65th Legislature HB0267.01

1	HOUSE BILL NO. 267
2	INTRODUCED BY F. GARNER
3	
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."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	
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."
21	
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;

65th Legislature HB0267.01

(e) when the operator of a vehicle is complying with the provisions of 61-8-320 or 61-8-346; or

- (f) when an obstruction exists that makes it necessary to drive to the left of the center of the roadway.
- (2) A person operating a vehicle to the left of the center of the roadway for any of the reasons provided in subsection (1) shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway that are within a distance that constitutes an immediate hazard.
 - (3) A vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing must be operated in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway."

11 - END -

1

2

3

4

5

6

7

8

9

10

