

HOUSE BILL NO. 395

INTRODUCED BY F. GARNER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO BICYCLE SAFETY AND PASSING VEHICLES; REQUIRING A MOTOR VEHICLE OPERATOR OVERTAKING AND PASSING A PERSON RIDING A BICYCLE TO LEAVE A REASONABLE AND PRUDENT DISTANCE BETWEEN THE VEHICLE AND THE BICYCLE; SPECIFYING PASSING REQUIREMENTS BASED ON ROAD CONDITIONS; AND AMENDING SECTIONS 61-8-320 AND 61-8-321, MCA."

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

Section 1. Section 61-8-320, MCA, is amended to read:

"61-8-320. Right-of-way for bicycles. (1) The operator of a motor vehicle may not:

~~(a) intentionally interfere with the movement of a person who is lawfully riding a bicycle; or~~

~~(b) overtake and pass a person who is lawfully riding a bicycle unless the operator of the motor vehicle can do so safely without endangering the person riding the bicycle by leaving a reasonable and prudent distance between the vehicle and the bicycle as described in subsections (2) and (3).~~

~~(2) If there is more than one lane of traffic proceeding in the same direction, the operator of the motor vehicle shall move to the lane to the immediate left when the lane is available and moving into the lane is reasonably safe.~~

~~(3) If there is only one lane for traffic proceeding in the same direction, the operator of the motor vehicle shall reduce the vehicle's speed until there is a safe opportunity to pass, then pass leaving at least a 3-foot passing distance when the vehicle is traveling at a speed of 35 miles an hour or less or at least a 5-foot passing distance when the vehicle is traveling at a speed greater than 35 miles an hour.~~

~~(4) The operator of a motor vehicle shall yield the right-of-way to a person who is riding a bicycle within a designated bicycle lane."~~

Section 2. Section 61-8-321, MCA, is amended to read:

"61-8-321. Drive on right side of roadway -- exceptions. (1) Upon all roadways of sufficient width, a vehicle must be operated upon the right half of the roadway, except as follows:



1 (a) when overtaking and passing another vehicle proceeding in the same direction under the rules
2 governing the passing movement;

3 (b) when the right half of a roadway is closed to traffic while under construction or repair;

4 (c) upon a roadway divided into three marked lanes for traffic under the rules applicable on a divided
5 roadway;

6 (d) upon a roadway designated by official traffic control devices for one-way traffic;

7 (e) when the operator of a vehicle is complying with the provisions of 61-8-320 or 61-8-346;

8 (f) when an obstruction exists that makes it necessary to drive to the left of the center of the roadway;

9 or

10 (g) when a police vehicle or authorized emergency vehicle is performing a job-related duty as provided
11 in 61-8-107.

12 (2) A person operating a vehicle to the left of the center of the roadway for any of the reasons provided
13 in subsection (1) shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed
14 portion of the roadway that are within a distance that constitutes an immediate hazard.

15 (3) (a) Except as provided in subsection (3)(b) and subject to subsection (4), upon all roadways having
16 two or more lanes for traffic moving in the same direction, a vehicle must be driven in the right-hand lane.

17 (b) A vehicle being operated upon a roadway having two or more lanes for traffic moving in the same
18 direction is not required to be driven in the right-hand lane when:

19 (i) overtaking and passing another vehicle proceeding in the same direction;

20 (ii) traveling at a speed greater than the traffic flow;

21 (iii) moving left to allow traffic to merge;

22 (iv) traveling on a roadway within the official boundaries of a city or town, except as provided in
23 subsection (4);

24 (v) preparing for a left turn at an intersection or into a private road or driveway when a left turn is legally
25 permitted;

26 (vi) exiting onto a left-hand exit from a controlled-access highway;

27 (vii) an obstruction or hazardous conditions make it necessary to drive in a lane other than the right-hand
28 lane;

29 (viii) road or vehicle conditions make it safer to drive in a lane other than the right-hand lane; or

30 (ix) authorized snow-removal equipment is operating on the roadway.

