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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 ~~but is not limited to:~~

~~(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) a vehicle on the shoulder flashing its hazard lights; or~~

~~(ii)(b) a person walking or riding a bicycle on the shoulder while wearing hunter orange, high-visibility lime, or retroreflective material; or displaying a flashing red or amber light.~~

~~(iii) a person riding a bicycle on the shoulder 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."

NEW SECTION. Section 2. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Amendment - 1st Reading-white - Requested by: Neil Duram - (H) Transportation

68th Legislature

Drafter: Sara Hess,

HB0179.001.003

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- END -

AMEND