

HOUSE BILL NO. 267

INTRODUCED BY F. GARNER

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

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

**Section 1.** Section 61-8-320, MCA, is amended to read:

**"61-8-320. Right-of-way for bicycles.** (1) The operator of a motor vehicle may not:

- (a) intentionally interfere with the movement of a person who is lawfully riding a bicycle; or
- (b) overtake and pass a person riding a bicycle unless the operator of the motor vehicle can do so safely without endangering the person riding the bicycle by leaving a reasonable and prudent distance between the vehicle and the bicycle. The distance must be presumed to be reasonable and prudent if it is at least 3 feet when 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 speed greater than 35 miles an hour.

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

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

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

- (a) when overtaking and passing another vehicle proceeding in the same direction under the rules governing the passing movement;
- (b) when the right half of a roadway is closed to traffic while under construction or repair;
- (c) upon a roadway divided into three marked lanes for traffic under the rules applicable on a divided roadway;
- (d) upon a roadway designated by official traffic control devices for one-way traffic;

