

HOUSE BILL NO. 105
INTRODUCED BY B. OLSON
BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING, UPDATING, AND CLARIFYING PROVISIONS GOVERNING VEHICLE OPERATING REQUIREMENTS; PROVIDING THAT A PERSON WHO INJURES ANOTHER PERSON WHILE ELUDING A PEACE OFFICER COMMITS NEGLIGENT VEHICULAR ASSAULT; CREATING A SEPARATE OFFENSE OF ELUDING A PEACE OFFICER; DEFINING "SPEED CONTEST"; ALLOWING A SLOW-MOVING VEHICLE TO TURN OFF OF A ROADWAY AT AREAS OTHER THAN THOSE DESIGNATED FOR THAT PURPOSE; MAKING CONSISTENT REFERENCES TO VARIOUS TYPES OF HIGHWAYS; REQUIRING OTHER VEHICLES TO YIELD THE RIGHT-OF-WAY TO VEHICLES ENGAGED IN MOBILE HIGHWAY MAINTENANCE; CLARIFYING THAT LOCAL AUTHORITIES HAVE THE OPTION OF DESIGNATING NO-PASSING ZONES; CLARIFYING THAT PROVISIONS GOVERNING NO-PASSING ZONES DO NOT APPLY WHEN A VEHICLE IS MAKING CERTAIN TURNING MOVEMENTS; PROVIDING FOR AND DEFINING ROUNDABOUTS; ALLOWING A PERSON TO CROSS DOUBLE YELLOW LINES IF TURNING INTO A PRIVATE ROAD OR DRIVEWAY; PROHIBITING A PERSON FROM PARKING A MOTOR VEHICLE IN A BICYCLE LANE; REGULATING TURNING WHERE A SPECIAL LANE HAS BEEN DESIGNATED FOR MAKING LEFT TURNS; PROHIBITING THE OPERATOR OF A MOTOR VEHICLE FROM INTERFERING WITH A BICYCLIST; MODIFYING THE PROVISIONS FOR STOPPING AT AND CROSSING RAILROAD GRADE CROSSINGS; ALLOWING A MOTORCYCLIST TO DRIVE WITHOUT THE HEADLAMP LIGHTED IF THE MOTORCYCLE IS BEING DRIVEN TO A REPAIR FACILITY; INCREASING THE FINE FOR THROWING CONTAINERS OF URINE OR FECES ON A HIGHWAY TO \$1,000; PROHIBITING SHOOTING A FIREARM FROM OR ACROSS THE RIGHT-OF-WAY OF ANY HIGHWAY; PROVIDING FOR THE ESTABLISHMENT OF SCHOOL CROSSING GUARDS; AMENDING SECTIONS 45-5-205, 61-8-301, 61-8-303, 61-8-308, 61-8-311, 61-8-312, 61-8-321, 61-8-323, 61-8-324, 61-8-325, 61-8-326, 61-8-327, 61-8-328, 61-8-329, 61-8-330, 61-8-331, 61-8-332, 61-8-333, 61-8-334, 61-8-336, 61-8-338, 61-8-340, 61-8-341, 61-8-342, 61-8-343, 61-8-344, 61-8-345, 61-8-346, 61-8-347, 61-8-348, 61-8-349, 61-8-350, 61-8-354, 61-8-355, 61-8-356, 61-8-359, 61-8-360, 61-8-361, 61-8-362, 61-8-363, 61-8-364, 61-8-365, 61-8-368, 61-8-369, 61-8-715, 61-9-402, 61-9-416, AND 61-9-431, MCA; AND REPEALING SECTION 61-8-315, MCA."

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

Section 1. Section 45-5-205, MCA, is amended to read:

"45-5-205. Negligent vehicular assault -- penalty. (1) A person ~~who~~ commits the offense of negligent vehicular assault if the person:

(a) negligently operates a vehicle, other than a bicycle as defined in 61-1-123, while under the influence of alcohol, a dangerous drug, any other drug, or any combination of the three, as provided for in 61-8-401(1), and ~~who~~ causes bodily injury to another; or

(b) causes bodily injury to another person while eluding a peace officer as provided in [section 2] ~~commits the offense of negligent vehicular assault.~~

(2) Subject to subsection (3), a person convicted of the offense of negligent vehicular assault shall be fined an amount not to exceed \$1,000 or incarcerated in a county jail for a term not to exceed 1 year, or both, and shall be ordered to pay restitution as provided in 46-18-241.

(3) A person convicted of the offense of negligent vehicular assault who caused serious bodily injury to another shall be fined an amount not to exceed \$10,000 or incarcerated for a term not to exceed 10 years, or both, and shall be ordered to pay restitution as provided in 46-18-241.

(4) If a term of incarceration is imposed under subsection (2) or (3), the judge may suspend the term of incarceration upon the condition of payment of any fine imposed and of restitution. If the person does not pay the fine or restitution, the term of incarceration may be imposed."

NEW SECTION. Section 2. Eluding a peace officer -- penalties -- definition. (1) A person commits the offense of eluding a peace officer if the person, without causing bodily injury to another person, willfully fails to or refuses to bring the person's vehicle to a stop or otherwise attempts to elude a peace officer who is lawfully in pursuit and:

(a) whose vehicle is at the time in compliance with the requirements of 61-9-402;

(b) who has given a visual or audible signal for the person to stop; or

(c) who is prominently displaying the officer's badge of office or identification.

(2) A person who commits the offense of eluding a peace officer is subject to the penalty provided in 61-8-715.

(3) If a person causes bodily injury to another person while engaged in eluding a peace officer, the person is subject to the penalties provided in 45-5-205.

(4) "Peace officer" has the same meaning as provided in 45-2-101.

Section 3. Section 61-8-301, MCA, is amended to read:

"61-8-301. Reckless driving -- reckless endangerment of highway worker. (1) A person commits the offense of reckless driving if the person:

(a) operates a vehicle in willful or wanton disregard for the safety of persons or property;

~~(b) operates a vehicle in willful or wanton disregard for the safety of persons or property while fleeing or attempting to flee from or elude a peace officer who is lawfully in pursuit and whose vehicle is at the time in compliance with the requirements of 61-9-402; or~~

~~(e)~~(b) operates a vehicle in willful or wanton disregard for the safety of persons or property while passing, in either direction, a school bus that has stopped and is displaying the visual flashing red signal, as provided in 61-8-351 and 61-9-402. This subsection ~~(4)~~(e) (1)(b) does not apply to situations described in 61-8-351(5).

(2) ~~Each~~ A municipality in this state may enact and enforce 61-8-715, [section 2], and subsection (1) of this section as an ordinance.

(3) A person who is convicted of the offense of reckless driving or of reckless endangerment of a highway worker is subject to the penalties provided in 61-8-715.

(4) (a) A person commits the offense of reckless endangerment of a highway worker if the person purposely, knowingly, or negligently drives a motor vehicle in a highway construction zone in a manner that endangers persons or property or if the person purposely removes, ignores, or intentionally strikes an official traffic control device in a construction zone for reasons other than:

(i) avoidance of an obstacle;

(ii) an emergency; or

(iii) to protect the health and safety of an occupant of the vehicle or of another person.

(b) As used in this section:

(i) "construction zone" has the same meaning as is provided in 61-8-314; and

(ii) "highway worker" means an employee of the department of transportation, a local authority, a utility company, or a private contractor."

Section 4. Section 61-8-303, MCA, is amended to read:

"61-8-303. Speed restrictions. (1) Except as provided in 61-8-309, 61-8-310, 61-8-312, and subsection (2) of this section, the speed limit for vehicles traveling:

(a) on a federal-aid interstate highway outside an urbanized area of 50,000 population or more is 75 miles an hour at all times and the speed limit for vehicles traveling on federal-aid interstate highways within an

urbanized area of 50,000 population or more is 65 miles an hour at all times;

(b) on any other public highway of this state is 70 miles an hour during the daytime and 65 miles an hour during the nighttime;

(c) in an urban district is 25 miles an hour.

(2) The speed limit for vehicles traveling on U.S. highway 93 between the Canadian and Idaho borders is 65 miles an hour at all times. The speed limit imposed by this subsection ceases to be effective if U.S. highway 93 is upgraded to a continuous four-lane highway.

(3) A vehicle subject to the speed limits imposed in subsection (1) traveling on a two-lane road may exceed the speed limits imposed in subsection (1) by 10 miles an hour in order to overtake and pass a vehicle and return safely to the right-hand lane.

(4) Subject to the maximum speed limits set forth in subsections (1) and (2), a person shall operate a vehicle in a careful and prudent manner and at a reduced rate of speed no greater than is reasonable and prudent under the conditions existing at the point of operation, taking into account the amount and character of traffic, visibility, weather, and roadway conditions.

(5) ~~When no~~ Except when a special hazard exists that requires lower speed for compliance with subsections (1) and (2) subsection (4), the speed of a vehicle not in excess of the limits specified in this section and in 61-8-312 or established as authorized in 61-8-309 through 61-8-311 and 61-8-313 ~~is lawful, but a speed in excess of 25 miles an hour in an urban district is unlawful~~ are the maximum lawful speeds allowed.

(6) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means at any other hour.

(7) The speed limits set forth in this section may be altered by the transportation commission or a local authority as authorized in 61-8-309, 61-8-310, 61-8-313, and 61-8-314."

Section 5. Section 61-8-308, MCA, is amended to read:

"61-8-308. Permission of authorities to hold speed contest -- definition. (1) ~~No~~ A race or contest for speed shall speed contest ON A HIGHWAY AS DEFINED IN 61-1-201 may not be held and ~~no~~ a person shall may not engage in, or aid, or abet in any ~~motor vehicle~~ speed contest or exhibition of speed on a public highway or ~~street~~ ON A HIGHWAY AS DEFINED IN 61-1-201 without written permission of the authorities of the state, county, or city having jurisdiction and unless the ~~same~~ contest is fully and efficiently patrolled for the entire distance over which ~~such~~ the race or ~~contest~~ contest for speed contest is to be held.

(2) For the purposes of this section, "speed contest" means the use of one or more vehicles in an attempt

to:

- (a) outgain or outdistance another vehicle;
- (b) prevent another vehicle from passing or to arrive at a given destination ahead of another vehicle;
- (c) test the physical stamina or endurance of operators of vehicles over long distances; or
- (d) travel a given distance in the least amount of time in a manner that requires violating any traffic regulations.

(3) A violation of this section is punishable as provided in 61-8-717."

Section 6. Section 61-8-311, MCA, is amended to read:

"61-8-311. Minimum speed regulations. (1) A person may not drive a motor vehicle at a speed slow enough to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(2) On a two-lane highway where passing is unsafe because of oncoming traffic ~~in the opposite direction~~ or other conditions, the operator of a slow-moving vehicle, ~~including a passenger vehicle,~~ behind which four or more vehicles are formed in line shall turn off the roadway at the nearest ~~place designated as a turnout by signs erected by the authority having jurisdiction over the highway or wherever sufficient area for a~~ where a sufficient and safe turnout exists in order to permit the vehicles following it to proceed. If the shoulder of the highway to the right of the ~~overtaken~~ slow-moving vehicle is wide enough and is in a condition allowing safe travel, the ~~driver~~ operator of the ~~overtaken~~ slow-moving vehicle may drive onto the shoulder and proceed at a safe speed until passed. As used in this section, a slow-moving vehicle is one ~~which that~~ is proceeding at a rate of speed less than the normal flow of traffic at the particular time and place. The department of transportation is authorized to designate and construct ~~such~~ turnouts and to erect ~~signs~~ official traffic control devices at appropriate places advising motorists of this statute.

(3) If the department of transportation or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway ~~consistently~~ impede the normal and reasonable movement of traffic, the commission or the local authority may set a minimum speed limit below which a person may not ~~drive~~ operate a vehicle except when necessary for safe operation or in compliance with law."

Section 7. 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 a federal-aid interstate highway~~ is 65 miles an hour; and
- (b) ~~four-lane divided highways and completed sections of primary and secondary highways~~ any other public highway 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 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."

NEW SECTION. Section 8. Right-of-way for vehicles engaged in mobile highway maintenance.

The operator of a vehicle shall yield the right-of-way to an authorized vehicle that is engaged in highway maintenance activities when the authorized vehicle is displaying flashing lights that meet the requirements of the department of transportation.

Section 9. Section 61-8-321, MCA, is amended to read:

"61-8-321. Drive on right side of roadway -- exceptions. (1) Upon all roadways of sufficient width, a vehicle ~~shall~~ must be ~~driven~~ operated upon the right half of the roadway, except as follows:

- (a) when overtaking and passing another vehicle proceeding in the same direction under the rules governing ~~such~~ the passing movement;
 - (b) when the right half of a roadway is closed to traffic while under construction or repair;
 - (c) upon a roadway divided into three marked lanes for traffic under the rules applicable ~~thereon; or on~~ a divided roadway;
 - (d) upon a roadway designated ~~and signposted~~ by official traffic control devices for one-way traffic;
 - (e) when the operator of a vehicle is complying with the provisions of 61-8-346; or
 - (f) when an obstruction exists that makes it necessary to drive to the left of the center of the roadway.
- (2) A person operating a vehicle to the left of the center of the roadway for any of the reasons provided

in subsection (1) shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway that are within a distance that constitutes an immediate hazard.

~~(2)(3) Upon all roadways any A~~ vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing ~~shall~~ must be ~~driven~~ operated in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway."

Section 10. Section 61-8-323, MCA, is amended to read:

"61-8-323. Overtaking vehicle on left. The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions, and special rules provided in this ~~part~~ chapter:

(1) The ~~driver~~ operator of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of the other vehicle at a safe distance and may not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the ~~driver~~ operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle upon an audible signal or the use of signal lamps, as provided in 61-9-218, and may not increase the speed of the vehicle until completely passed by the overtaking vehicle. When giving way to the right on a two-lane highway, the ~~driver~~ operator of the vehicle being overtaken may travel upon the shoulder at a safe speed until passed if the shoulder is wide enough and is in a condition allowing safe travel."

Section 11. Section 61-8-324, MCA, is amended to read:

"61-8-324. ~~When overtaking~~ Overtaking vehicle on right is permitted. (1) The ~~driver~~ operator of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

- (a) when the vehicle overtaken is making or about to make a left turn; or
- (b) upon a ~~street or highway~~ roadway with unobstructed pavement ~~not occupied by parked vehicles~~ of sufficient width for two or more ~~lines~~ lanes of moving vehicles moving lawfully in each the direction being traveled by the overtaking vehicle;
- ~~— (c) upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving~~

vehicles.

(2) The ~~driver operator~~ of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting ~~such movement in safety~~ safe movement. ~~In no event shall such~~ The movement may not be made by driving off the pavement or main-traveled portion of the roadway."

Section 12. Section 61-8-325, MCA, is amended to read:

"61-8-325. Limitations on overtaking on the left. (1) ~~No A~~ A vehicle ~~shall~~ may not be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless ~~such~~ the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit ~~such~~ the overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. ~~In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.~~

(2) ~~No A~~ A vehicle ~~shall at any time~~ may not be driven to the left side of the roadway under the following conditions:

(a) when approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within ~~such a distance as to create~~ that creates a hazard in the event that another vehicle might approach from the opposite direction;

(b) when approaching within 100 feet of or traversing any intersection or railroad grade crossing, unless otherwise indicated by an official traffic control device; or

(c) when the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel.

(3) The ~~foregoing~~ limitations ~~shall~~ provided in this section do not apply upon a one-way roadway."

Section 13. Section 61-8-326, MCA, is amended to read:

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

(2) Where ~~signs or markings~~ official traffic control devices are in place to define a no-passing zone as

set forth in subsection (1) ~~a driver~~ an operator of a vehicle may not drive on the left side of the roadway within the no-passing zone or on the left side of a pavement striping designed to mark the no-passing zone throughout its length.

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

Section 14. Section 61-8-327, MCA, is amended to read:

"61-8-327. One-way roadways, and rotary traffic islands, and roundabouts. (1) The department of transportation or a local authority may designate a highway, ~~or a separate roadway,~~ part of a roadway, or specific lanes under its ~~jurisdiction~~ respective jurisdiction for one-way traffic and shall erect ~~appropriate signs~~ official traffic control devices giving notice of that designation.

(2) Upon a roadway designated ~~and signposted~~ by official traffic control devices for one-way traffic a vehicle may be driven only in the direction designated.

(3) A vehicle passing around a rotary traffic island or a roundabout may be driven only to the right of ~~such~~ the island or the center of the roundabout.

(4) For the purposes of this section, a "roundabout" is a circular intersection where all entering traffic must yield to the vehicles within the intersection."

Section 15. Section 61-8-328, MCA, is amended to read:

"61-8-328. Driving on roadways laned for traffic. Whenever a roadway has been divided into two or more clearly marked lanes for traffic, the following rules, in addition to all other consistent rules, apply:

(1) A vehicle must be ~~driven~~ operated as nearly as practicable entirely within a single lane and may not be moved from the lane until the ~~driver~~ operator has first ascertained that the movement can be made with safety.

(2) Upon a roadway that is divided into three lanes and that provides for two-way movement of traffic, a vehicle may not be ~~driven~~ operated in the center lane except:

(a) when overtaking and passing another vehicle where the roadway is clearly visible traveling in the same direction where passing is allowed and where the center lane is clear of traffic within a safe distance;

(b) ~~in preparation for a left turn;~~ or

~~(c)~~(b) when the center lane is at the time allocated exclusively to traffic moving in the direction that the vehicle is proceeding and is signposted to give notice of the allocation is designated by official traffic control devices.

(3) Official ~~signs~~ traffic control devices may be erected directing ~~slow-moving~~ specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway. ~~Drivers~~ Operators of vehicles shall obey the directions of every official ~~sign~~ traffic control device that designates use of specific lanes.

(4) A person may turn a vehicle left across a lane marked with two yellow lines into a public or private parking lot, private road, private driveway, or a roadway if the turn can be made safely and if the person does not hinder the flow of oncoming traffic.

(5) Official traffic control devices may be installed that prohibit the changing of lanes on sections of a roadway, and operators of vehicles shall obey the directions of those devices.

(6) A motor vehicle may not be driven or parked in a bicycle lane that is signed and delineated as a bicycle lane by official traffic control devices."

Section 16. Section 61-8-329, MCA, is amended to read:

"61-8-329. Following too closely. (1) The driver of a motor vehicle ~~shall~~ may not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of ~~such~~ the vehicles and the traffic upon and the condition of the ~~highway~~ roadway.

~~(2) The driver of any truck tractor, truck, or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another truck tractor, truck, or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a truck tractor, truck, or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.~~

~~(3)(2) Motor vehicles~~ A motor vehicle being driven upon ~~any~~ a roadway outside of a business or residence district, including in a caravan or motorcade, whether or not towing other vehicles, ~~shall~~ must be ~~so~~ operated ~~as to allow~~ in a manner that allows sufficient space between each ~~such~~ vehicle or combination of vehicles ~~so as~~ to enable any other vehicle to enter and occupy ~~such~~ the space without danger. This provision ~~shall~~ does not apply to funeral processions."

Section 17. Section 61-8-330, MCA, is amended to read:

"61-8-330. Driving on divided highways. ~~Whenever any~~ (1) Where a highway has been divided into two or more roadways by leaving ~~an intervening~~ a space delineated by two double yellow lines or two yellow lines with a crosshatch pattern or by a physical barrier or a clearly indicated dividing section ~~so that is~~ constructed as

~~to impede in a way that impedes~~ vehicular traffic, ~~every a~~ vehicle ~~shall may~~ be driven only upon the right-hand roadway ~~and no~~ unless directed or permitted by official traffic control devices or police officers to use another roadway.

(2) A vehicle ~~shall may not~~ be driven over, across, or within ~~any such dividing a~~ space, barrier, or section described in subsection (1) except through an opening in ~~such the~~ physical barrier or dividing section or space or at a ~~an established~~ crossover or intersection ~~established by~~ unless specifically prohibited by a public authority."

Section 18. Section 61-8-331, MCA, is amended to read:

"61-8-331. Restricted and controlled access. (1) ~~No A~~ person ~~shall drive may not operate~~ a vehicle onto or from ~~any a~~ controlled-access roadway except at ~~such~~ entrances and exits ~~as that~~ are established by public authority.

(2) On ~~any a~~ controlled-access highway or facility ~~it is unlawful for any a~~ person to may not:

(a) ~~drive operate~~ a vehicle over, upon, or across ~~any a~~ curb, central dividing section, or other separation or dividing line;

(b) make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb, section, separation, or line if travel through the opening is not prohibited by an official traffic control device;

(c) ~~drive any operate a~~ vehicle except in the proper lane, in the proper direction, and to the right of the central dividing curb, separation, section, or line;

(d) ~~drive any operate a~~ vehicle from a local service road except through an opening provided for that purpose in the dividing curb, section, or line which separates the service road from the highway or facility;

(e) construct, operate, or maintain ~~any a~~ road or private driveway connecting with the highway or facility without first obtaining permission in writing from the ~~highway public~~ authority having jurisdiction ~~and, with the exception of an interstate highway, from the local governing body."~~

Section 19. Section 61-8-332, MCA, is amended to read:

"61-8-332. Restrictions on use of controlled-access roadway. (1) The department of transportation may by rule and local authorities may by ordinance regulate or prohibit the use of a controlled-access highway under their respective jurisdictions by ~~pedestrians, bicycles, or other nonmotorized traffic or by a person operating a motor-driven cycle~~ any class or kind of traffic that is found to be incompatible with the normal and safe movement of traffic or by any vehicle.

(2) The department or the local authority ~~which that~~ adopts the prohibitory regulation shall erect and maintain official ~~signs~~ traffic control devices on the controlled-access ~~roadway~~ highway on which these regulations are applicable. ~~It is unlawful for a~~ A person to ~~may not~~ violate the restrictions stated on ~~those signs~~ the official traffic control devices."

Section 20. Section 61-8-333, MCA, is amended to read:

"61-8-333. Required position and method of turning at intersections --~~bicycle turn procedures~~
--signs. (1) The ~~driver~~ operator of a vehicle intending to turn at an intersection shall do so as follows:

(a) ~~Right turns:~~ Both the approach for a right turn and a right turn shall must be made as close as practicable to the right-hand curb or edge of the roadway.

(b) ~~Left turn on two-way roadways:~~ At any an intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall must be made in that portion of the right half of the roadway nearest the center line ~~thereof~~ of the roadway and by passing to the right of ~~such the~~ center line where it enters the intersection, ~~and after~~ After entering the intersection, the left turn shall must be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall must be made in that portion of the intersection to the left of the center of the intersection.

(c) ~~Left turns on other than two-way roadways:~~ At any an intersection where traffic is restricted to one direction on one or more of the roadways, the ~~driver~~ operator of a vehicle intending to turn left ~~at any such~~ intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of ~~such the~~ vehicle, ~~and after~~ After entering the intersection the left turn shall must be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in ~~such the~~ direction upon the roadway being entered.

(d) A person making a turn under ~~subsections~~ subsection (1)(a), (1)(b), or (1)(c) is entitled to the full use of the lane from which the turn may be legally made.

~~(2) (a) A person operating a bicycle who intends to turn left shall follow the course described in subsection (1) or in subsection (2)(b):~~

~~(b) A person operating a bicycle who intends to turn left shall approach the turn as close as practicable to the right curb or edge of the roadway. After proceeding across the intersecting roadway, the person shall make the turn as close as practicable to the curb or edge of the roadway on the far right side of the intersection. After turning, the person shall yield to through traffic and shall comply with any official traffic control device or police~~

officer regulating traffic on the highway along which he intends to proceed:

~~(3)(2)~~ Local authorities in their respective jurisdictions may ~~cause markers, buttons, or signs to be placed~~ place official traffic control devices within or adjacent to intersections, ~~directing and thereby require and direct that~~ a different course from that specified in this section be traveled by vehicles turning at an intersection; ~~and when~~ markers, buttons, or signs are so placed no driver Where official traffic control devices that direct a different course are placed, the operator of a vehicle ~~shall~~ may not turn ~~a the~~ the vehicle ~~at an intersection~~ other than as directed ~~and required by such markers, buttons, or signs~~ by the official traffic control devices.

(3) Where a special lane has been indicated by official traffic control devices allowing operators of vehicles proceeding in opposite directions to make left turns:

(a) a left turn may not be made from any other lane; and

(b) a vehicle may not be operated in the lane except when making a left turn from or onto the roadway or when making a U-turn when that movement is permitted by law."

Section 21. Section 61-8-334, MCA, is amended to read:

"61-8-334. Turning Limitation on U-turns -- turning on curve or crest of grade prohibited. ~~No~~ An operator of a vehicle ~~shall be turned so as~~ may not turn the vehicle to proceed in the opposite direction:

(1) unless the movement can be made safely and without interfering with other traffic; or

(2) upon any curve or upon the approach to or near the crest of a grade where ~~such~~ the vehicle cannot be seen by the ~~driver~~ operator of any other vehicle approaching from either direction within 500 feet."

Section 22. Section 61-8-336, MCA, is amended to read:

"61-8-336. Turning movements and required signals. (1) ~~No~~ A person ~~shall~~ may not turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required by 61-8-333 or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless ~~and until such~~ the movement can be made with reasonable safety and until an appropriate signal has been given. ~~No~~ A person ~~shall so~~ may not turn ~~any~~ a vehicle without giving an appropriate signal in the manner hereinafter provided in ~~the event any other traffic may be affected by such movement~~ this section.

(2) A signal of intention to turn right or left, other than when passing, ~~when required shall~~ must be given continuously during not less than the last 100 feet traveled by the vehicle before turning in any business, residence, or urban district as defined in 61-1-408 through 61-1-410.

(3) A signal of intention to turn right or left, other than when passing, ~~when required shall~~ must be given continuously during not less than the last 300 feet traveled by the vehicle before turning in areas other than those set forth in subsection (2).

~~(4) A signal by hand and arm need not be given continuously by the person operating a bicycle if the hand is needed in the control or operation of the bicycle.~~

~~(5)(4) No~~ A person shall may not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal ~~in the manner provided herein~~ to the ~~driver~~ operator of ~~any a~~ vehicle immediately to the rear when there is opportunity to give ~~such the~~ signal."

Section 23. Section 61-8-338, MCA, is amended to read:

"61-8-338. Method of giving hand-and-arm signals. ~~(1) Except as provided in subsection (2), all~~ All signals ~~herein required in this part that are given by hand and arm shall~~ must be given from the left side of the vehicle by the operator of the vehicle in the following manner ~~and such signals shall indicate as follows:~~

~~(a)(1) Left~~ For a left turn, the operator's hand and arm must be extended horizontally.

~~(b)(2) Right~~ For a right turn, the operator's hand and arm forearm must be extended upward.

~~(c)(3) Stop~~ For a stop or a decrease in speed, the operator's hand and arm must be extended downward.

~~(2) The person operating a bicycle may signal a right turn by extending the right hand and arm horizontally."~~

Section 24. Section 61-8-340, MCA, is amended to read:

"61-8-340. Vehicle turning left at intersection. The ~~driver~~ operator of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction ~~which that~~ is within the intersection or so close thereto as enough to the intersection to constitute an immediate hazard, ~~but said driver, having so~~ Once the operator has yielded and having given provided the operator is giving a signal when and as required by this chapter, the operator may make ~~such the~~ left turn and the ~~drivers operators~~ of all other vehicles approaching the intersection from ~~said the~~ the opposite direction shall yield the right-of-way to the vehicle making the left turn. The provisions of this section ~~shall not be applicable~~ do not apply where it is otherwise directed by ~~appropriate signs or signals~~ official traffic control devices."

Section 25. Section 61-8-341, MCA, is amended to read:

"61-8-341. Vehicle entering through highway or stop intersection. ~~(1) The driver operator of a vehicle shall stop as required by 61-8-344 at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from said through highway or which that are approaching so closely on said close enough on the through highway as to constitute an immediate hazard; ~~but said driver having so~~ Once the operator has yielded, the operator may proceed and the ~~drivers operators~~ of all other vehicles approaching the intersection on ~~said the~~ through highway shall yield the right-of-way to the vehicle ~~so~~ proceeding into or across the through highway.~~

~~(2) The driver of a vehicle shall likewise stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed."~~

Section 26. Section 61-8-342, MCA, is amended to read:

"61-8-342. Vehicles approaching "Yield" sign. ~~When the intersection is designated by the department of transportation, or the local authority having jurisdiction, as a "Yield" intersection, the driver~~ An operator of a vehicle approaching ~~the a~~ "Yield" sign is subject to the following provisions:

(1) The operator shall slow to a speed of not more than 15 miles per hour and yield right-of-way to all vehicles approaching from the right or left on the intersecting roads or streets which are so close as to constitute an immediate hazard that is reasonable for existing conditions and, if required for safety, shall stop before entering the intersection.

(2) After slowing or stopping, the operator shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway close enough to constitute an immediate hazard during the time that the operator is moving across or within the intersection or junction of roadways.

(3) An operator of a vehicle shall yield the right-of-way to pedestrians within crosswalks at the intersection.

(4) If a driver an operator of a vehicle, after having driven past a "Yield" sign, is involved in a collision with another vehicle at an intersection or interferes with the movement of other vehicles after driving past a "Yield" sign, such junction of roadways or with a pedestrian in an adjacent crosswalk, the collision or interference shall be deemed is considered prima facie evidence of the driver's operator's failure to yield right-of-way."

NEW SECTION. Section 27. Right-of-way for bicycles. (1) The operator of a motor vehicle may not:

- (a) intentionally interfere with the movement of a person who is lawfully riding a bicycle; or
- (b) overtake and pass a person riding a bicycle unless the operator of the motor vehicle can do so safely without endangering the person riding the bicycle.

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

Section 28. Section 61-8-343, MCA, is amended to read:

"61-8-343. Vehicle entering highway roadway from private road, driveway, alley, or public approach ramp. The ~~driver~~ operator of a vehicle about to enter or cross a highway roadway from a private road, driveway, alley, or public approach ramp shall yield the right-of-way to all vehicles approaching on ~~said highway~~ the roadway."

Section 29. Section 61-8-344, MCA, is amended to read:

"61-8-344. Vehicles to stop at stop signs. (1) The department of transportation ~~with reference to state highways~~ and local authorities ~~with reference to other highways under~~ in their jurisdiction ~~respective jurisdictions~~ may designate through highways and erect stop signs at specified entrances to these highways or may designate an intersection as a stop intersection and erect ~~similar~~ stop signs at one or more entrances to that intersection.

~~(2) The sign shall bear the word "Stop" in letters not less than 8 inches in height, and it shall be made luminous at nighttime by steady or flashing internal illumination or by a fixed floodlight projected on the face of the sign or by efficient reflecting elements on the face of the sign.~~

~~(3)(2) The stop sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as close as practicable to the nearest line of the roadway and its placement must conform to the sign manual adopted by the department of transportation.~~

~~(4)(3) A driver~~ An operator of a vehicle approaching a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, ~~he~~ the operator shall stop at a clearly marked stop line; ~~but if none, then~~ If there is not a clearly marked stop line, the operator shall stop at the point nearest the intersecting roadway where the ~~driver~~ operator has a view of approaching traffic on the intersecting roadway before entering the intersection except when directed to proceed by a police officer, ~~or~~ highway patrol officer, or traffic control signal."

Section 30. Section 61-8-345, MCA, is amended to read:

"61-8-345. Stop before emerging from alley, driveway, private road, or building. The ~~driver~~ operator of a vehicle within a business or residence district who is emerging from an alley, driveway, private road, or building shall stop ~~such~~ the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across ~~any alleyway or an alley,~~ driveway, or private road and shall yield the right-of-way to ~~any pedestrian as may be necessary to avoid collision, and upon~~ pedestrians. Upon entering the roadway, the operator shall yield the right-of-way to all vehicles approaching on ~~said~~ the roadway."

Section 31. Section 61-8-346, MCA, is amended to read:

"61-8-346. Operation of vehicles on approach of ~~police vehicles or authorized emergency vehicles or police vehicles~~ -- approaching stationary emergency vehicles or police vehicles. (1) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of 61-9-402 or of a police vehicle properly and lawfully making use of an audible signal only, the ~~driver~~ operator of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the ~~police vehicle or~~ authorized emergency vehicle or police vehicle has passed, except when otherwise directed by a police officer or highway patrol officer.

(2) This section does not relieve the driver of ~~a police vehicle or an~~ authorized emergency vehicle or police vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(3) Upon approaching a stationary authorized emergency vehicle or police vehicle that is displaying visible signals of flashing or rotating amber, blue, red, or green lights, the ~~driver~~ operator of the approaching vehicle shall:

(a) reduce the vehicle's speed, proceed with caution, and, if possible considering safety and traffic conditions, move to a lane that is not adjacent to the lane in which the authorized emergency vehicle or police vehicle is located or move as far away from the authorized emergency vehicle or police vehicle as possible; or

(b) if changing lanes is not possible or is determined to be unsafe, reduce the vehicle's speed, proceed with caution, and maintain a reduced speed, appropriate to the road and the conditions, through the area where the authorized emergency vehicle or police vehicle is stopped."

Section 32. Section 61-8-347, MCA, is amended to read:

"61-8-347. Obedience to signal indicating approach of train. (1) ~~Whenever any~~ When a person ~~driving~~ operating a vehicle approaches a railroad grade crossing under any of the circumstances stated in this

section, the ~~driver~~ operator of ~~such the~~ vehicle shall stop ~~within 50 feet~~ as close as practicable but not less than 15 feet from the nearest rail of ~~such the~~ railroad; and ~~shall~~ may not proceed until ~~he~~ the operator can do so safely.

The ~~foregoing~~ requirements ~~shall~~ of this subsection (1) apply when:

(a) a clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(b) a crossing gate is lowered or when a ~~human flagman~~ flag person gives ~~or continues to give~~ a signal of the approach or passage of a railroad train;

(c) a railroad train approaching within approximately 1,500 feet of the highway crossing emits ~~a~~ an audible signal ~~audible from such distance and such~~ indicating that the railroad train, by reason of its speed or nearness to ~~such the~~ crossing, is an immediate hazard; ~~or~~

(d) an approaching railroad train is plainly visible and is in hazardous proximity to ~~such the~~ crossing.

(2) ~~No~~ A person ~~shall drive~~ may not operate any vehicle through, around, or under any crossing gate or barrier at a railroad grade crossing while ~~such the~~ gate or barrier is closed or is being opened or closed."

Section 33. Section 61-8-348, MCA, is amended to read:

"61-8-348. All vehicles to stop at certain railroad grade crossings. (1) The department of transportation and local authorities in their respective jurisdictions may designate particularly dangerous highway grade crossings of railroads and erect stop signs at these crossings. ~~When~~ Where these stop signs are erected, the ~~driver~~ operator of a vehicle shall stop ~~within 50 feet~~ as close as practicable but not less than 15 feet from the nearest rail of the railroad and ~~shall~~ may proceed only upon exercising due care.

(2) The operator of a vehicle upon a highway outside of the limits of an incorporated city or town who is approaching a highway grade crossing where a flag person or a mechanical device is not in place or maintained to warn the public of approaching trains shall, before crossing the railroad tracks, stop the vehicle as close as practicable but not less than 15 feet from the nearest rail if:

(a) a curve in the tracks or vegetation or some other feature or characteristic obscures the view of approaching trains; or

(b) a moving train is within sight or hearing."

Section 34. Section 61-8-349, MCA, is amended to read:

"61-8-349. Certain vehicles to stop at all railroad grade crossings. (1) ~~A person driving a motor vehicle upon a public highway of this state outside of corporate limits of incorporated cities or towns where the~~

view is obscure or when a moving train is within sight or hearing shall bring the vehicle to a full stop not less than 10 or more than 100 feet from the intersection of the highway and the railroad tracks, before crossing the railroad tracks, at all crossings where a flagman or a mechanical device is not maintained to warn the traveling public of approaching trains or cars.

(2)(a) (1) (a) Except as provided in subsection (2)(b) (1)(b), the driver of a motor vehicle carrying seven or more passengers for hire, a school bus with or without passengers, or a vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop the vehicle ~~within 50 feet~~ as close as practicable but not less than 15 feet from the nearest rail of the railroad and while stopped shall open the door (in the case of a school bus) and shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train and may not proceed until ~~he~~ the driver can do so safely. After stopping as required in this section and upon proceeding when it is safe to do so, the ~~driver operator~~ of a vehicle shall may cross only in a gear of the vehicle that requires no changing gears while traversing the crossing. The ~~driver operator~~ may not shift gears while crossing the track or tracks.

(b) A stop is not required at a crossing where a police officer, highway patrol officer, or official traffic control ~~signal device~~ directs traffic to proceed.

(3)(2) As used in this section, "official traffic control ~~signal device~~" does not include a railroad grade crossing signal."

Section 35. Section 61-8-350, MCA, is amended to read:

"61-8-350. Moving heavy equipment at railroad grade crossings. (1) ~~No~~ A person shall ~~operate or move~~ comply with the provisions of this section before operating or moving upon or across the tracks at a railroad grade crossing any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure ~~having that~~ has:

(a) a normal operating speed of 10 or less miles ~~per~~ an hour; or

(b) a vertical body or load clearance measured above the surface of the roadway of:

(i) less than one-half inch ~~per~~ for each foot of the distance between any two adjacent axles; or

(ii) ~~in any event of less than at least 9 inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.~~

(2) Notice of ~~any such an~~ intended crossing shall ~~must~~ be given to a ~~station agent~~ representative of such the railroad and reasonable time must be given to ~~such the~~ the railroad to provide proper protection at ~~such the~~ the crossing.

(3) Before making ~~any such a~~ crossing the person operating or moving ~~any such the~~ vehicle or equipment shall first stop the ~~same~~ vehicle or equipment as close as practicable but not less than 15 feet ~~or more than 50 feet~~ from the nearest rail of ~~such the~~ railroad and while ~~so~~ stopped shall listen and look in both directions along ~~such the~~ track for any approaching train and for signals indicating the approach of a train; ~~and shall~~ The person may not proceed until the crossing can be made safely.

(4) ~~No such~~ A crossing ~~shall may not~~ be made when warning is given by automatic signal, ~~or~~ crossing gates, ~~or a flagman flag person,~~ or ~~otherwise~~ other official traffic control device of the immediate approach of a railroad train or car. If a ~~flagman flag person~~ is provided by the railroad, movement over the crossing ~~shall must~~ be under his the flag person's direction."

Section 36. Section 61-8-354, MCA, is amended to read:

"61-8-354. Stopping, standing, or parking prohibited in specified places -- exceptions. (1) ~~No A~~ person ~~shall may not~~ stop, stand, or park a vehicle, except [as allowed under ~~subsection (2)~~ section 13 of LC 200] or] when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer, ~~or~~ highway patrol officer, ~~or~~ official traffic control device, in any of the following places:

- (a) on a sidewalk;
- (b) in front of a public or private driveway;
- (c) within an intersection;
- (d) within 15 feet of a fire hydrant;
- (e) on a crosswalk;
- (f) within 20 feet of a crosswalk at an intersection;
- (g) within 30 feet upon the approach to any flashing beacon, stop sign, or official traffic control ~~signal device~~ located at the side of a roadway;
- (h) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the local authorities indicate a different length by signs or markings;
- (i) within 50 feet of the nearest rail of a railroad crossing;
- (j) within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of ~~said the~~ entrance when properly signposted;
- (k) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (l) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(m) upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(n) at any place where official ~~signs~~ traffic control devices prohibit stopping.

~~(2) A bicycle may be parked on a sidewalk and other such places if the parking does not impede normal and reasonable movement of pedestrians or other traffic.~~

~~(3)~~(2) A public bus stop may not be established in the areas described in subsections (1)(a) through (1)(c) and (1)(e). Otherwise, this section does not prohibit the establishment of public bus stops and the regulation of their use by ~~a local government~~ the authority having jurisdiction. ~~Such a~~ A bus stop ~~must~~ may only be established by ordinance pursuant to a traffic and engineering study. ~~Such establishment is subject to review and approval by the department of transportation if the bus stop is to be established on a street or highway under its jurisdiction.~~

~~(4)~~(3) ~~No~~ A person ~~shall~~ may not move a vehicle not lawfully under his the person's control into ~~any~~ such a prohibited area or an unlawful distance away from a curb ~~such distance as is unlawful.~~"

Section 37. Section 61-8-355, MCA, is amended to read:

"61-8-355. Additional parking regulations. (1) Except as otherwise provided in this section, a vehicle that is stopped or parked upon a two-way roadway ~~where there are adjacent curbs~~ shall must be stopped or parked with the right-hand wheels of the vehicle parallel to and within 18 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) ~~A local authority may by ordinance permit parking of a vehicle~~ Except when otherwise provided by the authority having jurisdiction, a vehicle that is stopped or parked upon a one-way roadway must be stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement, with its right-hand wheels within 18 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with the its left-hand wheels adjacent to and within 18 inches of the left-hand curb of a one-way roadway or as close as practicable to the left edge of the left-hand shoulder.

(3) A local authority may by ordinance permit angle parking on a roadway, except that angle parking ~~shall~~ may not be permitted on any federal-aid or state highway unless the department of transportation determines that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) The ~~department with respect to highways under its~~ authority having jurisdiction may place ~~signs~~ official traffic control devices prohibiting or restricting the stopping, standing, or parking of vehicles on a highway where in its ~~opinion~~ judgment this stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic ~~on~~

~~it. These signs shall be official signs, and a person may not stop, stand, or park a vehicle in violation of the restrictions stated on these signs."~~

Section 38. Section 61-8-356, MCA, is amended to read:

"61-8-356. Prohibition against parking or leaving vehicles on public property -- presumption of ownership. (1) A vehicle may not be parked or left standing upon the right-of-way of a public highway for a period longer than 48 hours or upon a city street or state, county, or city property for a period longer than 5 days.

(2) The abandonment of a ~~motor~~ vehicle, other than a bicycle, on a public highway, a city street, public property, or private property creates a prima facie presumption that the last-registered owner of the ~~motor~~ vehicle is responsible for the abandonment and is liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less the amount realized if the ~~motor~~ vehicle is sold.

(3) The filing of a ~~verified~~ theft report with a law enforcement agency prior to the abandonment relieves the last-registered owner of liability under subsection (2)."

Section 39. Section 61-8-359, MCA, is amended to read:

"61-8-359. Riding on motorcycles. (1) A person operating a motorcycle or quadricycle on public streets or highways ~~shall~~ may ride only upon the permanent and regular seat attached ~~thereto, and such to the motorcycle or quadricycle.~~ The operator shall may not carry any other person; ~~nor shall any other and another person may not~~ ride on a motorcycle or quadricycle unless ~~such the~~ motorcycle or quadricycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons or upon another seat firmly attached to the rear or side of the operator.

(2) ~~No~~ A passenger ~~shall may not~~ be carried in a position that will interfere with the operation of the motorcycle or quadricycle or the view of the operator.

(3) ~~No~~ A person operating a motorcycle or quadricycle ~~shall may not~~ carry any packages, bundles, or articles ~~which that~~ would prevent the operator from keeping both hands on the handlebars or that would interfere with the operation of ~~said the~~ vehicle in a safe and prudent manner.

(4) ~~"Sidesaddle" riding on a motorcycle or quadricycle is prohibited~~ A person may ride upon a motorcycle or quadricycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle or quadricycle.

(5) ~~Motorcycles~~ Except as provided in subsections (5)(a) and (5)(b), motorcycles and quadricycles are ~~to~~ must be operated with lights on at all times when operated on any public highway or street, ~~except that if~~

roadway. A motorcycle or quadricycle may be operated without lights from one-half hour before sunrise to one-half hour after sunset if:

(a) ~~the motorcycle is registered under 61-3-411 as a collector's item, it may be operated without lights from one-half hour before sunrise to one-half hour after sunset~~ and if persons and vehicles are clearly discernible at a distance of 500 feet; or

(b) the motorcycle or quadricycle is being driven to the nearest repair facility for headlamp repair.

(6) ~~Not~~ No more than two motorcycles ~~shall~~ may be operated side by side in a single traffic lane.

(7) All motor vehicles, including motorcycles and quadricycles, are entitled to the full use of a traffic lane, and ~~no~~ a vehicle ~~shall~~ may not be driven or operated in ~~such~~ a manner ~~so as to deprive~~ that deprives any other vehicle of the full use of a traffic lane, except that motorcycles may, with the consent of both drivers, be operated ~~not~~ no more than two abreast in a single traffic lane.

(8) Every person riding a motorcycle or quadricycle upon a roadway ~~shall be~~ is granted all of the rights and ~~shall be~~ is subject to all of the duties applicable to the driver of a motor vehicle except ~~as to~~ for those provisions which, by their nature, can have no application."

Section 40. Section 61-8-360, MCA, is amended to read:

"61-8-360. Obstruction to driver's view or driving mechanism. (1) ~~No~~ A person ~~shall drive~~ may not operate a vehicle, ~~other than a bicycle,~~ when it is so loaded, or when there are in the front seat such number of persons exceeding three, ~~as to obstruct~~ with more than three people in the front seat or with any load or number of people in the front seat that would obstruct the view of the ~~driver~~ operator to the front or sides of the vehicle or ~~as to~~ that would interfere with the ~~driver's~~ operator's control over the driving mechanism of the vehicle.

(2) ~~No~~ A passenger in a vehicle ~~shall~~ may not ride in ~~such~~ a position ~~as to interfere~~ that interferes with the ~~driver's~~ operator's view ahead or to the sides or ~~to interfere~~ that interferes with ~~his~~ the operator's control over the driving mechanism of the vehicle."

Section 41. Section 61-8-361, MCA, is amended to read:

"61-8-361. Driving on mountain highways. The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold ~~such~~ the motor vehicle under control and as near the right-hand edge of the ~~highway~~ roadway as reasonably possible."

Section 42. Section 61-8-362, MCA, is amended to read:

"61-8-362. Coasting prohibited. The driver of ~~any a~~ motor vehicle when traveling upon a downgrade ~~shall may~~ not coast with the ~~gears transmission~~ of ~~such the~~ vehicle in neutral or with the clutch manually disengaged."

Section 43. Section 61-8-363, MCA, is amended to read:

"61-8-363. Following fire apparatus prohibited. The ~~driver operator~~ of ~~any a~~ vehicle other than one on official business ~~shall may~~ not follow ~~any a~~ fire apparatus traveling in response to a fire ~~alarm call~~ closer than 500 feet or drive into or ~~park such~~ stop the vehicle within ~~the block~~ 500 feet of where ~~the~~ fire apparatus has stopped in answer to a fire ~~alarm call~~."

Section 44. Section 61-8-364, MCA, is amended to read:

"61-8-364. Crossing firehose. ~~No A~~ vehicle ~~shall may not~~ be ~~driven operated~~ over ~~any an~~ unprotected hose of a fire department when the hose is laid down on any ~~street roadway, private road,~~ or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command."

Section 45. Section 61-8-365, MCA, is amended to read:

"61-8-365. Putting refuse on highway prohibited. (1) A person may not throw or deposit upon a highway glass bottles, glass, nails, tacks, wire, cans, plastic bottles, plastic, ~~or paper,~~ or any other debris. A person may not throw or deposit upon a highway any substance likely to injure a person or animal or damage a vehicle upon the highway.

(2) A person who drops or permits to be dropped or thrown upon a highway destructive or injurious material shall immediately remove the material or cause it to be removed.

(3) A person who removes a wrecked or damaged vehicle from a highway shall remove glass or any other injurious substance dropped upon the highway from the vehicle.

(4) Except as provided in 61-8-372 and subsection (5) of this section, a person convicted of violating this section shall be fined not more than \$250. Except for the maximum fine of \$250 as provided in this subsection and except for the maximum fine of \$500 as provided in 61-8-372, the penalty provisions of 61-8-711 apply to this section.

(5) A person may not throw or deposit upon a highway plastic bottles or any other containers in which urine or feces have been deposited. A person convicted of violating this subsection shall be fined not more than ~~\$500~~ \$1,000. THE DEPARTMENT SHALL MAKE INFORMATION ABOUT THIS SUBSECTION AVAILABLE AT ALL WEIGH STATIONS."

Section 46. Section 61-8-368, MCA, is amended to read:

"61-8-368. Opening and closing vehicle doors. ~~No~~ A person ~~shall~~ may not open ~~any~~ a door of a motor vehicle unless ~~and until~~ it is reasonably safe to do so without interfering with the movement of other traffic; ~~nor shall any~~ A person may not leave a door open on a side of a vehicle ~~available~~ adjacent to moving traffic for a period of time longer than is necessary to load or unload passengers."

Section 47. Section 61-8-369, MCA, is amended to read:

"61-8-369. Shooting from or across road or highway right-of-way. Except as provided in 87-2-803(4), ~~no~~ a person ~~shall~~ may not shoot ~~any~~ a firearm from or across the right-of-way of ~~any state or federal~~ a highway ~~or county road.~~"

Section 48. Section 61-8-715, MCA, is amended to read:

"61-8-715. Reckless driving -- eluding a peace officer -- reckless endangerment of highway workers -- penalty. (1) Except as provided in subsection (3), a person convicted of reckless driving under 61-8-301(1)(a) or ~~(1)(e)~~ (1)(b) or convicted of reckless endangerment of a highway ~~workers~~ worker under ~~61-8-315~~ 61-8-301(4) shall be punished upon a first conviction by imprisonment for a term of not more than 90 days, by a fine of not less than \$25 or more than \$300, or both. On a second or subsequent conviction, the person shall be punished by imprisonment for a term of not less than 10 days or more than 6 months, by a fine of not less than \$50 or more than \$500, or both.

(2) ~~Except as provided in subsection (3), a~~ A person convicted of ~~reckless driving under 61-8-301(1)(b)~~ eluding a peace officer under [section 2] shall be punished by imprisonment in the county or city jail for a term of not less than 10 days or more than 6 months to which may be added, at the discretion of the court, a fine of not less than \$300 or more than \$500. On a second or subsequent conviction, the person shall be punished by imprisonment for a term of not less than 30 days or more than 1 year to which may be added, at the discretion of the court, a fine of not less than \$500 or more than \$1,000.

(3) A person who is convicted of reckless driving under 61-8-301 and whose offense results in the death or serious bodily injury of another person shall be punished by a fine in an amount not exceeding \$10,000, by incarceration for a term not to exceed 1 year, or both. Section 61-8-351(6) does not apply to a prosecution under ~~61-8-301(1)(e)~~ 61-8-301(1)(b) that is punishable under this subsection."

Section 49. Section 61-9-402, MCA, is amended to read:

"61-9-402. Audible and visual signals on police, emergency vehicles, and on-scene command vehicles -- immunity. (1) A police vehicle must be equipped with a siren capable of giving an audible signal and may be equipped with alternately flashing or rotating red or blue lights as specified in this section. ~~The use of signal equipment as described in this section imposes upon the drivers of other vehicles the obligation to yield right-of-way or to stop and to proceed past the signal or light only with caution and at a speed that is no greater than is reasonable and proper under the conditions existing at the point of operation.~~

(2) An authorized emergency vehicle must be equipped:

(a) with a siren and an alternately flashing or rotating red light as specified in this section; and
 (b) with signal lamps mounted as high and as widely spaced laterally as practicable that are capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level. These lights must have sufficient intensity to be visible at 500 feet in normal sunlight.

(3) A bus used for the transportation of school children must be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, displaying to the front two red and two amber alternating flashing lights and to the rear two red and two amber alternating flashing lights. These lights must have sufficient intensity to be visible at 500 feet in normal sunlight. The warning lights must be as prescribed by the board of public education and approved by the department.

(4) A police vehicle and an authorized emergency vehicle may, and an emergency service vehicle must, be equipped with alternately flashing or rotating amber lights as specified in this section.

~~(a)~~(5) The use of signal equipment as described in this section imposes upon the ~~drivers~~ operators of other vehicles the obligation to yield right-of-way or to stop and to proceed past the signal or light only with caution and at a speed that is no greater than is reasonable and proper under the conditions existing at the point of operation subject to the provisions of 61-8-209 and 61-8-303.

~~(b)~~(6) An employee, agent, or representative of the state or a political subdivision of the state or of a fire department who is operating a police vehicle, an authorized emergency vehicle, or an emergency service vehicle and using signal equipment in rendering assistance at a highway crash scene or in response to any other hazard on the roadway that presents an immediate hazard or an emergency or life-threatening situation is not liable, except for willful misconduct, bad faith, or gross negligence, for injuries, costs, damages, expenses, or other liabilities resulting from a motorist operating a vehicle in violation of subsection ~~(4)(a)~~ (5).

~~(5)~~(7) Blue, red, and amber lights required in this section must be mounted as high as and as widely spaced laterally as practicable and capable of displaying to the front two alternately flashing lights of the specified

color located at the same level and to the rear two alternately flashing lights of the specified color located at the same level or one rotating light of the specified color, mounted as high as is practicable and visible from both the front and the rear. These lights must have sufficient intensity to be visible at 500 feet in normal sunlight. Except as provided in 61-9-204(6), only police vehicles as defined in 61-1-118 may display blue lights, lenses, or globes.

~~(6)~~(8) A police car and authorized emergency vehicle may be equipped with a flashing signal lamp that is green in color, visible from 360 degrees, and attached to the exterior roof of the vehicle for purposes of designation as the on-scene command and control vehicle in an emergency or disaster. The green light must have sufficient intensity to be visible at 500 feet in normal sunlight. Only the on-scene command and control vehicle may display green lights, lenses, or globes.

~~(7)~~(9) Only a police vehicle or an authorized emergency vehicle may be equipped with the means to flash or alternate its headlamps or its backup lights.

~~(8)~~(10) A violation of ~~61-9-402(4)(a)~~ subsection (5) is considered reckless endangerment of a highway ~~workers~~ worker, as provided in ~~61-8-315~~ 61-8-301(4), and is punishable as provided in ~~61-8-715(2)~~ 61-8-715."

Section 50. Section 61-9-416, MCA, is amended to read:

"61-9-416. Commercial tow truck definition -- requirements. (1) "Commercial tow truck" means a motor vehicle operating for compensation that is equipped with specialized equipment designed and intended for towing or the recovery of wrecked, disabled, or abandoned vehicles or other objects creating a hazard on the public roadways. A commercial tow truck must be equipped with:

(a) not less than two red flares, two red lanterns, or two warning lights or reflectors. The reflectors must be of a type approved by the department.

(b) at least two highway warning signs as provided in 61-9-431.

(c) a dry chemical fire extinguisher of at least 5 pound capacity or an equivalent alternative type of fire extinguisher, approved by the department;

(d) a lamp emitting a flashing red or amber light meeting the requirements of ~~61-9-402(5)~~(7), or both a red and amber light, mounted on top of the cab of the tow truck or on the top of the crane or hoist if the light can be seen from the front of the tow truck. The light from the lamp must be visible for a distance of 1,000 feet under normal atmospheric conditions and must be mounted so that it can be securely fastened with the lens of the lamp facing the rear of the tow truck upon which it is mounted. When standing at the location from which the disabled vehicle is to be towed, the operator of the tow truck may unfasten the red light and place it in a position considered advisable to warn approaching drivers. When the disabled vehicle is ready for towing, the red light

must be turned to the rear of the tow truck upon which it is mounted and securely locked in this position. Additional red or amber lights of an approved type may be displayed at either side or both sides of the tow truck during the period of preparation at the location from which the disabled vehicle is to be towed.

(e) one or more brooms, and the operator of the tow truck engaged to remove a disabled vehicle from the scene of an accident shall remove all glass and debris deposited upon the roadway by the disabled vehicle that is to be towed;

(f) a shovel, and whenever practical, the tow truck operator engaged to remove a disabled vehicle shall spread dirt upon that portion of the roadway where oil or grease has been deposited by the disabled vehicle; and

(g) a portable electrical extension cord or other device for use in displaying stop, turn, and taillamps on the rear of the disabled vehicle. The length of the extension cord may not be less than the length of the combined vehicles. When a disabled vehicle is towed, the tow truck operator shall provide for the rear light that is capable of displaying a stop signal, turn signal, and taillamps by means of the extension cord or other device referred to in this subsection.

(2) The operator of a commercial tow truck used for the purpose of rendering assistance to other vehicles shall, when the rendering of assistance necessitates the obstruction of a portion of the roadway, place a highway warning sign as required in 61-9-431.

(3) The owner or operator of a commercial tow truck who complies with the requirements of 61-8-906 and 61-8-907 and this section may stop or park the tow truck upon a highway for the purpose of rendering assistance to a disabled vehicle, notwithstanding other provisions of this code.

(4) A commercial tow truck company that is in compliance with 61-9-431 and that is operating an emergency service vehicle and using signal equipment in rendering assistance at a highway crash scene or in response to any other hazard on the roadway that presents an immediate hazard or an emergency or life-threatening situation is not liable, except for willful misconduct, bad faith, or gross negligence, for injuries, costs, damages, expenses, or other liabilities resulting from a motorist operating a vehicle in violation of 61-9-402~~(4)~~(5)."

Section 51. 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, 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 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", "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 ~~workers worker~~, as provided in ~~61-8-315~~ 61-8-301(4), and is punishable as provided in ~~61-8-715(2)~~ 61-8-715."

NEW SECTION. Section 52. School crossing guards. (1) The trustees of a school district or the administration of a private school may organize and supervise school crossing guards for a school under their authority.

(2) The department of justice shall, in cooperation with the superintendent of public instruction and in accordance with the sign manual adopted by the department of transportation, prescribe by rule the identification, training requirements, and operation of school crossing guards.

(3) The purpose of school crossing guards is to influence and encourage pupils of the school to refrain

from crossing public highways at points other than regular crossings, to direct pupils as to where and when to cross highways, and to direct traffic when pupils are crossing highways at regular crossings.

NEW SECTION. **Section 53. Repealer.** Section 61-8-315, MCA, is repealed.

NEW SECTION. **Section 54. Coordination instruction.** (1) If ~~[LC 200]~~ HOUSE BILL NO. 189 is not passed and approved, then the bracketed language in 61-8-354(1) is void.

(2) IF [THIS ACT] IS PASSED AND APPROVED AND HOUSE BILL NO. 189 IS NOT PASSED AND APPROVED, THEN:

(A) 61-8-333 MUST READ AS FOLLOWS:

"Section 20. Section 61-8-333, MCA, is amended to read:

"61-8-333. Required position and method of turning at intersections -- bicycle turn procedures -- signs. (1) The ~~driver operator~~ of a vehicle intending to turn at an intersection shall do so as follows:

(a) ~~Right turns.~~ Both the approach for a right turn and a right turn ~~shall~~ must be made as close as practicable to the right-hand curb or edge of the roadway.

(b) ~~Left turn on two-way roadways.~~ At ~~any an~~ an intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn ~~shall~~ must be made in that portion of the right half of the roadway nearest the center line ~~thereof of the roadway~~ and by passing to the right of ~~such the~~ the center line where it enters the intersection, ~~and after~~ After entering the intersection, the left turn ~~shall~~ must be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn ~~shall~~ must be made in that portion of the intersection to the left of the center of the intersection.

(c) ~~Left turns on other than two-way roadways.~~ At ~~any an~~ an intersection where traffic is restricted to one direction on one or more of the roadways, the ~~driver operator~~ of a vehicle intending to turn left ~~at any such intersection~~ shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of ~~such the~~ the vehicle, ~~and after~~ After entering the intersection the left turn ~~shall~~ must be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in ~~such the~~ the direction upon the roadway being entered.

(d) A person making a turn under ~~subsections~~ subsection (1)(a), (1)(b), or (1)(c) is entitled to the full use of the lane from which the turn may be legally made.

(2) (a) A person operating a bicycle who intends to turn left shall follow the course described in subsection (1) or in subsection (2)(b).

(b) A person operating a bicycle who intends to turn left shall approach the turn as close as practicable to the right curb or edge of the roadway. After proceeding across the intersecting roadway, the person shall make the turn as close as practicable to the curb or edge of the roadway on the far right side of the intersection. After turning, the person shall yield to through traffic and shall comply with any official traffic control device or police officer regulating traffic on the highway along which ~~he~~ the person intends to proceed.

(3) Local authorities in their respective jurisdictions may ~~cause markers, buttons, or signs to be placed~~ place official traffic control devices within or adjacent to intersections, ~~directing and thereby require and direct~~ that a different course from that specified in this section be traveled by vehicles turning at an intersection; ~~and when markers, buttons, or signs are so placed no driver~~ Where official traffic control devices that direct a different course are placed, the operator of a vehicle ~~shall~~ may not turn ~~a~~ the vehicle ~~at an intersection~~ other than as directed ~~and required by such markers, buttons, or signs~~ by the official traffic control devices.

(4) Where a special lane has been indicated by official traffic control devices allowing operators of vehicles proceeding in opposite directions to make left turns:

(a) a left turn may not be made from any other lane; and

(b) a vehicle may not be operated in the lane except when making a left turn from or onto the roadway or when making a U-turn when that movement is permitted by law.""; AND

(B) 61-8-338 MUST READ AS FOLLOWS:

"Section 23. Section 61-8-338, MCA, is amended to read:

"61-8-338. Method of giving hand-and-arm signals. (1) Except as provided in subsection (2), all signals ~~herein~~ required in this part that are given by hand and arm ~~shall~~ must be given from the left side of the vehicle by the operator of the vehicle in the following manner ~~and such signals shall indicate as follows:~~

(a) ~~Left~~ For a left turn; Hand the operator's hand and arm must be extended horizontally.

(b) ~~Right~~ For a right turn; Hand the operator's hand and arm forearm must be extended upward.

(c) ~~Stop~~ For a stop or a decrease in speed; Hand the operator's hand and arm must be extended downward.

(2) The person operating a bicycle may signal a right turn by extending the right hand and arm horizontally.""

NEW SECTION. Section 55. Codification instruction. (1) [Sections 2, 8, and 27] are intended to be codified as an integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply to [sections 2, 8, and 27].

(2) [Section 52] is intended to be codified as an integral part of Title 20, chapter 1, part 2, and the provisions of Title 20, chapter 1, part 2, apply to [section 52].

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