

1 HOUSE BILL NO. 267

2 INTRODUCED BY F. GARNER, D. FERN, E. GREEF

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO BICYCLE SAFETY AND PASSING
5 VEHICLES; REQUIRING A MOTOR VEHICLE OPERATOR OVERTAKING AND PASSING A PERSON RIDING
6 A BICYCLE TO LEAVE A REASONABLE AND PRUDENT DISTANCE BETWEEN THE VEHICLE AND THE
7 BICYCLE; AND AMENDING SECTIONS 61-8-320 AND 61-8-321, MCA."

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

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11 **Section 1.** Section 61-8-320, MCA, is amended to read:12 **"61-8-320. Right-of-way for bicycles.** (1) The operator of a motor vehicle may not:

13 (a) intentionally interfere with the movement of a person who is lawfully riding a bicycle; or

14 (b) overtake and pass a person riding a bicycle unless the operator of the motor vehicle can do so safely
15 ~~without endangering the person riding the bicycle~~ by leaving a reasonable and prudent distance between the
16 vehicle and the bicycle. The distance must be presumed to be reasonable and prudent if it is at least 3 feet when
17 the vehicle is traveling at a speed of 35 miles an hour or less or at least 5 feet when the vehicle is traveling at a
18 speed greater than 35 miles an hour.

19 (2) The operator of a motor vehicle shall yield the right-of-way to a person who is riding a bicycle within
20 a designated bicycle lane."

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22 **Section 2.** Section 61-8-321, MCA, is amended to read:

23 **"61-8-321. Drive on right side of roadway -- exceptions.** (1) Upon all roadways of sufficient width, a
24 vehicle must be operated upon the right half of the roadway, except as follows:

25 (a) when overtaking and passing another vehicle proceeding in the same direction under the rules
26 governing the passing movement;

27 (b) when the right half of a roadway is closed to traffic while under construction or repair;

28 (c) upon a roadway divided into three marked lanes for traffic under the rules applicable on a divided
29 roadway;

30 (d) upon a roadway designated by official traffic control devices for one-way traffic;

1 (e) when the operator of a vehicle is complying with the provisions of 61-8-320 or 61-8-346; or
2 (f) when an obstruction exists that makes it necessary to drive to the left of the center of the roadway.

3 (2) A person operating a vehicle to the left of the center of the roadway for any of the reasons provided
4 in subsection (1) shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed
5 portion of the roadway that are within a distance that constitutes an immediate hazard.

6 (3) A vehicle proceeding at less than the normal speed of traffic at the time and place and under the
7 conditions then existing must be operated in the right-hand lane then available for traffic, or as close as
8 practicable to the right-hand curb or edge of the roadway except when overtaking and passing another vehicle
9 proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or
10 driveway."

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