

HOUSE BILL NO. 179

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

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 OR IN THE ROADWAY flashing its hazard lights; OR

(ii)(B) a person walking OR RIDING A BICYCLE on the shoulder OR IN THE ROADWAY while wearing hunter orange, high-visibility lime, or retroreflective material; or DISPLAYING A 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

1 APPLICATIONS.

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