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HOUSE BILL NO. 179

INTRODUCED BY . DURAM, M. MALONE, G. NIKOLAKAKOS, D. FERN, G. OBLANDER, M. CUFFE, B. BARKER, J. ETCHART, W. RUSK, B. BEARD, D. BAUM, L. HELLEGAARD

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CARELESS DRIVING LAWS; SPECIFYING CIRCUMSTANCES THAT QUALIFY AS CARELESS DRIVING; AND AMENDING SECTION 61-8-302, MCA."

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

Section 1. Section 61-8-302, MCA, is amended to read:

"61-8-302. Careless driving. (1) A person operating or driving a vehicle on a public highway shall drive it in a careful and prudent manner that does not unduly or unreasonably endanger the life, limb, property, or other rights of a person entitled to the use of the highway.

(2) Careless driving includes:

(a) failing to drive in the manner required by subsection (1); or

(b) passing any of the following at a speed above the posted speed limit or at a speed that is not careful and prudent under the circumstances:

(i) a vehicle on the shoulder or in the roadway flashing its hazard lights;

(ii) a person walking on the shoulder or in the roadway while wearing hunter orange, high-visibility lime, or retroreflective material; or

(iii) a person riding a bicycle on the shoulder or in the roadway while wearing hunter orange, high-visibility lime, or retroreflective material.

(2)(3) A person who is convicted of the offense of careless driving is subject to the penalties provided in 61-8-711 or 61-8-716."

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