

HOUSE BILL NO. 194

INTRODUCED BY J. TREBAS, D. ZOLNIKOV, K. WAGONER, B. USHER, D. SKEES, A. ROSENDALE,  
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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING LOCAL RESTRICTIONS ON USE OF MOBILE  
COMMUNICATIONS DEVICES WHILE OPERATING A MOTOR VEHICLE; PROVIDING DEFINITIONS; AND  
AMENDING SECTIONS 7-14-4116, 61-8-103, AND 61-12-101, MCA."

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

**Section 1.** Section 7-14-4116, MCA, is amended to read:

**"7-14-4116. ~~No Limits on authority to require fee and permit for oversize vehicles.~~** The authority  
to regulate trafficways and motor vehicles provided in this part does not include the authority to:

(1) require a fee and a permit for the movement of a vehicle, combination of vehicles, load, object, or  
other thing of a size exceeding the maximum specified in 61-10-101 through 61-10-104 on a highway that is  
maintained by and under the jurisdiction of an entity other than the city or town; or

(2) enact or enforce an ordinance, rule, or regulation that restricts or prohibits the use of a mobile  
electronic communications device while operating a motor vehicle.

(3) For the purposes of this section, "mobile electronic communications device" means a handheld  
device or other portable electronic equipment capable of providing data communication between two or more  
people, including a mobile telephone, a cellular, analog, wireless, or digital telephone, a paging device, a personal  
digital assistant, a laptop computer, video gaming equipment, or any other substantially similar communications  
device."

**Section 2.** Section 61-8-103, MCA, is amended to read:

**"61-8-103. Provisions uniform throughout state -- power of local authorities.** (1) The provisions of  
this chapter ~~shall be~~ are applicable and uniform throughout ~~this the~~ state and in all political subdivisions and  
municipalities ~~therein and no~~ of the state. A local authority ~~shall~~ may not enact or enforce ~~any an~~ ordinance, rule,  
or regulation ~~in conflict that conflicts~~ with the provisions of this chapter unless expressly authorized ~~herein.~~ Local  
authorities in this chapter. Except as provided in subsection (2), a local authority may, however, adopt additional

1 traffic regulations ~~which~~ that are not in conflict with the provisions of this chapter.

2 (2) (a) A local authority may not enact or enforce an ordinance, rule, or regulation that restricts or  
3 prohibits the use of a mobile electronic communications device while operating a motor vehicle.

4 (b) For the purposes of this section, "mobile electronic communications device" means a handheld  
5 device or other portable electronic equipment capable of providing data communication between two or more  
6 people, including a mobile telephone, a cellular, analog, wireless, or digital telephone, paging device, a personal  
7 digital assistant, a laptop computer, video gaming equipment, or any other substantially similar communications  
8 device."

9

10 **Section 3.** Section 61-12-101, MCA, is amended to read:

11 **"61-12-101. Powers of local authorities to regulate traffic.** (1) The provisions of chapters 8 and 9 do  
12 not prevent local authorities with respect to sidewalks, streets, and highways under their jurisdiction and within  
13 the reasonable exercise of the police power from:

14 (a) regulating the standing or parking of vehicles;

15 (b) regulating the traffic by means of police officers or traffic control devices;

16 (c) regulating or prohibiting processions or assemblages on the highways;

17 (d) designating particular highways as one-way highways and requiring that all vehicles on those  
18 highways be moved in one specific direction;

19 (e) regulating the speed of vehicles in public parks;

20 (f) designating any highway as a through highway, as defined in 61-8-341, and requiring that all vehicles  
21 stop before entering or crossing a through highway and designating any intersection, as defined in 61-8-102, as  
22 a stop intersection and requiring all vehicles to stop at one or more entrances to stop intersections;

23 (g) restricting the use of highways as authorized in 61-10-128(2);

24 (h) regulating the operation of bicycles or mopeds, as defined in 61-8-102, and requiring the registration  
25 and licensing of bicycles or mopeds, including requiring a registration fee;

26 (i) regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;

27 (j) altering the speed limits as authorized in Title 7, chapter 14, and Title 61, chapter 8;

28 (k) regulating the operating of a vehicle by a person who is a habitual user of or under the influence of  
29 any narcotic drug or who is under the influence of any other drug to a degree that renders the person incapable  
30 of safely operating a vehicle within the incorporated limits of any city or town;

1 (l) regulating or prohibiting a person who is under the influence of intoxicating liquor from operating or  
2 being in actual physical control of a vehicle within the incorporated limits of a city or town;

3 (m) regulating or prohibiting the operation of a vehicle by a person in willful or wanton disregard for the  
4 safety of persons or property within the incorporated limits of a city or town;

5 (n) enacting as ordinances any provisions of chapter 8 or 9 and any other law regulating traffic,  
6 pedestrians, vehicles, and operators of vehicles that are not in conflict with state law or federal regulations and  
7 enforcing the ordinances;

8 (o) regulating the operation of motorized nonstandard vehicles on sidewalks, streets, and highways; and

9 (p) regulating the operation of golf carts on streets and highways.

10 (2) The powers of a local authority to regulate traffic do not include:

11 (a) the power to require a fee and a permit for the movement of a vehicle, combination of vehicles, load,  
12 object, or other thing of a size exceeding the maximum specified in 61-10-101 through 61-10-104 on a highway  
13 that is under the jurisdiction of an entity other than the local authority; or

14 (b) the power to enact or enforce an ordinance, rule, or regulation that restricts or prohibits the use of  
15 a mobile electronic communications device while operating a motor vehicle.

16 (3) For the purposes of this section, "mobile electronic communications device" means a handheld  
17 device or other portable electronic equipment capable of providing data communication between two or more  
18 people, including a mobile telephone, a cellular, analog, wireless, or digital telephone, a paging device, a personal  
19 digital assistant, a laptop computer, video gaming equipment, or any other substantially similar communications  
20 device."

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