

## HOUSE BILL NO. 184

INTRODUCED BY D. LOGE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING BICYCLE SAFETY LAWS; REVISING RIGHT-OF-WAY LAWS FOR BICYCLES; REQUIRING RIDERS TO WEAR VISIBLE OR REFLECTIVE MATERIAL ON CERTAIN ROADS; REQUIRING RIDERS TO USE THE SHOULDER OR THE RIGHT-HAND HALF OF THE RIGHT-HAND LANE UNLESS EXCEPTIONS APPLY; ~~REQUIRING FRONT AND REAR ILLUMINATION AT ALL TIMES;~~ AND AMENDING SECTIONS 61-8-320, 61-8-603, 61-8-605, AND 61-8-607, 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 (2) The operator of a motor vehicle overtaking and passing a person riding a bicycle unless the operator of the motor vehicle can do so safely without endangering the person riding the bicycle. should view~~ SHALL TREAT the bicycle as any other legitimate slow-moving vehicle, and:

(a) if there is no oncoming traffic THAT WOULD BE IMPEDED BY PASSING THE BICYCLE, carefully cross the centerline, leaving the driving lane, to overtake and pass the bicyclist at a minimum distance of ~~3~~ 5 feet; or

(b) if there is oncoming traffic THAT WOULD BE IMPEDED BY PASSING THE BICYCLE, reduce speed and wait for an opportunity to overtake and pass the bicyclist safely as described in subsection (2)(a).

(3) The operator of a motor vehicle overtaking and passing a bicyclist may do so in a no-passing zone as provided in 61-8-326(2)(b).

~~(2)~~ (4) The operator of a motor vehicle shall yield the right-of-way to a person who is riding a bicycle and is making a right-hand or left-hand turn or is within a designated bicycle lane."

**Section 2.** Section 61-8-603, MCA, is amended to read:

1           **"61-8-603. Riding on bicycles or mopeds.** A person propelling a bicycle or moped;  
 2           (1) may ride only on or astride a permanent and regular seat attached to the bicycle or moped; ~~or~~ AND  
 3           (2) on a highway with a speed limit IN EXCESS of 35 miles an hour or greater, shall wear exterior  
 4 garments above the waist with a total of not less than 200 square inches of hunter orange, high-visibility lime, or  
 5 retroreflective material visible at all times while riding. GARMENTS MAY INCLUDE BUT ARE NOT LIMITED TO ANY OF  
 6 THE FOLLOWING MEETING THE COLOR OR RETROREFLECTIVE REQUIREMENT:

7           (A) BICYCLE JERSEYS;  
 8           (B) ATHLETIC APPAREL;  
 9           (C) SAFETY VESTS;  
 10          (D) HUNTER VESTS; OR  
 11          (E) GARMENTS ON WHICH RETROREFLECTIVE TAPE HAS BEEN APPLIED."

13           **Section 3.** Section 61-8-605, MCA, is amended to read:

14           **"61-8-605. Riding on roadways.** (1) A person operating a bicycle on a roadway as defined in 61-8-  
 15 102 at less than the normal speed of traffic shall ride in the shoulder WHEN IT IS POSSIBLE TO DO SO SAFELY or in  
 16 the right-hand half of the right-hand lane of the roadway, subject to the following provisions:

17           (a) If the right-hand lane is wide enough to be safely shared with overtaking vehicles, a bicyclist shall  
 18 ride far enough to the right as judged safe by the bicyclist to facilitate the movement of overtaking vehicles  
 19 unless other conditions make it unsafe to do so.

20           (b) A bicyclist may use a lane or portion of a lane other than the shoulder or the right-hand half of the  
 21 right-hand lane when:

22           (i) overtaking and passing a slower vehicle;  
 23           (ii) preparing for a left turn at an intersection or into a private road or driveway;  
 24           (iii) the right-hand lane is a dedicated right-turn lane and the bicyclist does not intend to turn right; or  
 25           (iv) it is necessary to avoid a condition that makes it unsafe to ride in the shoulder or the right-hand  
 26 half of the right-hand lane of the roadway.

27           (2) A person operating a bicycle on a one-way roadway with two or more marked traffic lanes may  
 28 ride as close to the left side of the roadway as judged safe by the bicyclist.

- 1 (3) Persons riding bicycles on a roadway shall ride in single file except when:
- 2 (a) riding on paths or parts of roadways set aside for the exclusive use of bicycles;
- 3 (b) overtaking and passing another bicycle; ~~and~~ OR
- 4 (c) riding on a paved shoulder or in a parking lane, in which case the persons may ride two abreast;
- 5 or
- 6 ~~(d) riding within a single lane on a laned roadway with at least two lanes in each direction, in which~~
- 7 ~~case the persons may ride two abreast only if they do not impede the normal and reasonable movement of~~
- 8 ~~traffic more than they would otherwise impede traffic by riding single file and in accordance with the provisions~~
- 9 ~~of this chapter.~~
- 10 (4) A bicyclist is not expected or required to ride:
- 11 (a) over or through hazards at the edge of a roadway, including but not limited to fixed or moving
- 12 objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or
- 13 (b) without a reasonable margin of safety on the shoulder or on the right side of the roadway."
- 14

15 **Section 4.** Section 61-8-607, MCA, is amended to read:

16 **"61-8-607. Lamps and other equipment on bicycles and mopeds.** (1) A bicycle or moped when in

17 use ~~at dawn, dusk, or nighttime~~ AT DAWN, DUSK, OR NIGHTTIME must be equipped with:

- 18 (a) ~~a an illuminated~~ A lamp on the front emitting a white light visible from a distance of at least 500
- 19 feet to the front. In lieu of a lamp affixed to the bicycle or moped, a bicyclist may use a lamp with equal intensity
- 20 and visibility affixed to the cyclist's helmet and facing forward.
- 21 (b) facing the rear, ~~either a an illuminated~~ A lamp emitting a red light visible from a distance of at least
- 22 500 feet to the rear ~~or~~ and a red reflector visible from a distance of at least 500 feet to the rear when illuminated
- 23 by low-beam motor vehicle headlamps; and
- 24 (c) reflective material large and reflective enough to be visible from the left and right sides from a
- 25 distance of at least 500 feet when illuminated by low-beam motor vehicle headlamps.
- 26 (2) A bicycle or moped must be equipped with a brake enabling the operator to stop the bicycle or
- 27 moped within no more than 25 feet from a speed of 10 miles an hour on dry, level, clean pavement."

28 - END -