that rate during ~~periods when headlamps are required to be lighted~~
30 by the period specified in 61-9-201(2).

(3) A headlamp upon a motor vehicle, including a motorcycle, quadricycle, and motor-driven cycle, must be located at a height, measured from the center of the headlamp, of not more than 54 inches or less than 22 inches, to be measured as provided in 61-9-202(2).

(4) ~~When headlamps are required to be lighted by 61-9-201,~~ a person may not operate a motor vehicle on a highway with headlamps that are composed of, covered by, or treated with a tinted or colored material, substance, system, or component that obscures the headlamps or diminishes the distance of visibility required by this section.

(5) This section does not prohibit the operation or sale of a motor vehicle the headlamps of which are composed of, covered by, or treated with a tinted or colored material, substance, system, or component with which the vehicle was sold or could have been equipped for sale when new as standard or optional equipment in compliance with federal statute or regulation governing the sale at the time of manufacture."

Section 5. Section 61-9-207, MCA, is amended to read:

"61-9-207. Application of succeeding sections. (1) Sections 61-9-208 through 61-9-223 and 61-9-225 through 61-9-229 apply as stated in those sections to vehicles of the type enumerated in those sections when operated upon a highway. The vehicles must be equipped as required, and subject to subsection (2) of this section, all lamp lighting equipment required must be lighted at all times mentioned in 61-9-201(2), except that clearance and side marker lamps need not be lighted on a vehicle when operated within a municipality when there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 1,000 feet.

(2) Vehicles that are required to be equipped with headlamps are subject to the requirement that the headlamps or driving lamps be lighted at all times that the vehicle is being operated on a highway, as provided in 61-9-201."

Section 6. Section 61-9-213, MCA, is amended to read:

"61-9-213. Lamp or flag on projecting load. (1) ~~Whenever~~ When the load upon a vehicle extends to the rear 4 feet or more beyond the rear of the vehicle, the following lamps and reflectors must be displayed at the extreme rear end of the load; at the times specified in 61-9-201(2):

(a) a red lamp plainly visible from a distance of at least 500 feet to the sides and 1,000 feet to the rear and located to indicate maximum overhang; and

(b) a red reflector visible at night at all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of headlamps.

(2) The red lights and reflectors required under this section must be in addition to the red lights required upon a vehicle. At any other time, there must be displayed at the extreme rear end of the load a red flag or cloth not less than 12 inches square, marking the extremities of the load, at each point where a lamp or reflector would otherwise be required by this section."

Section 7. Section 61-9-215, MCA, is amended to read:

"61-9-215. Lamps on farm tractors, farm equipment, and implements of husbandry. (1) A farm tractor and a self-propelled farm equipment unit or implement of husbandry not equipped with an electric lighting system must at all times mentioned in 61-9-201(2) be equipped with at least one lamp displaying a white light visible from a distance of not less than 500 feet to the front of the vehicle, at least one lamp displaying a red light visible from a distance of not less than 500 feet to the rear of the vehicle, and two red reflectors visible from a distance of 100 to 600 feet to the rear when illuminated by the upper beams of headlamps. The lights required in this section must be positioned so that one lamp showing to the front and one lamp or reflector showing to the rear ~~indicates~~ indicate the farthest projection of the tractor, unit, or implement on the side of the road used in passing the vehicle.

(2) A combination of farm tractor and towed unit of farm equipment or implement of husbandry not equipped with an electric lighting system or an implement of husbandry being towed by a motor vehicle must at all times mentioned in 61-9-201(2) be equipped with the following lamps:

(a) at least one lamp mounted to indicate the extreme left projection of the combination and displaying a white light visible from a distance of not less than 500 feet to the front of the combination; and

(b) two lamps each displaying a red light visible from a distance of not less than 500 feet to the rear of the combination; or at least one lamp displaying a red light visible from a distance of not less than 500 feet to the rear of the combination and two red reflectors visible from a distance of 100 to 600 feet to the rear of the combination when illuminated by the upper beams of headlamps. The lamps or reflectors must be mounted to indicate the extreme left and right rear projections of the towed unit or implement on the highway.

(3) A farm tractor and a self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system must at all times mentioned in 61-9-201(2) be equipped with two multiple-beam or single-beam headlamps ~~meeting~~ that meet the requirements of 61-9-220 or 61-9-222 and two red lamps visible

1 from a distance of not less than 500 feet to the rear; or one red lamp visible from a distance of not less than 500
2 feet to the rear and two red reflectors visible from a distance of 100 to 600 feet to the rear when illuminated by
3 the upper beams of headlamps. The red lamps or reflectors must be mounted in the rear of the farm tractor or
4 self-propelled implement of husbandry to indicate the extreme left and right projections of the vehicle on the
5 highway.

6 (4) A combination of farm tractor and towed farm equipment or towed implement of husbandry equipped
7 with an electric lighting system must at all times mentioned in 61-9-201(2) be equipped with the following lamps:

8 (a) The farm tractor element of the combination must be equipped with two single-beam or
9 multiple-beam headlamps ~~meeting that meet~~ the requirements of 61-9-220 or 61-9-222.

10 (b) The towed unit of farm equipment or implement of husbandry element of the combination must be
11 equipped with two red lamps visible from a distance of not less than 500 feet to the rear or one red lamp visible
12 from a distance of not less than 500 feet to the rear and two red reflectors visible from a distance of 100 to 600
13 feet to the rear when illuminated by the upper beams of headlamps. The red lamps or reflectors must be located
14 to indicate the extreme left and right projections of the towed unit or implement on the highway.

15 (c) The combination must also be equipped with a lamp displaying a white or amber light, or a shade
16 of color between white and amber, visible from a distance of not less than 500 feet to the front and a lamp
17 displaying a red light visible from a distance of not less than 500 feet to the rear. The lamp or lamps must
18 indicate to the front and rear the farthest projection of the combination on the side of the road used by other
19 vehicles in passing the combination."
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21 **Section 8.** Section 61-9-216, MCA, is amended to read:

22 **"61-9-216. Lamps on other vehicles and equipment.** A vehicle, including animal-drawn vehicles and
23 vehicles referred to in 61-9-109(4), not specifically required by the provisions of this chapter to be equipped with
24 lamps or other lighting devices, must at all times specified in 61-9-201(2) be equipped with at least one lamp
25 displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle; and with two
26 lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of the vehicle. The vehicle
27 may have one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two
28 red reflectors visible for distances of 100 to 600 feet to the rear when illuminated by the upper beams of
29 headlamps."
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Section 9. Section 61-9-221, MCA, is amended to read:

"61-9-221. Use of multiple-beam road-lighting lighting equipment. ~~Whenever~~ When a motor vehicle is operated on a roadway or shoulder adjacent to a roadway during the times specified in 61-9-201(2), the driver shall use a distribution of light, or composite beam, capable of revealing persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(1) ~~Whenever~~ When the driver of a vehicle approaches an oncoming vehicle within 1,000 feet, the driver shall use a distribution of light or composite beam that does not project into the eyes of the oncoming driver. The lowermost distribution of light specified in 61-9-220(2) must avoid glare at all times, regardless of road contour and loading.

(2) ~~Whenever~~ When the driver of a vehicle follows another vehicle within 500 feet to the rear, the driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in 61-9-220(1)."

Section 10. Section 61-9-225, MCA, is amended to read:

"61-9-225. Number of driving lamps required or permitted. (1) ~~At all times specified in 61-9-201, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle other than a motorcycle, quadricycle, or motor-driven cycle, except when such vehicle is parked, subject to the regulations governing lights on parked vehicles.~~

~~(2) Whenever~~ When a motor vehicle equipped with headlamps as ~~herein~~ required in 61-9-203 is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front ~~thereof~~ of the vehicle projecting a beam of intensity greater than 300 candlepower, ~~not more than a total of~~ no more than four of ~~any such~~ those lamps ~~on the front of a vehicle shall~~ may be lighted at any one time when the vehicle is being operated upon on a highway."

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