

HOUSE BILL NO. 189
INTRODUCED BY PATTISON
BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING AND UPDATING PROVISIONS GOVERNING BICYCLES; REDEFINING "BICYCLE"; ALLOWING THE DEPARTMENT OF JUSTICE TO USE RULEMAKING TO ALLOW CERTAIN VEHICLES TO BE DEFINED AS BICYCLES; PROHIBITING A PARENT OR GUARDIAN FROM ALLOWING A CHILD TO VIOLATE BICYCLE LAWS; PROHIBITING THE OPERATOR OF A BICYCLE FROM CARRYING ~~MORE PEOPLE THAN THE BICYCLE IS DESIGNED TO CARRY~~ ANOTHER PERSON ON THE HANDLEBARS OF THE BICYCLE; CLARIFYING WHERE ON A HIGHWAY A PERSON OPERATING A BICYCLE SHALL RIDE; REQUIRING THAT AN OPERATOR KEEP AT LEAST ONE HAND ON THE HANDLEBARS OF A BICYCLE AT ALL TIMES; SPECIFYING THE KIND OF EQUIPMENT BICYCLES MUST HAVE; PROHIBITING THE OPERATION OF CERTAIN KINDS OF BICYCLES ON THE SIDEWALK OR IN A CROSSWALK; REQUIRING A WRITTEN AGREEMENT TO EXEMPT FROM TRAFFIC LAWS PARTICIPANTS IN A BICYCLE RACING EVENT; PROVIDING BICYCLE TURN PROCEDURES; REQUIRING CERTAIN HAND AND ARM SIGNALS WHEN TURNING OR STOPPING; REGULATING THE PARKING OF BICYCLES; PROHIBITING A PERSON OPERATING A BICYCLE FROM INTERFERING WITH A MOTOR VEHICLE; AND AMENDING SECTIONS 61-1-123, 61-1-206, 61-8-601, 61-8-603, 61-8-604, 61-8-605, 61-8-606, 61-8-607, 61-8-608, AND 61-8-609, MCA."

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

Section 1. Section 61-1-123, MCA, is amended to read:

"61-1-123. Bicycle. (1) "Bicycle" means:

~~(1) every (a) a~~ vehicle propelled solely by human power applied to pedals upon which ~~any a~~ person may ride, having a seat or saddle for use by the operator and 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 two parallel wheels and one forward wheel, all of which are 14 inches in diameter or more; or

~~(2) every (b) 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)~~ or 50 cubic

centimeters, regardless of the number of chambers in the power source. The power source ~~must~~ may not be capable of propelling the device, unassisted, at a speed exceeding 30 miles an hour, ~~(48.28 or 48.28 kilometers an hour)~~ 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.

(2) The department may by rule define as a bicycle a vehicle that fails to meet the criteria specified in this section but that is essentially similar to a bicycle in performance and application."

Section 2. Section 61-1-206, MCA, is amended to read:

"61-1-206. Roadway. ~~Except as used in 61-8-605, "roadway"~~ "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" refers to any roadway separately but not to all roadways collectively."

Section 3. Section 61-8-601, MCA, is amended to read:

"61-8-601. Effect of regulations. (1) ~~† A violation of a provision of this part is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this part.~~

(2) ~~These regulations~~ The laws applicable to bicycles ~~shall~~ apply whenever a bicycle is operated upon ~~any a~~ highway or upon ~~any a~~ path set aside for the exclusive use of bicycles subject to those exceptions stated herein in this part.

(3) The parent of a child or the guardian of a ward may not authorize or knowingly permit the child or ward to violate any of the provisions of this part."

Section 4. Section 61-8-603, MCA, is amended to read:

"61-8-603. Riding on bicycles -- RIDING ON HANDLEBARS PROHIBITED. ~~(1) A person propelling a bicycle shall may not ride other than upon or astride a the permanent and regular seat or saddle attached thereto to the bicycle.~~

~~———— (2) A bicycle may not be used to carry more people at one time than the number that it is designed or equipped to carry, except that an adult rider may carry a child who is secured in a seat that is properly affixed to the bicycle or who is secured in a trailer that is specifically designed to carry children~~ CARRY ANOTHER PERSON ON THE HANDLEBARS OF THE BICYCLE."

Section 5. Section 61-8-604, MCA, is amended to read:

"61-8-604. Clinging to vehicles. ~~No~~ A person riding upon ~~any~~ a bicycle, coaster, roller skates, sled, other human-powered vehicle, or toy vehicle ~~shall~~ may not attach the ~~same vehicle~~ or ~~himself~~ the person to any vehicle upon a roadway, but a bicycle trailer or bicycle semitrailer may be attached to a bicycle if that trailer or semitrailer has been designed for ~~such~~ the attachment."

Section 6. Section 61-8-605, MCA, is amended to read:

"61-8-605. Riding on roadways highways. ~~(1) As used in this section, "roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, including the paved shoulder.~~

~~(2)~~(1) A person operating a bicycle upon a roadway highway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride on the shoulder or as near to the right side of the roadway as practicable except when:

- (a) overtaking and passing another bicycle or vehicle proceeding in the same direction;
- (b) preparing for a left turn at an intersection or into a private road or driveway; ~~or~~
- (c) reasonably necessary to avoid a condition that makes it unsafe to continue on the shoulder or along the right side of the roadway, including but not limited to a fixed or moving object, parked or moving vehicle, pedestrian, animal, surface hazard, or a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane;

(d) operating a bicycle within a clearly defined bicycle lane; or

(e) the far right lane of the roadway is restricted to vehicles making a right-hand turn. If a person operating a bicycle does not intend to turn right at an intersection where the far right lane is restricted to vehicles making a right-hand turn, the person shall ride to the left of the far right lane through the intersection.

(2) Where vehicles are parked on a highway, a person operating a bicycle shall ride as close as practicable to the edge of the roadway that allows the person to ride in a straight line, avoiding weaving between the parked vehicles.

(3) A person operating a bicycle upon a one-way highway, ~~except on divided highways,~~ with two or more marked traffic lanes may ride on the left shoulder or as close to the left side of the roadway as practicable.

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

- (a) riding on paths or parts of ~~roadways highways~~ set aside for the exclusive use of bicycles;
- (b) overtaking and passing another bicycle;
- (c) riding on a paved shoulder or in a parking lane, in which case the persons may ride two abreast; or

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

~~(5) A bicycle, as defined in 61-1-123(2), is excluded from the provisions of subsections (2) and (3)."~~

Section 7. Section 61-8-606, MCA, is amended to read:

"61-8-606. Carrying articles -- at least one hand on handlebars at all times. ~~No~~ (1) A person operating a bicycle ~~shall~~ may not carry any package, bundle, or article ~~which that~~ prevents the driver from keeping at least one hand upon the handle bars use of both hands in the control and operation of the bicycle PERSON FROM KEEPING AT LEAST ONE HAND ON THE HANDLEBARS.

(2) A person operating a bicycle shall keep at least one hand on the handlebars at all times."

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

"61-8-607. Lamps and other equipment on bicycles. (1) ~~Every bicycle when~~ When EXCEPT AS PROVIDED IN SUBSECTION (4) (3), WHEN in use at nighttime, a bicycle ~~shall~~ must be equipped with:

(a) a lamp on the front ~~which shall emit~~ that emits a white light visible from a distance of at least 500 feet to the front. ~~A;~~

(b) a lamp ~~emitting on the rear that emits~~ a red light visible from a distance of ~~500~~ 1,000 feet to the rear ~~may be used in addition to rear-facing reflectors required by this section;~~

(c) a red rear-facing reflector of a type approved by the department that is visible for 600 feet to the rear when directly in front of the lower beams of the headlamps on a motor vehicle;

(d) (i) reflective material of sufficient size and reflectivity to be visible from both sides for 600 feet when directly in front of the lower beams of the headlamps on a motor vehicle; or

(ii) a lighted lamp that is visible from both sides from a distance of at least 500 feet;

(e) an essentially colorless front facing reflector;

(f) essentially colorless or amber pedal reflectors mounted on the front and back of each pedal; and

(g) (i) tires with reflective sidewalls; or

(ii) reflectors mounted on the spokes of each wheel that are:

(A) within 3 inches of the inside of the rim;

(B) visible on each side of the wheel; and

(C) essentially colorless ~~or amber~~ on the front wheel and ~~amber~~ COLORLESS or red on the back wheel.

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

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

~~————(4) Reflectors required by this section shall be of a type approved by the department. Lights or reflectors that are used in addition to those that are required in subsection (1) must emit a steady light or flash at a rate of 100 to 280 flashes a minute.~~

~~(5)(3)(2) Every bicycle shall must be equipped with a brake which or brakes that will enable the operator to make the braked wheels skid stop the bicycle within 15 feet from a speed of 10 miles an hour on dry, level, clean pavement.~~

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

~~(4)(3) A PERSON OPERATING A BICYCLE MAY WEAR:~~

~~(A) THE LAMPS REQUIRED IN SUBSECTIONS (1)(A) AND (1)(B) ON THE PERSON'S HEAD OR CLOTHING INSTEAD OF THOSE LAMPS BEING ATTACHED TO THE BICYCLE; AND~~

~~(B) REFLECTIVE LEG BANDS ON THE PERSON'S LEGS INSTEAD OF THE REFLECTORS ON THE PEDALS REQUIRED IN SUBSECTION (1)(F)."~~

Section 9. Section 61-8-608, MCA, is amended to read:

"61-8-608. Bicycles on sidewalks and within crosswalks. (1) A person operating a bicycle upon ~~and~~ along a sidewalk or across a roadway upon ~~and along~~ within a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian.

(2) A person may not ride a bicycle upon ~~and along~~ a sidewalk or across a roadway upon ~~and along~~ within a crosswalk where the use of a bicycle is prohibited by official traffic control devices.

(3) Except as provided in subsections (1) and (2), a person operating a vehicle by human power upon ~~and along~~ a sidewalk or across a roadway upon ~~and along~~ within a crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances.

(4) A person who is operating a bicycle as defined in 61-1-123(1)(b) may not operate the bicycle upon a sidewalk or within a crosswalk."

Section 10. Section 61-8-609, MCA, is amended to read:

"61-8-609. Bicycle racing -- when lawful. (1) Bicycle racing on a highway is prohibited except as authorized in this section.

(2) Bicycle racing on a highway is lawful when a racing event is approved by state or local authorities on any highway under their respective jurisdictions. Approval of bicycle highway racing events will be granted only under conditions that ~~assure~~ ensure reasonable safety for all race participants, spectators, and other highway users and that prevent unreasonable interference with traffic flow.

(3) By written agreement with the approving authority, participants in an approved bicycle highway racing event may be exempted from compliance with any traffic laws otherwise applicable if traffic control is adequate to ~~assure~~ ensure the safety of all highway users."

NEW SECTION. Section 11. Bicycle turn procedures. (1) A person operating a bicycle who intends to turn left shall follow the course described in 61-8-333(1) or in subsection (2) of this section.

(2) Except as provided in 61-8-333(3), a person operating a bicycle who intends to turn left shall approach the turn as close as practicable to the right curb or right edge of the road surface. After proceeding across the intersecting roadway to the far corner of the curb or intersection of roadway edges, the person shall stop as much as practicable out of the way of traffic. After stopping, the person shall yield to any traffic proceeding in either direction along the roadway the person had been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway that the person intends to use, the person may proceed in the new direction.

NEW SECTION. Section 12. Hand and arm signals -- exceptions. A person operating a bicycle who intends to turn shall comply with the provisions of:

(1) 61-8-336, except that the person need not continuously give a signal by hand and arm if the hand is needed in the control or operation of the bicycle; and

(2) 61-8-338, except that the person may signal a right turn by extending the right hand and arm horizontally.

NEW SECTION. Section 13. Where bicycle parking allowed. (1) A person may park a bicycle on a sidewalk unless it is prohibited or restricted by an official traffic control device or ordinance and if the parked bicycle does not impede the normal and reasonable movement of traffic using the sidewalk.

(2) A person may park a bicycle on a roadway at any angle to the curb or edge of the roadway or abreast of other bicycles near the side of the roadway at any location where parking is allowed.

(3) A person may not park a bicycle on a roadway in a manner that obstructs the movement of a legally parked motor vehicle.

(4) In all other respects, a bicycle parked anywhere on a highway must conform with the provisions of 61-8-354, which regulate the parking of vehicles.

NEW SECTION. Section 14. Bicycle operator not to interfere with motor vehicles. The UNLESS OTHERWISE ALLOWED IN THIS PART, THE operator of a bicycle may not:

- (1) intentionally interfere with the movement of a lawfully operated motor vehicle; or
- (2) overtake or pass a motor vehicle unless the operator of the bicycle can do so safely.

NEW SECTION. SECTION 15. BICYCLE AND PEDESTRIAN SERVICES PART OF BIENNIAL SURVEY. THE DEPARTMENT OF TRANSPORTATION SHALL INCLUDE BICYCLE AND PEDESTRIAN SERVICES AS PART OF ITS BIENNIAL TRANSPORTATION SURVEY.

NEW SECTION. Section 16. Codification instruction. [Sections 11 through ~~44~~ 15] are intended to be codified as an integral part of Title 61, chapter 8, part 6, and the provisions of Title 61, chapter 8, part 6, apply to [sections 11 through ~~44~~ 15].

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