

HOUSE BILL NO. 99

INTRODUCED BY STANG
BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

IN THE HOUSE

JANUARY 3, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON HIGHWAYS & TRANSPORTATION.

JANUARY 7, 1991 FIRST READING.

JANUARY 18, 1991 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

JANUARY 19, 1991 PRINTING REPORT.

JANUARY 22, 1991 SECOND READING, DO PASS.

JANUARY 23, 1991 ENGROSSING REPORT.

JANUARY 24, 1991 THIRD READING, PASSED.
AYES, 85; NOES, 12.

TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 25, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON HIGHWAYS & TRANSPORTATION.

FIRST READING.

MARCH 8, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 12, 1991 SECOND READING, CONCURRED IN.

MARCH 13, 1991 THIRD READING, CONCURRED IN.
AYES, 49; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 16, 1991 RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 18, 1991

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 99
 2 INTRODUCED BY STANG
 3 BY REQUEST OF THE DEPARTMENT OF HIGHWAYS
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A PERSON TO
 6 OPERATE A BICYCLE ON THE PAVED SHOULDER OF A ROADWAY; AND
 7 AMENDING SECTIONS 61-1-206 AND 61-8-605, MCA."

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

10 **Section 1.** Section 61-1-206, MCA, is amended to read:

11 "61-1-206. Roadway. "Roedway" Except as used in
 12 61-8-605, "roadway" means that portion of a highway
 13 improved, designed, or ordinarily used for vehicular travel,
 14 exclusive of the berm or shoulder. In the event a highway
 15 includes two or more separate roadways, the term "roadway"
 16 ~~as used herein--shall--refer~~ refers to any such roadway
 17 separately but not to all such roadways collectively."

18 **Section 2.** Section 61-8-605, MCA, is amended to read:

19 "61-8-605. Riding on roadways and bicycle paths. (1) As
 20 used in this section, "roadway" means that portion of a
 21 highway improved, designed, or ordinarily used for vehicular
 22 travel, including the paved shoulder.

23 (1)(2) A person operating a bicycle upon a roadway at
 24 less than the normal speed of traffic at the time and place
 25 and under the conditions then existing shall ride as near to

1 the right side of the roadway as practicable except when:
 2 (a) overtaking and passing another vehicle proceeding
 3 in the same direction;
 4 (b) preparing for a left turn at an intersection or
 5 into a private road or driveway; or
 6 (c) necessary to avoid a condition that makes it unsafe
 7 to continue along the right side of the roadway, including
 8 but not limited to a fixed or moving object, parked or
 9 moving vehicle, pedestrian, animal, surface hazard, or a
 10 lane that is too narrow for a bicycle and another vehicle to
 11 travel safely side by side within the lane.

12 ~~(2)~~(3) A person operating a bicycle upon a one-way
 13 highway with two or more marked traffic lanes may ride as
 14 close to the left side of the roadway as practicable.

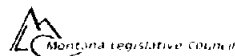
15 ~~(3)~~(4) Persons riding bicycles upon a roadway shall
 16 ride in single file except when:

17 (a) riding on paths or parts of roadways set aside for
 18 the exclusive use of bicycles;

19 (b) overtaking and passing another bicycle;

20 (c) riding on a paved shoulder or in a parking lane, in
 21 which case the persons may ride two abreast; or

22 (d) riding within a single lane on a laned roadway with
 23 at least two lanes in each direction, in which case the
 24 persons may ride two abreast if they do not impede the
 25 normal and reasonable movement of traffic more than they



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1 would otherwise impede ~~such~~ traffic by riding single file
2 and in accordance with the provisions of this chapter.

3 ~~{4}~~(5) Whenever a usable path for bicycles has been
4 provided adjacent to a roadway, bicycle riders shall use
5 ~~such the~~ path and ~~shall not use~~ the roadway. A person riding
6 a bicycle defined in 61-1-123(2) is excluded from the
7 provisions of this subsection when ~~such the~~ bicycle is
8 prohibited from using ~~such the paths~~ path.

9 ~~{5}~~(6) A bicycle, as defined in 61-1-123(2), is
10 excluded from the provisions of subsections ~~{1}~~ (2) and ~~{2}~~
11 (3)."

-End-

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

HOUSE BILL NO. 99

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BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A PERSON TO
OPERATE A BICYCLE ON THE PAVED SHOULDER OF A ROADWAY; AND
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61-8-605, "roadway" means that portion of a highway
improved, designed, or ordinarily used for vehicular travel,
exclusive of the berm or shoulder. In the event a highway
includes two or more separate roadways, the term "roadway"
~~as used herein--shall--refer~~ refers to any such roadway
separately but not to all such roadways collectively."

Section 2. Section 61-8-605, MCA, is amended to read:

"61-8-605. Riding on roadways and bicycle paths. (1) As
used in this section, "roadway" means that portion of a
highway improved, designed, or ordinarily used for vehicular
travel, including the paved shoulder.

~~(1)(2)~~ (2) A person operating a bicycle upon a roadway at
less than the normal speed of traffic at the time and place
and under the conditions then existing shall ride as near to

the right side of the roadway as practicable except when:

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

(b) preparing for a left turn at an intersection or
into a private road or driveway; or

(c) necessary to avoid a condition that makes it unsafe
to continue along the right side of the roadway, including
but not limited to a fixed or moving object, parked or
moving vehicle, pedestrian, animal, surface hazard, or a
lane that is too narrow for a bicycle and another vehicle to
travel safely side by side within the lane.

~~(2)(3)~~ (3) A person operating a bicycle upon a one-way
highway with two or more marked traffic lanes may ride as
close to the left side of the roadway as practicable.

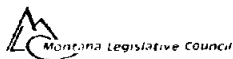
~~(3)(4)~~ (4) Persons riding bicycles upon a roadway shall
ride in single file except when:

(a) riding on paths or parts of roadways set aside for
the exclusive use of bicycles;

(b) overtaking and passing another bicycle;

(c) riding on a paved shoulder or in a parking lane, in
which case the persons may ride two abreast; or

(d) riding within a single lane on a laned roadway with
at least two lanes in each direction, in which case the
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1 would otherwise impede ~~such~~ traffic by riding single file
2 and in accordance with the provisions of this chapter.

3 ~~(4)~~(5) Whenever a usable path for bicycles has been
4 provided adjacent to a roadway, bicycle riders shall use
5 ~~such~~ the path and ~~shall not use~~ the roadway. A person riding
6 a bicycle defined in 61-1-123(2) is excluded from the
7 provisions of this subsection when ~~such~~ the bicycle is
8 prohibited from using ~~such~~ the ~~paths~~ path.

9 ~~(5)~~(6) A bicycle, as defined in 61-1-123(2), is
10 excluded from the provisions of subsections ~~(1)~~ (2) and ~~(2)~~
11 ~~(3)~~."

-End-

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 13 improved, designed, or ordinarily used for vehicular travel,
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 15 includes two or more separate roadways, the term "roadway"
 16 as-used-herein--shall--refer refers to any such roadway
 17 separately but not to all such roadways collectively."

18 **Section 2.** Section 61-8-605, MCA, is amended to read:
 19 "61-8-605. Riding on roadways and bicycle paths. (1) As
 20 used in this section, "roadway" means that portion of a
 21 highway improved, designed, or ordinarily used for vehicular
 22 travel, including the paved shoulder.

23 {1}(2) A person operating a bicycle upon a roadway at
 24 less than the normal speed of traffic at the time and place
 25 and under the conditions then existing shall ride as near to

1 the right side of the roadway as practicable except when:
 2 (a) overtaking and passing another vehicle proceeding
 3 in the same direction;
 4 (b) preparing for a left turn at an intersection or
 5 into a private road or driveway; or
 6 (c) necessary to avoid a condition that makes it unsafe
 7 to continue along the right side of the roadway, including
 8 but not limited to a fixed or moving object, parked or
 9 moving vehicle, pedestrian, animal, surface hazard, or a
 10 lane that is too narrow for a bicycle and another vehicle to
 11 travel safely side by side within the lane.
 12 ~~{2}~~(3) A person operating a bicycle upon a one-way
 13 highway with two or more marked traffic lanes may ride as
 14 close to the left side of the roadway as practicable.
 15 ~~{3}~~(4) Persons riding bicycles upon a roadway shall
 16 ride in single file except when:
 17 (a) riding on paths or parts of roadways set aside for
 18 the exclusive use of bicycles;
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 20 (c) riding on a paved shoulder or in a parking lane, in
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1 would otherwise impede such traffic by riding single file
2 and in accordance with the provisions of this chapter.

3 {4}(5) Whenever a usable path for bicycles has been
4 provided adjacent to a roadway, bicycle riders shall use
5 such the path and shall not use the roadway. A person riding
6 a bicycle defined in 61-1-123(2) is excluded from the
7 provisions of this subsection when such the bicycle is
8 prohibited from using such the paths path.

9 {5}(6) A bicycle, as defined in 61-1-123(2), is
10 excluded from the provisions of subsections {1} (2) and {2}
11 (3)."

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 8, 1991

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 99 (third reading copy -- blue), respectfully report that House Bill No. 99 be amended and as so amended be concurred in:

1. Page 1, line 19.
Strike: "and bicycle paths"
2. Page 3, lines 3 through 8.
Strike: subsection (5) in its entirety
Renumber: subsequent subsection

Signed: Cecil Weeding
Cecil Weeding, Chairman

W 3-8-91
App/Coord.

SB 3-8-91 8:55
Sec. of Senate

SENATE
HB 99
500827SC.Sji

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18 **Section 2.** Section 61-8-605, MCA, is amended to read:

19 "61-8-605. Riding on roadways and-bicycle-paths. (1) As
 20 used in this section, "roadway" means that portion of a
 21 highway improved, designed, or ordinarily used for vehicular
 22 travel, including the paved shoulder.

23 ††(2) A person operating a bicycle upon a roadway at
 24 less than the normal speed of traffic at the time and place
 25 and under the conditions then existing shall ride as near to

1 the right side of the roadway as practicable except when:

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 9 moving vehicle, pedestrian, animal, surface hazard, or a
 10 lane that is too narrow for a bicycle and another vehicle to
 11 travel safely side by side within the lane.

12 †2(3) A person operating a bicycle upon a one-way
 13 highway with two or more marked traffic lanes may ride as
 14 close to the left side of the roadway as practicable.

15 †3(4) Persons riding bicycles upon a roadway shall
 16 ride in single file except when:

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1 would otherwise impede such traffic by riding single file
2 and in accordance with the provisions of this chapter.

3 ~~{4}{5}--Whenever--a--usable--path--for-bicycles--has--been~~
4 ~~provided-adjacent-to-a-roadway,-bicycle-riders--shall--use~~
5 ~~such the path-and-shall-not-use-the-roadway,-A-person-riding~~
6 ~~a--bicycle--defined--in--61-1-123(2)--is--excluded--from-the~~
7 ~~provisions-of-this--subsection--when--such the bicycle--is~~
8 ~~prohibited-from-using-such the paths path-~~

9 {5}{6}{5} A bicycle, as defined in 61-1-123(2), is
10 excluded from the provisions of subsections {1} (2) and {2}
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-End-