

1 HOUSE BILL NO. 179  
2 INTRODUCED BY . DURAM, M. MALONE, G. NIKOLAKAKOS, D. FERN, G. OBLANDER, M. CUFFE, B.  
3 BARKER, J. ETCHART, W. RUSK, B. BEARD, D. BAUM, L. HELLEGAARD  
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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CARELESS DRIVING LAWS; SPECIFYING  
6 CIRCUMSTANCES THAT QUALIFY AS CARELESS DRIVING; AND AMENDING SECTION 61-8-302, MCA."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
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10 **Section 1.** Section 61-8-302, MCA, is amended to read:

11 **"61-8-302. Careless driving.** (1) A person operating or driving a vehicle on a public highway shall  
12 drive it in a careful and prudent manner that does not unduly or unreasonably endanger the life, limb, property,  
13 or other rights of a person entitled to the use of the highway.

14 (2) Careless driving includes:

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

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

18 (i) a vehicle on the shoulder flashing its hazard lights;

19 (ii) a person walking on the shoulder while wearing hunter orange, high-visibility lime, or  
20 retroreflective material or displaying a flashing red or amber light; or

21 (iii) a person riding a bicycle on the shoulder while wearing hunter orange, high-visibility lime, or  
22 retroreflective material or displaying a flashing red or amber light.

23 (2)(3) A person who is convicted of the offense of careless driving is subject to the penalties provided  
24 in 61-8-711 or 61-8-716."  
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