

1 House BILL NO. 430
 2 INTRODUCED BY Sanduck
 3
 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
 14 cycle on public streets or highways shall ride only upon the
 15 permanent and regular seat attached thereto, and such
 16 operator shall not carry any other person nor shall any
 17 other person ride on a motorcycle or motor-driven cycle
 18 unless such motorcycle or motor-driven cycle is designed to
 19 carry more than one (1) person, in which event a passenger
 20 may ride upon the permanent and regular seat if designed for
 21 two (2) persons, or upon another seat firmly attached to the
 22 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-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 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.

13 (7) All motor vehicles including motorcycles or
 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
 18 motor-driven cycles may, with the consent of both drivers,
 19 be operated not more than two (2) abreast in a single
 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."

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 riders--noise 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)

24 3. Any motorcycle or motor-driven cycle manufactured
25 after 1972 but prior to 1975 86 db(A)

1 4. Any motorcycle or motor-driven cycle manufactured
2 after 1974 but prior to 1978 80 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
10 (2), above, shall be punished by a fine of not less than ten
11 dollars (\$10) nor more than one hundred dollars (\$100) or by
12 imprisonment for not more than ten (10) days or by both such
13 fine and imprisonment for the first such conviction; for a
14 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
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 more than six (6) months
23 or by both such fine and imprisonment."

Approved by Committee
on Highways & Transportation

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19 carry more than one (1) person, in which event a passenger
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21 two (2) persons, or upon another seat firmly attached to the
22 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-driven
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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.

13 (7) All motor vehicles including motorcycles or
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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
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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
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1 Section 2. Section 32-21-105.1, R.C.M. 1947, is
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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
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7 (3) A person convicted of the violation of subsection
8 (1), above, shall be fined five dollars (\$5).

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