

SENATE BILL NO. 134

INTRODUCED BY R. TEMPEL

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE OPERATOR OF A MOTORCYCLE TO DRIVE BETWEEN ADJACENT LANES OF TRAFFIC UNDER CERTAIN CIRCUMSTANCES ON CERTAIN HIGHWAYS WHERE TRAFFIC IS SLOWED OR STOPPED; AMENDING SECTIONS 61-8-321, 61-8-328, 61-8-330, AND 61-8-359, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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

or

(g) when the provisions of 61-8-359(8) apply.

(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



1 driveway, or if the provisions of 61-8-359(8) apply."

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3 **Section 2.** Section 61-8-328, MCA, is amended to read:

4 **"61-8-328. Driving on roadways laned for traffic.** Whenever a roadway has been divided into two or  
5 more clearly marked lanes for traffic, the following rules, in addition to all other consistent rules, apply:

6 (1) A vehicle must be operated as nearly as practicable entirely within a single lane, unless the provisions  
7 of 61-8-359(8) apply, and may not be moved from the lane until the operator has first ascertained that the  
8 movement can be made with safety.

9 (2) Upon a roadway that is divided into three lanes and that provides for two-way movement of traffic,  
10 a vehicle may not be operated in the center lane except:

11 (a) when overtaking and passing another vehicle traveling in the same direction where passing is allowed  
12 and where the center lane is clear of traffic within a safe distance; or

13 (b) when the center lane is at the time allocated exclusively to traffic moving in the direction that the  
14 vehicle is proceeding and the allocation is designated by official traffic control devices.

15 (3) Official traffic control devices may be erected directing specified traffic to use a designated lane or  
16 designating those lanes to be used by traffic moving in a particular direction regardless of the center of the  
17 roadway. Operators of vehicles shall obey the directions of every official traffic control device that designates use  
18 of specific lanes.

19 (4) A person may turn a vehicle left across a lane marked with two yellow lines into a public or private  
20 parking lot, private road, private driveway, or roadway if the turn can be made safely and if the person does not  
21 hinder the flow of oncoming traffic.

22 (5) Official traffic control devices may be installed that prohibit the changing of lanes on sections of a  
23 roadway, and operators of vehicles shall obey the directions of those devices.

24 (6) A motor vehicle may not be driven or parked in a bicycle lane that is signed and delineated as a  
25 bicycle lane by official traffic control devices."

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27 **Section 3.** Section 61-8-330, MCA, is amended to read:

28 **"61-8-330. Driving on divided highways.** (1) Where a highway has been divided into two or more  
29 roadways by leaving a space delineated by two double yellow lines or two yellow lines with a crosshatch pattern  
30 or by a physical barrier or a clearly indicated dividing section that is constructed in a way that impedes vehicular

1 traffic, a vehicle may be driven only upon the right-hand roadway unless directed or permitted by official traffic  
2 control devices or police officers to use another roadway or unless the provisions of 61-8-359(8) apply.

3 (2) A vehicle may not be driven over, across, or within a space, barrier, or section described in  
4 subsection (1) except through an opening in the physical barrier or dividing section or space or at an established  
5 crossover or intersection unless specifically prohibited by a public authority."  
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7 **Section 4.** Section 61-8-359, MCA, is amended to read:

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

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

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

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

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

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

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

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

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

1 single traffic lane.

2 (8) A person riding a motorcycle may operate the motorcycle between adjacent lanes of traffic traveling  
3 in the same direction on a highway where the speed limit is 45 miles an hour or higher if:

4 (a) the motorcycle is equipped with two wheels;

5 (b) traffic has stopped or slowed to a speed of 10 miles an hour or less; and

6 (c) the motorcycle operator is driving in a cautious and prudent manner at a speed that does not exceed  
7 20 miles an hour.

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

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12 NEW SECTION. Section 5. Effective date. [This act] is effective May 1, 2017.

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