INTRODUCED BY Sanduck 1 2

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A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 32-21-105 AND 32-21-105.1, R.C.M. 1947, RELATED TO MOTORCYCLES BY ADDING MOTOR-DRIVEN CYCLES TO THESE 6 7 SECTIONS."

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

Section 1. Section 32-21-105, R.C.M. 1947, is amended 10 11 to read as follows:

"32-21-105. Riding on motorcycles or motor-driven cycles. (1) A person operating a motorcycle or motor-driven cycle on public streets or highways shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle or motor-driven cycle unless such motorcycle or motor-driven cycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the rear or side of the operator.

(2) No passenger shall be carried in a position that will interfere with the operation of the motorcycle or motor-driven cycle or the view of the operator. 25

1 (3) No person operating a motorcycle or motor-driven 2 cycle shall carry any packages, bundles, or articles which 3 would interfere with the operation of said vehicle in a safe

- and prudent manner. 5 (4) "Side saddle" riding on a motorcycle or
- 6 motor-driven cycle is prohibited.
- 7 (5) Motorcycles or motor-driven cycles are to be operated with lights on at all times when operated on any 9 public highway or street.
- 10 (6) Not more than two (2) motorcycles or motor-driven 11 cycles shall be operated side by side in a single traffic
- 14 motor-driven cycles, are entitled to the full use of a 15 traffic lane, and no vehicle shall be driven or operated in 16 such a manner so as to deprive any other vehicle of the full 17 use of a traffic lane, except that motorcycles or motor-driven cycles may, with the consent of both drivers, 18

(7) All motor vehicles including motorcycles

- 19 be operated not more than two (2) abreast in a single
- 20 traffic lane.

lane.

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- 21 (8) Every person riding a motorcycle or motor-driven cycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the
- 24 driver of a motor vehicle except as to those provisions
- 25 which, by their nature, can have no application."

HBY30

TC 1113

36 db(A)

1	Section 2. Section 32-21-105.1, R.C.M. 1947, is
2	amended to read as follows:
3	*32-21-105.1. Headgear required for motorcycle or
4	motor-driven cycle ridersnoise suppression devices. (1)
5	The operator and passenger, if any, of any motorcycle $\underline{\text{or}}$
6	motor-driven cycle operated upon the streets or highways of
7	this state shall wear protective headgear upon the head.
8	Such headgear shall meet standards established by the
9	department of justice.
10	(2) All motorcycles or motor-driven cycles operated on
11	the streets and highways of this state shall be equipped at
12	all times with noise suppression devices, including an
13	exhaust muffler, in good working order, and in constant
14	operation. In addition, all motorcycles or motor-driven
15	cycles operating on streets and highways shall meet the
16	following noise decibel limitations, on the standard A
17	scale, such decibel limitations to be measured at fifty (50)
18	feet distant from the closest point to the motorcycle or
19	motor-driven cycle:
20	1. Any motorcycle or motor-driven cycle manufactured
21	prior to 1970 92 db(A)
22	2. Any motorcycle or motor-driven cycle manufactured
23	after 1969 but prior to 1973 88 db(A)
24	3. Any motorcycle or motor-driven cycle manufactured

1 4. Any motorcycle or motor-dr	iven cycle manufactured
2 after 1974 but prior to 1978	80 db(A)
3 5. Any motorcycle or motor-drive	en cycle manufactured
4 after 1977 but prior to 1988	75 db(A)
5 6. Any motorcycle or motor-dr	iven cycle manufactured
6 after 1987	70 db(A)
7 (3) A person convicted of the vic	olation of subsection
8 (1), above, shall be fined five dollar	rs (\$5).
9 (4) A person convicted of the	violation of subsection
10 (2), above, shall be punished by a fix	ne of not less than ten
11 dollars (\$10) nor more than one hundr	ed dollars (\$100) or by
12 imprisonment for not more than ten (1	0) days or by both such
13 fine and imprisonment for the first s	uch conviction; for a
14 second conviction within one (1) year	thereafter such person
15 shall be punished by a fine of no	t less than twenty-five
16 dollars (\$25) nor more than two hundr	ed dollars (\$200) or by
17 imprisonment for not more than twenty	(20) days or by both
18 such fine and imprisonment; upon	a third or subsequent
19 conviction within one (1) year after	the first conviction
20 such person shall be punished by	a fine of not less than
21 fifty dollars (\$50) nor more than	five hundred dollars
22 (\$500) or by imprisonment for not m	ore than six (6) months

-End-

or by both such fine and imprisonment."

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after 1972 but prior to 1975

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## Approved by Committee on Highways & Transportation

1	Sque BILL NO. 430
2	INTRODUCED BY Sanduck
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A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 32-21-105 AND 32-21-105.1, R.C.M. 1947, RELATED TO MOTORCYCLES BY ADDING MOTOR-DRIVEN CYCLES TO THESE SECTIONS."

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

10 Section 1. Section 32-21-105, R.C.M. 1947, is amended 11 to read as follows:

"32-21-105. Riding on motorcycles or motor-driven cycles. (1) A person operating a motorcycle or motor-driven cycle on public streets or highways shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle or motor-driven cycle unless such motorcycle or motor-driven cycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the rear or side of the operator.

23 (2) No passenger shall be carried in a position that
24 will interfere with the operation of the motorcycle or
25 motor-driven cycle or the view of the operator.

1	(3) No person operating a motorcycle or motor-driver
2	cycle shall carry any packages, bundles, or articles which
3	would interfere with the operation of said vehicle in a safe
4	and prudent manner.

- 5 (4) "Side saddle" riding on a motorcycle or 6 motor-driven cycle is prohibited.
- 7 (5) Motorcycles or motor-driven cycles are to be 8 operated with lights on at all times when operated on any 9 public highway or street.
- 10 (6) Not more than two (2) motorcycles or motor-driven

  11 cycles shall be operated side by side in a single traffic

  12 lane.
- 1.3 (7) All motor vehicles including motorcycles 14 motor-driven cycles, are entitled to the full use of a 15 traffic lane, and no vehicle shall be driven or operated in 16 such a manner so as to deprive any other vehicle of the full 17 of a traffic lane, except that motorcycles or 18 motor-driven cycles may, with the consent of both drivers, be operated not more than two (2) abreast in a single 19 20 traffic lane.
- 21 (8) Every person riding a motorcycle or motor-driven
  22 cycle upon a roadway shall be granted all of the rights and
  23 shall be subject to all of the duties applicable to the
  24 driver of a motor vehicle except as to those provisions
  25 which, by their nature, can have no application."

70 db(A)

1	Section 2. Section 32-21-105.1, R.C.M. 1947, i.
2	amended to read as follows:
3	*32-21-105.1. Headgear required for motorcycle $\underline{o}$
4	motor-driven cycle ridersnoise suppression devices. (1
5	The operator and passenger, if any, of any motorcycle $\underline{o}$
6	motor-driven cycle operated upon the streets or highways o
7	this state shall wear protective headgear upon the head
8	Such headgear shall meet standards established by th
9	department of justice.

- 10 (2) All motorcycles or motor-driven cycles operated on the streets and highways of this state shall be equipped at 11 all times with noise suppression devices, including an 12 13 exhaust muffler, in good working order, and in constant operation. In addition, all motorcycles or motor-driven 14 cycles operating on streets and highways shall meet the 15 16 following noise decibel limitations, on the standard A 17 scale, such decibel limitations to be measured at fifty (50) 18 feet distant from the closest point to the motorcycle or 19 motor-driven cycle:
- 20 1. Any motorcycle or motor-driven cycle manufactured 21 prior to 1970 92 db(A)
- 22 2. Any motorcycle or motor-driven cycle manufactured 23 after 1969 but prior to 1973 88 db(A)
- 3. Any motorcycle or motor-driven cycle manufactured 24 after 1972 but prior to 1975 86 db(A) 25

4. Any motorcycle or motor-driven cycle manufactured 1 after 1974 but prior to 1978 80 db(A) 5. Any motorcycle or motor-driven cycle manufactured after 1977 but prior to 1988 75 db(A) 6. Any motorcycle or motor-driven cycle manufactured

7 (3) A person convicted of the violation of subsection (1), above, shall be fined five dollars (\$5).

after 1987

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(4) A person convicted of the violation of subsection (2), above, shall be punished by a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100) or by imprisonment for not more than ten (10) days or by both such fine and imprisonment for the first such conviction; for a second conviction within one (1) year thereafter such person shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200) or by imprisonment for not more than twenty (20) days or by both such fine and imprisonment; upon a third or subsequent conviction within one (1) year after the first conviction such person shall be punished by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or by imprisonment for not more than six (6) months or by both such fine and imprisonment."

-End-

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1	Douse BILL NO. 430
2	INTRODUCED BY Sanduck
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
5	32-21-105 AND 32-21-105.1, R.C.M. 1947, RELATED TO
6	MOTORCYCLES BY ADDING MOTOR-DRIVEN CYCLES TO THESE
7	SECTIONS."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section 1. Section 32-21-105, R.C.M. 1947, is amended
11	to read as follows:
12	"32-21-105. Riding on motorcycles or motor-driven
13	cycles. (1) A person operating a motorcycle or motor-driven

"32-21-105. Riding on motorcycles or motor-driven cycles. (1) A person operating a motorcycle or motor-driven cycle on public streets or highways shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle or motor-driven cycle unless such motorcycle or motor-driven cycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the rear or side of the operator.

23 (2) No passenger shall be carried in a position that
24 will interfere with the operation of the motorcycle or
25 motor-driven cycle or the view of the operator.

THIRD READING

- 1 (3) No person operating a motorcycle or motor-driven
  2 cycle shall carry any packages, bundles, or articles which
  3 would interfere with the operation of said vehicle in a safe
  4 and grudent manner.
- 5 (4) "Side saddle" riding on a motorcycle or 6 motor-driven cycle is prohibited.
- 7 (5) Motorcycles or motor-driven cycles are to be 8 operated with lights on at all times when operated on any 9 public highway or street.
- 10 (6) Not more than two (2) motorcycles or motor-driven
  11 cycles shall be operated side by side in a single traffic
  12 lane.

(7) All motor vehicles including motorcycles

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- motor-driven cycles, are entitled to the full use of a traffic lane, and no vehicle shall be driven or operated in such a manner so as to deprive any other vehicle of the full use of a traffic lane, except that motorcycles or motor-driven cycles may, with the consent of both drivers, be operated not more than two (2) abreast in a single traffic lane.
- 21 (8) Every person riding a motorcycle or motor-driven 22 cycle upon a roadway shall be granted all of the rights and 23 shall be subject to all of the duties applicable to the
- 24 driver of a motor vehicle except as to those provisions
- 25 which, by their nature, can have no application."

-2- HB 430

80 db(A)

86 db(A)

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after 1974 but prior to 1978

1	Section 2. Section 32-21-105.1, R.C.M. 1947, is
2	amended to read as follows:
3	"32-21-105.1. Headgear required for motorcycle or
4	motor-driven cycle ridersnoise suppression devices. (1)
5	The operator and passenger, if any, of any motorcycle or
6	motor-driven cycle operated upon the streets or highways of
7	this state shall wear protective headgear upon the head.
8	Such headgear shall meet standards established by the
9	department of justice.
10	(2) All motorcycles or motor-driven cycles operated on
11	the streets and highways of this state shall be equipped at
12	all times with noise suppression devices, including an
13	exhaust muffler, in good working order, and in constant
14	operation. In addition, all motorcycles or motor-driven
15	cycles operating on streets and highways shall meet the
16	following noise decibel limitations, on the standard A
17	scale, such decibel limitations to be measured at fifty (50)
18	feet distant from the closest point to the motorcycle or
19	motor-driven cycle:
20	1. Any motorcycle or motor-driven cycle manufactured
21	prior to 1970 92 db(A)
22	2. Any motorcycle or motor-driven cycle manufactured
23	after 1969 but prior to 1973 88 db(A)

3	5. Any motorcycle or motor-driven cycle manufactured
4	after 1977 but prior to 1988 75 db(A)
5	6. Any motorcycle or motor-driven cycle manufactured
6	after 1987 70 db(A)
7	(3) A person convicted of the violation of subsection
8	(1), above, shall be fined five dollars (\$5).
9	(4) A person convicted of the violation of subsection
LO	(2), above, shall be punished by a fine of not less than ten
L1	dollars (\$10) nor more than one hundred dollars (\$100) or by
L2	imprisonment for not more than ten (10) days or by both such
L3	fine and imprisonment for the first such conviction; for a
L4	second conviction within one (1) year thereafter such person
15	shall be punished by a fine of not less than twenty-five
16	dollars (\$25) nor more than two hundred dollars (\$200) or by
17	imprisonment for not more than twenty (20) days or by both
18	such fine and imprisonment; upon a third or subsequent
L9	conviction within one (1) year after the first conviction
20	such person shall be punished by a fine of not less than
21	fifty dollars (\$50) nor more than five hundred dollars
22	(\$500) or by imprisonment for not more than six (6) months

4. Any motorcycle or motor-driven cycle manufactured

or by both such fine and imprisonment."

after 1972 but prior to 1975

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3. Any motorcycle or motor-driven cycle manufactured