

SENATE BILL NO. 249

INTRODUCED BY S. FITZPATRICK

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING BICYCLE RIGHT-OF-WAY LAWS; REVISING LAWS FOR OVERTAKING AND PASSING A BICYCLE; REVISING LAWS FOR OPENING VEHICLE DOORS; REVISING BICYCLE EQUIPMENT REQUIREMENTS; AND AMENDING SECTIONS 61-8-320, 61-8-321, 61-8-368, 61-8-605, AND 61-8-607, 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 riding a bicycle unless the operator of the motor vehicle can do so safely without endangering the person riding the bicycle.~~

(2) The operator of a motor vehicle overtaking and passing a person riding a bicycle, whether in the roadway or on a shoulder of less than 4 feet, shall view the bicycle as a slow-moving vehicle and:

(a) 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;

(b) if there is one lane of traffic proceeding in the same direction and there is no oncoming traffic, the operator of the motor vehicle shall carefully cross the center line, leaving the driving lane, to overtake and pass the bicyclist as provided in 61-8-325; or

(c) if there is one lane of traffic proceeding in the same direction and there is oncoming traffic, the operator of the motor vehicle shall slow down and wait for an opportunity to overtake and pass the bicyclist as provided in 61-8-325.

(3) The operator of a motor vehicle overtaking and passing a bicyclist may do so in a no-passing zone as provided in 61-8-326(2)(b).

(4) The operator of a motor vehicle traveling in the same direction as a bicycle shall yield the right-of-way to a person who is riding a bicycle within a designated bicycle lane or who is legally making a right turn or left turn

1 as provided in 61-8-333 and 61-8-336."

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

4 **"61-8-321. Drive on right side of roadway -- exceptions.** (1) Upon all roadways of sufficient width, a
5 vehicle must be operated upon the right half of the roadway, except as follows:

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

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

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

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

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

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

14 or

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

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

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

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

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

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

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

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

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

- 1 (vi) exiting onto a left-hand exit from a controlled-access highway;
- 2 (vii) an obstruction or hazardous conditions make it necessary to drive in a lane other than the right-hand
- 3 lane;
- 4 (viii) road or vehicle conditions make it safer to drive in a lane other than the right-hand lane; or
- 5 (ix) authorized snow-removal equipment is operating on the roadway.

6 (4) When traveling upon an interstate highway, as defined in 60-5-102, within the official boundaries of

7 a city or town, a vehicle must be driven in the right-hand lane unless otherwise directed or permitted by an official

8 traffic control device."

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10 **Section 3.** Section 61-8-368, MCA, is amended to read:

11 **"61-8-368. Opening and closing vehicle doors.** A person may not open a any door of a motor vehicle

12 unless it is ~~reasonably~~ safe to do so without interfering with the movement of other traffic or of pedestrians or

13 bicycles on a sidewalk or shoulder. A person may not leave a door open on a side of a vehicle adjacent to moving

14 traffic or to pedestrians or bicycles on a sidewalk or shoulder for a period of time longer than is necessary to load

15 or unload passengers or objects."

16

17 **Section 4.** Section 61-8-605, MCA, is amended to read:

18 **"61-8-605. Riding on roadways.** (1) A person operating a bicycle on a roadway ~~at less than the normal~~

19 ~~speed of traffic~~ shall ~~ride in~~ have full use of the right-hand lane of the roadway, as defined in 61-1-101, subject

20 to the following provisions:

21 ~~(a) If the right-hand lane is wide enough to be safely shared with overtaking vehicles, a~~ A bicyclist shall

22 ride far enough to the right as judged safe by the bicyclist to facilitate the movement of overtaking vehicles unless

23 other conditions make it unsafe to do so.

24 (b) A bicyclist may use a lane other than the right-hand lane when:

- 25 (i) overtaking and passing a slower vehicle;
- 26 (ii) preparing for a left turn at an intersection or into a private road or driveway;
- 27 (iii) the right-hand lane is a dedicated right-turn lane and the bicyclist does not intend to turn right; or
- 28 (iv) it is necessary to avoid a condition that makes it unsafe to ride in the right-hand lane of the roadway.

29 (2) A person operating a bicycle on a one-way roadway with two or more marked traffic lanes may ride

30 as close to either the right side or the left side of the roadway as judged safe by the bicyclist.

1 (3) Persons riding bicycles on a roadway shall ride in single file except when:
2 (a) riding on paths or parts of roadways set aside for the exclusive use of bicycles;
3 (b) overtaking and passing another bicycle;
4 (c) riding on a paved shoulder or in a parking lane, in which case the persons may ride two abreast; or
5 (d) riding within a single lane on a laned roadway with at least two lanes in each direction, in which case
6 the persons may ride two abreast ~~only if~~ as long as they do not impede the normal and reasonable movement
7 of traffic more than they would otherwise impede traffic by riding single file and in accordance with the provisions
8 of this chapter.

9 (4) A bicyclist is not expected or required to ride:
10 (a) over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects,
11 parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or
12 (b) without a reasonable margin of safety on the right side of the roadway."
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14 **Section 5.** Section 61-8-607, MCA, is amended to read:

15 **"61-8-607. Lamps and other equipment on bicycles and mopeds.** (1) A bicycle or moped when in
16 use at dawn, dusk, or nighttime must be equipped with:

17 (a) a lamp on the front emitting a white light visible from a distance of at least 500 feet to the front. In lieu
18 of a lamp affixed to the bicycle or moped, a bicyclist may use a lamp with equal intensity and visibility affixed to
19 the cyclist's helmet and facing forward.

20 (b) ~~facing the rear, either~~ a lamp on the rear emitting a red light visible from a distance of at least 500
21 feet to the rear ~~or a red reflector visible from a distance of at least 500 feet to the rear when illuminated by~~
22 ~~low-beam motor vehicle headlamps;~~ and

23 (c) reflective material large and reflective enough to be visible from the left and right sides from a
24 distance of at least 500 feet when illuminated by low-beam motor vehicle headlamps.

25 (2) A bicycle or moped must be equipped with a brake enabling the operator to stop the bicycle or moped
26 within no more than 25 feet from a speed of 10 miles an hour on dry, level, clean pavement."
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