

HOUSE BILL NO. 194

INTRODUCED BY J. TREBAS

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



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

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

8

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

10 **"61-12-101. Powers of local authorities to regulate traffic.** (1) The provisions of chapters 8 and 9 do
 11 not prevent local authorities with respect to sidewalks, streets, and highways under their jurisdiction and within
 12 the reasonable exercise of the police power from:

- 13 (a) regulating the standing or parking of vehicles;
- 14 (b) regulating the traffic by means of police officers or traffic control devices;
- 15 (c) regulating or prohibiting processions or assemblages on the highways;
- 16 (d) designating particular highways as one-way highways and requiring that all vehicles on those
 17 highways be moved in one specific direction;
- 18 (e) regulating the speed of vehicles in public parks;
- 19 (f) designating any highway as a through highway, as defined in 61-8-341, and requiring that all vehicles
 20 stop before entering or crossing a through highway and designating any intersection, as defined in 61-8-102, as
 21 a stop intersection and requiring all vehicles to stop at one or more entrances to stop intersections;
- 22 (g) restricting the use of highways as authorized in 61-10-128(2);
- 23 (h) regulating the operation of bicycles or mopeds, as defined in 61-8-102, and requiring the registration
 24 and licensing of bicycles or mopeds, including requiring a registration fee;
- 25 (i) regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;
- 26 (j) altering the speed limits as authorized in Title 7, chapter 14, and Title 61, chapter 8;
- 27 (k) regulating the operating of a vehicle by a person who is a habitual user of or under the influence of
 28 any narcotic drug or who is under the influence of any other drug to a degree that renders the person incapable
 29 of safely operating a vehicle within the incorporated limits of any city or town;
- 30 (l) regulating or prohibiting a person who is under the influence of intoxicating liquor from operating or

1 being in actual physical control of a vehicle within the incorporated limits of a city or town;

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

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

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

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

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

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

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

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

20 - END -