

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF DISTRACTED DRIVING; AND  
5 AMENDING SECTIONS 61-8-302 AND 61-8-716, MCA."

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

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9 **Section 1.** Section 61-8-302, MCA, is amended to read:

10 **"61-8-302. Careless or distracted driving.** (1) A person operating or driving a vehicle on a public  
11 highway shall drive it in a careful and prudent manner that does not unduly or unreasonably endanger the life,  
12 limb, property, or other rights of a person entitled to the use of the highway.

13 (2) Except as provided in subsection (3), a person commits the offense of distracted driving if the person:

14 (a) engages in an activity that is not necessary for the operation of the vehicle; and

15 (b) the activity impairs or can be reasonably expected to impair the driver's ability to operate the vehicle  
16 safely.

17 (3) Law enforcement officers, firefighters, and emergency medical service employees may not be  
18 charged with a distracted driving offense while performing functions related to their duties.

19 ~~(2)~~(4) A person who is convicted of the offense of careless driving under subsection (1) or the offense  
20 of distracted driving under subsection (2) is subject to the penalties provided in 61-8-711 or 61-8-716."

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22 **Section 2.** Section 61-8-716, MCA, is amended to read:

23 **"61-8-716. Careless or distracted driving -- penalty.** (1) A person who violates the provisions of  
24 61-8-302 is guilty of the offense of careless driving or the offense of distracted driving and, except as provided  
25 in subsection (2), is punishable as provided in 61-8-711.

26 (2) A person whose violation of the provisions of 61-8-302 results in the death or serious bodily injury  
27 of another person shall be punished by a fine in an amount not exceeding \$5,000, by incarceration for a term not  
28 to exceed 6 months, or both."

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