

1 SENATE BILL NO. 342
2 INTRODUCED BY G. HERTZ, D. ZOLNIKOV, B. BROWN, T. MANZELLA, D. LOGE, J. TREBAS, B. USHER,
3 C. FRIEDEL, J. ELLSWORTH
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING BICYCLE LAW; REVISING THE DEFINITION OF
6 "BICYCLE"; PROVIDING THAT AN ELECTRICALLY ASSISTED BICYCLE WITH A ~~4,000~~ 750 WATT OR LESS
7 MOTOR CAN BE USED ~~ANYWHERE A BICYCLE CAN BE USED~~ WHERE PERMISSIBLE; AND AMENDING
8 SECTION 61-8-102, MCA."
9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11

12 **Section 1.** Section 61-8-102, MCA, is amended to read:

13 **"61-8-102. Uniformity of interpretation -- definitions.** (1) Interpretation of this chapter in this state
14 must be as consistent as possible with the interpretation of similar laws in other states.

15 (2) As used in this chapter, unless the context requires otherwise, the following definitions apply:

16 (a) "Authorized emergency vehicle" means a vehicle of a governmental fire agency organized
17 under Title 7, chapter 33, an ambulance, or an emergency vehicle designated or authorized by the department.

18 (b) "Bicycle" means a vehicle propelled ~~solely~~ by human power on which any person may ride,
19 irrespective of the number of wheels, except scooters, wheelchairs, and similar devices. ~~The term includes an~~
20 ~~electrically assisted bicycle with a 1,000 750 watt or less motor that may be used anywhere a bicycle may be~~
21 ~~used.~~

22 (c) "Bicycle trailer" means a device with one or more wheels that is designed to be towed by a
23 bicycle.

24 (d) "Business district" means the territory contiguous to and including a highway when within any
25 600 feet along a highway there are buildings in use for business or industrial purposes, including but not limited
26 to hotels, banks, office buildings, railroad stations, and public buildings that occupy at least 300 feet of frontage
27 on one side or 300 feet collectively on both sides of the highway.

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Drafter: Joe Carroll, 406-444-3804

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1 (e) "Controlled-access highway" means a highway, street, or roadway in respect to which owners
2 or occupants of abutting lands and other persons have no legal right of access to or from the highway, street, or
3 roadway except at the points and in the manner as determined by the public authority having jurisdiction over
4 the highway, street, or roadway.

5 (f) "Crosswalk" means:

6 (i) that part of a roadway at an intersection included within the connections of the lateral lines of
7 the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the
8 edges of the traversable roadway; or

9 (ii) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrians
10 crossing by lines or other markings on the surface.

11 (g) "Electrically assisted bicycle" means a vehicle on which a person may ride that has two tandem
12 wheels and an a 750 watt or less electric motor capable of propelling the vehicle and a rider who weighs 170
13 pounds no faster than:

14 (i) 20 miles an hour on a paved, level surface; or

15 (ii) 15 miles an hour on an unpaved trail, where allowed by state law or local ordinance.

16 (h) "Flag person" means a person who directs, controls, or alters the normal flow of vehicular traffic
17 on a street or highway as a result of a vehicular traffic hazard then present on that street or highway. This
18 person, except a uniformed traffic enforcement officer exercising the officer's duty as a result of a planned
19 vehicular traffic hazard, must be equipped as required by the rules of the department of transportation.

20 (i) "Highway" has the meaning provided in 61-1-101, but includes ways that have been or are later
21 dedicated to public use.

22 (j) "Ignition interlock device" means ignition equipment that:

23 (i) analyzes the breath to determine blood alcohol concentration;

24 (ii) is approved by the department pursuant to 61-8-1025; and

25 (iii) is designed to prevent a motor vehicle from being operated by a person who has consumed a
26 specific amount of an alcoholic beverage.

27 (k) (i) "Intersection" means the area embraced within the prolongation or connection of the lateral

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1 curb lines or if there are no curb lines then the lateral boundary lines of the roadways of two highways that join
2 one another at or approximately at right angles or the area within which vehicles traveling on different highways
3 joining at any other angle may come in conflict.

4 (ii) When a highway includes two roadways 30 feet or more apart, then every crossing of each
5 roadway of the divided highway by an intersecting highway must be regarded as a separate intersection. If the
6 intersecting highways also include two roadways 30 feet or more apart, then every crossing of two roadways of
7 the highways must be regarded as a separate intersection.

8 (l) "Laned roadway" means a roadway that is divided into two or more clearly marked lanes for
9 vehicular traffic.

10 (m) "Local authorities" means every county, municipal, and other local board or body having
11 authority to enact laws relating to traffic under the constitution and laws of this state.

12 (n) "Moped" means a vehicle equipped with two or three wheels, foot pedals to permit muscular
13 propulsion, and an independent power source providing a maximum of 2 brake horsepower. The power source
14 may not be capable of propelling the device, unassisted, at a speed exceeding 30 miles an hour on a level
15 surface. The device must be equipped with a power drive system that functions directly or automatically only
16 and does not require clutching or shifting by the operator after the drive system is engaged.

17 (o) "Noncommercial motor vehicle" or "noncommercial vehicle" means any motor vehicle or
18 combination of motor vehicles that is not included in the definition of commercial motor vehicle in 61-1-101 and
19 includes but is not limited to the vehicles listed in 61-1-101(10)(b).

20 (p) "Official traffic control devices" means all signs, signals, markings, and devices not inconsistent
21 with this title that are placed or erected by authority of a public body or official having jurisdiction for the purpose
22 of regulating, warning, or guiding traffic.

23 (q) "Pedestrian" means any person on foot or any person in a manually or mechanically propelled
24 wheelchair or other low-powered, mechanically propelled vehicle designed specifically for use by a physically
25 disabled person.

26 (r) "Police vehicle" means a vehicle used in the service of any law enforcement agency.

27 (s) "Private road" or "driveway" means a way or place in private ownership and used for vehicular

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1 travel by the owner and those having express or implied permission from the owner, but not by other persons.

2 (t) "Residence district" means the territory contiguous to and including a highway not comprising a
3 business district when the property on the highway for a distance of 300 feet or more is primarily improved with
4 residences or residences and buildings in use for business.

5 (u) "Right-of-way" means the privilege of the immediate use of the roadway.

6 (v) "Roadway" means the portion of a highway that is improved, designed, or ordinarily used for
7 vehicular travel, including the paved shoulder.

8 (w) "School bus" has the meaning provided in 20-10-101.

9 (x) "Sidewalk" means the portion of a street that is between the curb lines or the lateral lines of a
10 roadway and the adjacent property lines and that is intended for use by pedestrians.

11 (y) "Traffic control signal" means a device, whether manually, electrically, or mechanically
12 operated, by which traffic is alternately directed to stop and to proceed.

13 (z) "Urban district" means the territory contiguous to and including any street that is built up with
14 structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a
15 distance of one-fourth mile or more."

16 - END -