

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
4

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."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9

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 ~~but is not limited to:~~

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

19 (ii)(b) ~~a person walking or riding a bicycle on the shoulder or in the roadway while wearing hunter~~
20 ~~orange, high-visibility lime, or retroreflective material; or.~~

21 (iii) ~~— a person riding a bicycle on the shoulder while wearing hunter orange, high-visibility lime, or~~
22 ~~retroreflective material.~~

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."
25

26 **NEW SECTION. Section 2. Severability.** If a part of [this act] is invalid, all valid parts that are
27 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
28 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,

HB0179.001.004

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- END -

AMEND