

HOUSE BILL NO. 503

INTRODUCED BY J. PRICE

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN OPERATOR AND A PASSENGER OF A MOTORCYCLE TO WEAR A HELMET WHEN THE MOTORCYCLE IS OPERATED OUTSIDE OF THE LIMITS OF A CITY OR TOWN; AND AMENDING SECTION 61-8-359, MCA."

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

**Section 1.** Section 61-8-359, MCA, is amended to read:

**"61-8-359. Riding on motorcycles or quadricycles.** (1) A person operating a motorcycle or quadricycle on public streets or highways may ride only upon the permanent and regular seat attached to the motorcycle or quadricycle. The operator may not carry any other person and another person may not ride on a motorcycle or quadricycle unless the motorcycle or quadricycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons or upon another seat firmly attached to the rear or side of the operator.

(2) A passenger may not be carried in a position that will interfere with the operation of the motorcycle or quadricycle or the view of the operator.

(3) A person operating a motorcycle or quadricycle may not carry any packages, bundles, or articles that would prevent the operator from keeping both hands on the handlebars or that would interfere with the operation of the vehicle in a safe and prudent manner.

(4) A person may ride upon a motorcycle or quadricycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle or quadricycle.

(5) Except as provided in subsections (5)(a) and (5)(b), motorcycles and quadricycles must be operated with lights on at all times when operated on any public roadway. A motorcycle or quadricycle may be operated without lights from one-half hour before sunrise to one-half hour after sunset if:

(a) the motorcycle is registered under 61-3-411 as a collector's item and if persons and vehicles are clearly discernible at a distance of 500 feet; or

(b) the motorcycle or quadricycle is being driven to the nearest repair facility for headlamp repair.

(6) An operator and a passenger 18 years of age or older operating or riding on a motorcycle on a

1 highway outside of the limits of an incorporated city or town shall wear a properly attached motorcycle helmet at  
2 all times. Operation of a motorcycle by a person under 18 years of age or with a passenger under 18 years of  
3 age is subject to the protective headgear requirements of 61-9-417.

4 ~~(6)~~(7) No more than two motorcycles may be operated side by side in a single traffic lane.

5 ~~(7)~~(8) All motor vehicles, including motorcycles and quadricycles, are entitled to the full use of a traffic  
6 lane, and a vehicle may not be driven or operated in a manner that deprives any other vehicle of the full use of  
7 a traffic lane, except that motorcycles may, with the consent of both drivers, be operated no more than two  
8 abreast in a single traffic lane.

9 ~~(8)~~(9) Every person riding a motorcycle or quadricycle upon a roadway is granted all of the rights and  
10 is subject to all of the duties applicable to the driver of a motor vehicle except for those provisions which, by their  
11 nature, can have no application.

12 (10) A peace officer may require a person who is violating subsection (6) to stop the motorcycle even if  
13 the person is not committing any other traffic violation and even if the motorcycle is safe and equipped as required  
14 by law.

15 (11) A person convicted of a violation of subsection (6) shall be punished by a fine of not less than \$50."

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