

HOUSE BILL NO. 382
INTRODUCED BY G. MACLAREN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE USE OF HEADLIGHTS WHEN WINDSHIELD WIPERS ARE IN USE; AND AMENDING SECTIONS 61-9-201, 61-9-202, 61-9-203, 61-9-207, 61-9-213, 61-9-215, 61-9-216, 61-9-221, AND 61-9-225, MCA."

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

Section 1. Section 61-9-201, MCA, is amended to read:

"61-9-201. When lighted lamps are required. Every vehicle upon a highway within this state must display lighted lamps and illuminating devices as required in this part for different classes of vehicles, subject to exceptions with respect to parked vehicles, during the following times:

(1) at any time from one-half hour after sunset to one-half hour before sunrise;

(2) and at any other time when ~~due to~~ because of insufficient light or unfavorable atmospheric conditions persons and vehicles on the highway are not clearly discernible at a distance of 500 feet; and

(3) at any time when the device described in 61-9-405(3), commonly called a windshield wiper, is engaged to clear moisture from the windshield ~~ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles.~~"

Section 2. Section 61-9-202, MCA, is amended to read:

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

(2) Whenever a requirement is ~~hereinafter declared as to~~ provided in this part for the mounted height of lamps or devices, ~~it shall mean~~ means from the center of ~~such~~ the lamp or device to the level ground upon which the vehicle stands when ~~such~~ the vehicle is without a load."

Section 3. Section 61-9-203, MCA, is amended to read:

"61-9-203. Headlamps on motor vehicles. (1) A motor vehicle other than a motorcycle, quadricycle, or motor-driven cycle must be equipped with at least two headlamps, with at least one on each side of the front of the motor vehicle, that comply with the requirements and limitations set forth in this chapter.

(2) A motorcycle, quadricycle, or motor-driven cycle must be equipped with at least one and not more than two headlamps that comply with the requirements and limitations of this chapter. If a motorcycle is registered under 61-3-411 as a collector's item, it need not be equipped with headlamps; however, if it is not equipped with headlamps, it may not be operated upon a highway or street from one-half hour after sunset to one-half hour before sunrise or if persons and vehicles are not clearly discernible at a distance of 500 feet. A motorcycle may be equipped with a means of modulating the high beam of its headlamps between high and low beam at a rate of 200 to 280 flashes a minute; ~~however~~ However, an operator may not modulate the headlamps at that rate during periods when headlamps are required to be lighted ~~by~~ during the times stated in 61-9-201(1).

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

(4) When headlamps are required to be lighted ~~by~~ during the times stated in 61-9-201(1), a person may not operate a motor vehicle on a highway with headlamps that are composed of, covered by, or treated with a tinted or colored material, substance, system, or component that obscures the headlamps or diminishes the distance of visibility required by this section.

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

Section 4. Section 61-9-207, MCA, is amended to read:

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

Section 5. Section 61-9-213, MCA, is amended to read:

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

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

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

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

Section 6. Section 61-9-215, MCA, is amended to read:

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

(2) A combination of farm tractor and towed unit of farm equipment or implement of husbandry not equipped with an electric lighting system or an implement of husbandry being towed by a motor vehicle must at all times mentioned in 61-9-201(1) be equipped with the following lamps:

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

(b) two lamps each displaying a red light visible from a distance of not less than 500 feet to the rear of the combination; or at least one lamp displaying a red light visible from a distance of not less than 500 feet to the rear of the combination and two red reflectors visible from a distance of 100 to 600 feet to the rear of the

combination when illuminated by the upper beams of headlamps. The lamps or reflectors must be mounted to indicate the extreme left and right rear projections of the towed unit or implement on the highway.

(3) A farm tractor and a self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system must at all times mentioned in 61-9-201(1) be equipped with two multiple-beam or single-beam headlamps meeting the requirements of 61-9-220 or 61-9-222 and two red lamps visible from a distance of not less than 500 feet to the rear; or one red lamp visible from a distance of not less than 500 feet to the rear and two red reflectors visible from a distance of 100 to 600 feet to the rear when illuminated by the upper beams of headlamps. The red lamps or reflectors must be mounted in the rear of the farm tractor or self-propelled implement of husbandry to indicate the extreme left and right projections of the vehicle on the highway.

(4) A combination of farm tractor and towed farm equipment or towed implement of husbandry equipped with an electric lighting system must at all times mentioned in 61-9-201(1) be equipped with the following lamps:

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

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

(c) The combination must also be equipped with a lamp displaying a white or amber light, or a shade of color between white and amber, visible from a distance of not less than 500 feet to the front and a lamp displaying a red light visible from a distance of not less than 500 feet to the rear. The lamp or lamps must indicate to the front and rear the farthest projection of the combination on the side of the road used by other vehicles in passing the combination."

Section 7. Section 61-9-216, MCA, is amended to read:

"61-9-216. Lamps on other vehicles and equipment. A vehicle, including animal-drawn vehicles and vehicles referred to in 61-9-109(4), not specifically required by the provisions of this chapter to be equipped with lamps or other lighting devices, must at all times specified in 61-9-201(1) be equipped with at least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle; and with two lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of the vehicle. The vehicle may have one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two

red reflectors visible for distances of 100 to 600 feet to the rear when illuminated by the upper beams of headlamps."

Section 8. Section 61-9-221, MCA, is amended to read:

"61-9-221. Use of multiple-beam road-lighting equipment. ~~Whenever~~ When a motor vehicle is being operated on a roadway or shoulder adjacent to a roadway during the times specified in 61-9-201(1), the driver shall use a distribution of light, or composite beam, capable of revealing persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

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

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

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

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

(2) ~~Whenever~~ When a motor vehicle equipped with headlamps as ~~herein~~ required in this part is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front ~~thereof~~ of the vehicle projecting a beam of intensity greater than 300 candlepower, not more than ~~a total of four of any such~~ those lamps on the front of a vehicle ~~shall~~ may be lighted at any one time while the vehicle is being operated ~~when upon a highway upon a public highway.~~"

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