

HOUSE BILL NO. 696
INTRODUCED BY J. COHENOUR

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE OPERATION OF CERTAIN MOTOR VEHICLES ON THE SHOULDER OF A HIGHWAY; PROVIDING EXCEPTIONS; PROVIDING THAT THE EXCEPTIONS DO NOT APPLY WHEN PEDESTRIANS OR BICYCLISTS ARE WITHIN A CERTAIN DISTANCE OF THE MOTOR VEHICLE; AND AMENDING SECTION 61-8-324, MCA."

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

NEW SECTION. Section 1. Driving on shoulder prohibited -- exceptions. (1) Except as provided in subsection (2), a person may not operate a motor vehicle on the shoulder of a highway.

(2) Subject to subsection (3), the provisions of subsection (1) do not apply:

(a) to a slow-moving vehicle that is permitted to be operated on the shoulder as provided in 61-8-311 and 61-9-415;

(b) when the operator of a motor vehicle is giving way to another motor vehicle passing on the left on a two-lane highway as provided in 61-8-323(2);

(c) when the operator of the motor vehicle is overtaking and passing upon the right of another vehicle that is turning left as provided in 61-8-324(1)(a);

(d) upon the approach of an authorized emergency vehicle or police vehicle as provided in 61-8-346;

(e) when the operator's motor vehicle is disabled or the operator intends to stop, stand, or park the motor vehicle as provided in 61-8-353;

(f) when the movement is necessary to avoid an obstruction or hazard or to lawfully park the vehicle;

(g) when the movement is otherwise required or allowed as indicated by official traffic control devices.

(3) A person may not operate a motor vehicle on the shoulder of a highway at any time that a pedestrian or a person operating a bicycle is on the shoulder within 300 feet of the motor vehicle.

(4) The provisions of this section do not apply to snowmobiles.

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

"61-8-324. When overtaking 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;
 - (b) upon a ~~street or highway~~ roadway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;
 - (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~~ the movement in safety. ~~In no event shall such~~ The movement may not be made by driving off the pavement ~~or main-traveled portion of the roadway.~~"

NEW SECTION. **Section 3. Codification instruction.** [Section 1] is 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 [section 1].

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