

HOUSE BILL NO. 257

INTRODUCED BY WILSON, COFFIN, HILL, MACDONALD, O'HARA

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO BICYCLES; REDEFINING "BICYCLE"; CLARIFYING THE RIGHT-OF-WAY FOR A BICYCLE; UPDATING BICYCLE EQUIPMENT REQUIREMENTS; AND AMENDING SECTIONS 61-8-102, 61-8-320, 61-8-604, ~~61-8-605~~, 61-8-606, AND 61-8-607, MCA."

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

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

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

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

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

(b) "Bicycle" means:

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

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

(i) a vehicle propelled by foot or hand power regardless of the number of wheels in contact with the ground, except for a wheelchair or other vehicle designed specifically for use by a physically disabled person or a device primarily intended for children 6 years of age or younger; OR

1 (II) A VEHICLE EQUIPPED WITH TWO OR THREE WHEELS, FOOT PEDALS TO PERMIT MUSCULAR PROPULSION, AND
2 AN INDEPENDENT POWER SOURCE PROVIDING A MAXIMUM OF 2 BRAKE HORSEPOWER. IF A COMBUSTION ENGINE IS USED,
3 THE MAXIMUM PISTON OR ROTOR DISPLACEMENT MAY NOT EXCEED 3.05 CUBIC INCHES, 50 CUBIC CENTIMETERS,
4 REGARDLESS OF THE NUMBER OF CHAMBERS IN THE POWER SOURCE. THE POWER SOURCE MAY NOT BE CAPABLE OF
5 PROPELLING THE DEVICE, UNASSISTED, AT A SPEED EXCEEDING 30 MILES AN HOUR, 48.28 KILOMETERS AN HOUR, ON A
6 LEVEL SURFACE. THE DEVICE MUST BE EQUIPPED WITH A POWER DRIVE SYSTEM THAT FUNCTIONS DIRECTLY OR
7 AUTOMATICALLY ONLY AND DOES NOT REQUIRE CLUTCHING OR SHIFTING BY THE OPERATOR AFTER THE DRIVE SYSTEM
8 IS ENGAGED.

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

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

17 (e) "Crosswalk" means:

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

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

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

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

29 (h) "Ignition interlock device" means ignition equipment that:

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

1 (ii) is approved by the department pursuant to 61-8-441; and
2 (iii) is designed to prevent a motor vehicle from being operated by a person who has consumed a specific
3 amount of an alcoholic beverage.

4 (i) (i) "Intersection" means the area embraced within the prolongation or connection of the lateral curb
5 lines or if there are no curb lines then the lateral boundary lines of the roadways of two highways that join one
6 another at or approximately at right angles or the area within which vehicles traveling upon different highways
7 joining at any other angle may come in conflict.

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

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

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

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

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

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

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

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

29 (q) "Right-of-way" means the privilege of the immediate use of the roadway.

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

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

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

5 (u) "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 61-8-320, MCA, is amended to read:

10 **"61-8-320. Right-of-way for bicycles.** (1) The operator of a motor vehicle may not:

11 (a) intentionally interfere with the movement of a person who is lawfully riding a bicycle; ~~or~~

12 (b) overtake and pass a person riding a bicycle unless the operator of the motor vehicle can do so safely
13 without endangering the person riding the bicycle; or

14 (c) pass closer than 5 feet to a person riding a bicycle and shall maintain that clearance until safely clear
15 of the overtaken bicycle. If driving on a divided highway as described in 61-8-330, the operator of a motor vehicle
16 may cross the double yellow lines, if it is safe to do so, in order to pass a bicycle while maintaining at least 5 feet
17 of clearance.

18 (2) The operator of a motor vehicle shall yield the right-of-way to a person who is riding a bicycle within
19 a designated bicycle lane."
20

21 **Section 3.** Section 61-8-604, MCA, is amended to read:

22 **"61-8-604. Clinging to vehicles.** A person riding upon any bicycle, coaster, roller skates, sled, or toy
23 vehicle may not attach the conveyance or be attached to any vehicle upon a roadway, but a bicycle trailer ~~or~~
24 ~~bicycle semitrailer~~ may be attached to a bicycle if ~~that~~ the trailer or semitrailer has been designed for attachment."
25

26 ~~**Section 4.** Section 61-8-605, MCA, is amended to read:~~

27 ~~**"61-8-605. Riding on roadways.** (1) As used in this section:~~

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

30 ~~(b) "roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel;~~

1 including the paved shoulder.

2 ~~———— (2) A person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and~~
 3 ~~place and under the conditions then existing shall ride as near to the right side of the roadway as practicable~~
 4 ~~except when:~~

5 ~~———— (a) overtaking and passing another vehicle proceeding in the same direction;~~

6 ~~———— (b) preparing for a left turn at an intersection or into a private road or driveway; or~~

7 ~~———— (c) necessary to avoid a condition that makes it unsafe to continue along the right side of the roadway,~~
 8 ~~including but not limited to a fixed or moving object, parked or moving vehicle, pedestrian, animal, surface hazard,~~
 9 ~~or a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.~~

10 ~~———— (3) A person operating a bicycle upon a one-way highway with two or more marked traffic lanes may ride~~
 11 ~~as close to the left side of the roadway as practicable.~~

12 ~~———— (4) Persons riding bicycles upon a roadway shall ride in single file except when:~~

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

14 ~~———— (b) overtaking and passing another bicycle;~~

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

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

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

20

21 **Section 4.** Section 61-8-606, MCA, is amended to read:

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

25

26 **Section 5.** Section 61-8-607, MCA, is amended to read:

27 **"61-8-607. ~~Lamps and other equipment on bicycles~~ Bicycle equipment.** (1) Every person operating
 28 a bicycle when in use at nighttime shall be equipped with a lamp on the display a front light which shall emit that
 29 emits a white light visible from a distance of at least 500 feet to the front and a rear light that emits a flashing or
 30 steady red light visible from a distance of at least 1,000 feet. Lights may be affixed to the bicycle or to the person

1 ~~operating the bicycle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in~~
2 ~~addition to rear-facing reflectors required by this section:~~

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

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

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

11 ~~(5)(2) Every bicycle shall must be equipped with a brake which that will enable the operator to ~~make the~~~~
12 ~~braked wheels skid stop the bicycle within 15 feet FROM A SPEED OF 10 MILES AN HOUR on dry, level, clean~~
13 ~~pavement.~~

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

17 ~~- END -~~